

Opinion No. 69-51

May 22, 1969

BY: OPINION OF JAMES A. MALONEY, Attorney General Robert J Laughlin, Assistant Attorney General

TO: Mr. Robert L. Thompson, Chief Administrator, Construction Industries Commission, Electrical Board, P.O. Box 5155, Santa Fe, New Mexico 87501

QUESTIONS

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Does the Electrical Board have the authority to inspect the installation and use of electrical wiring in trailers and mobile homes during the construction of said trailers and mobile homes within the State of New Mexico?

CONCLUSION

Yes.

OPINION

{*76} ANALYSIS

The installation of electrical wiring is included within the definition of the term "contracting" under Section 67-35-3 (A) (15), N.M.S.A., 1953 Compilation. Section 67-35-15, N.M.S.A., 1953 Compilation, prohibits any person from engaging in the business of contracting without having first obtained a license from the Construction Industries Commission.

The Electrical Board was created as a subsidiary of the Construction Industries Commission by Section 67-35-34, N.M.S.A., 1953 Compilation. Under Section 67-35-36 (C), N.M.S.A., 1953 Compilation, a trade board such as the Electrical Board is given the duty to "perform inspections of all occupations, trades and activities in their jurisdiction."

One of the activities within the jurisdiction of the Electrical Board is set forth in Section 67-35-52 (A), N.M.S.A., 1953 Compilation, which reads as follows:

"A. The electrical board shall issue orders prescribing minimum standards for the installation or use of electrical wiring. The order shall substantially embody the applicable provisions of electrical standards for safety to life and property promulgated by a nationally recognized under writing laboratory, as approved by a nationally recognized standards association, which standards are in general use in the United States, or in a clearly defined region of the United States."

A trade which is within the jurisdiction of the Electrical Board is an electrical contractor, that is a person engaged in the installation of electrical wiring.

Section 67-35-50 (A), N.M.S.A., 1953 Compilation, provides that an inspector for a trade board may go upon any premises for the purpose of making an inspection of work performed, or testing any installation authorized within a jurisdiction of his trade board. Since a manufacturer of trailers or mobile homes is not exempted from {*77} the operation of the Construction Industries Licensing Act, it is the opinion of this office that the Electrical Board may inspect the installation and use of electrical wiring in a trailer or mobile home during the construction of such trailer or mobile home within this State.