



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

May 6, 1939

GERALD C. MANN  
ATTORNEY GENERAL

Mrs. Fayo Stewart, President  
State Board of Hairdressers & Cosmetologists  
Austin, Texas

Dear Mrs. Stewart:

Opinion No. O-892  
Re: School for licensed beauty  
operators

You request an opinion as to whether or not it is permissible for a person, firm or corporation to conduct a school of beauty culture, enrolling only licensed operators, who would receive compensation for their services, without complying with article 734b of the Penal Code.

Article 734b of our Penal Code, section 1, reads as follows:

"That it shall be unlawful for any person to engage in the practice or occupation of a hairdresser or cosmetologist or to conduct a hairdressing or cosmetological establishment or school, unless such person shall have first obtained a certificate of registration, and/or license as provided under this Act."

Section 1, quoted above, makes it unlawful for any person to conduct such school without first obtaining a certificate of registration and/or license as is provided under this Act. We also wish to call your attention to section 3 of this article, subsection (b), which reads as follows:

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"(b) Any person, firm, or corporation, who shall hold himself or itself out as a school to teach and train other persons in the art, business, or trade of hairdressing or cosmetology for remuneration or pay, as provided in this Act, is hereby declared to be a beauty culture school, and subject to the provisions and restrictions contained in this Act."

Subsection (b) of section 3 is declarative of what constitutes a school of beauty culture.

If the parties that you refer to shall charge any fee to the persons enrolled in said school for the training that they secure therein, we think that under section 1 and under the definition of such a school given in section 3, subsection (b), they must secure a certificate of registration and shall be under the jurisdiction of your department. If the facts disclose that they are subject to the terms of this Act, we think that the applicant is required by law article 734b, section 11, to pay one hundred dollars for the certificate of registration as a school of beauty culture.

It is our opinion that if the contemplated school charges a fee or any remuneration for the teaching and training of persons in the art of hairdressing and cosmetology, they are subject to the terms of article 734b and must pay one hundred dollars for a certificate of registration from your department.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Morris Hodges*  
Morris Hodges  
Assistant

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APPROVED:

*George B. M... [Signature]*  
ATTORNEY GENERAL OF TEXAS