

File No. 5390 Continued.

OPINION.

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The above sections all refer to the licensing of persons engaged in the kind of work mentioned in Section 5 as a business. They have nothing to do with persons not engaged in that work as a business. So far as these sections of the law are concerned, a person not engaged in that kind of business may do electrical work without a license or bond. The sections in question refer only to a particular class in the community, that is, the class which conducts the business defined. All of that class must be licensed and bonded under the Act before they conduct, or continue to conduct, that business; but persons not engaged in that work as a business are not affected by the sections just cited, and there is nothing in those sections which could be said to prohibit such persons from doing electrical work, either on their own premises or elsewhere, provided only they do not make a business of it. The test of the application of the sections just cited is, - Does the person in question do the work mentioned in Section 5 as a business? If so, he must be licensed; if not, he need not be. In other words, the sections cited are passed pursuant to the first division of the title of the Act, which, as already shown, provides for regulating the licensing of persons engaged in the business of installing wires, &c. Inasmuch as Prof. Hall, as I understand it, is not engaged in that work as a business, but simply does it as a part of his business of teacher or instructor in electricity, it follows that the sections cited do not, in my opinion, apply to him, and, if there were nothing more in the Act, he could, I think, do the work he has always done without obtaining any license or giving any bond.

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Sections 12 and 13 of the Act, however, contain, in my opinion, ~~and which prohibit persons not licensed from doing the kind~~ of work mentioned in Section 5.

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Section 12 provides that nothing in the Act shall be construed to prevent any person from doing the work defined in Section 5, provided such work is performed under the direction and supervision of a licensed master electrician, but no such work, other than minor electric repairs, shall be performed except under the direction and supervision of a licensed master electrician.

Section 13 prescribes the penalty of fine or imprisonment for any person who conducts the business of master electrician without being licensed, and for any person not licensed who performs such work except under the supervision of a licensed master electrician.