

OPINION
51-62

March 28, 1951 (OPINION)

ELECTRICIANS

RE: Proof of Compliance with Regulations

After a conference with Mr. Clyde Kieley, president of the State Board of Electricians, it was agreed that an opinion should be issued by this office answering inquiries which have arisen before that board.

First, the Board would like to know if it is authorized to compel a person supplying electrical energy to discontinue the service to the consumer when the consumer's buildings have been connected for energy without the prior filing of an affidavit by the contractor who wired the buildings stating that such wiring and equipment are in compliance with the required standards and regulations.

Section 43-0921, N.D.R.C. 1943, provides in part:

* * * No electrical installation shall be connected for use until proof has been furnished to the person, firm, or corporation supplying electrical energy that such regulations have been complied with."

You will note that the requirement set out is that "proof" must be furnished to the supplying person.

This office has repeatedly held that this requirement is met by the filing of an affidavit by a person competent to make proof that there has been such compliance of regulations. However, there is no provision which would require that such affidavit must be filed by the specific contractor who installed the electrical apparatus or wiring.

The affidavit may be made by anyone "competent to make proof." Therefore, if Electrician A installed the electrical apparatus or wiring, but refused to make proof to the supplying person, Electrician B, if competent to make proof, could file such an affidavit which would authorize the supplying person to connect the electrical installation for use. However, if no proof was filed and the supplying person connected the installation for use it would be in violation of section 43-0921, N.D.R.C., 1943, and would be subject to prosecution under the penalty provision. This provision, which is section 43-0923, N.D.R.C., 1943, provides for a punishment of not less than \$25.00 nor more than \$100.00, or by imprisonment in the county jail for thirty days, or by both such fine and imprisonment. Any person who violates any provision of chapter 43-09, N.D.R.C., 1943, is guilty of a misdemeanor and subject to prosecution.

The standards of electrical wiring or equipment have been established for purposes of safety. If the wiring or installation is hazardous to life and property, the board is authorized to order service

discontinued. However, there is no express authority granted to the board to order the discontinuance of service if an inspection reveals that the installation meets the adopted standards.

Therefore, it is the opinion of this office that the State Board of Electricians is not authorized to compel a person supplying electrical energy to discontinue service to the consumer when an affidavit of proof has not been filed.

The Board, however, is authorized to prosecute any violations of the electric law and therefore could prosecute the supplying person if he had violated any provision of the chapter.

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Attorney General