



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Mrs. Faye Stewart, Member  
State Board of Hairdressers & Cosmetologists  
Austin, Texas

Dear Mrs. Stewart:

Opinion No. O-1247

Re: Interpretation of Chapter  
116, Acts 1935, Forty-  
fourth Legislature, with  
regard to the holding of  
both an operator's and in-  
structor's license.

We acknowledge receipt of your request for the  
opinion of this department on the following questions which  
are quoted from your letter of August 7, 1939.

"Heretofore the Board has ruled that  
instructor's licenses were interchangeable  
for operator's licenses; however both  
could not be held at the same time. In  
view of our law, is this ruling authentic?"

"Should a person who holds both an  
operator's and instructor's license keep  
both licenses intact? That is, should each  
license be renewed within one year after  
its expiration date, or is it permissible  
to keep one certificate renewed, allow the  
other to expire; and should at any time  
one desire to renew the expired license,  
could it be renewed by paying for only  
that current year?"

Chapter 116, Acts 1935, Forty-fourth Legislature,  
is codified in Vernon's Annotated Penal Code of Texas as  
Article 734b, and Section 18 of this article provides for  
the renewal of certificates of registration and licenses.

Mrs. Faye Stewart, Page 2

The annual license fee for operators is fixed at the sum of Three (\$3.00) Dollars and the annual registration fee for instructors is fixed at the sum of Ten (\$10.00) Dollars. Paragraph (a) of Section 11 of Article 734b requires instructors to be registered hairdressers or cosmetologists, having had at least three (3) years practical experience and high school education or the equivalent thereof, and in addition, requires them to pass an examination conducted by the Board of Examiners.

The requirements which a person must meet in order to become an instructor embrace and exceed those made of a person desiring to become an operator. While the language used in Section 18 of Article 734b discloses no intent on the part of the legislature to require that a person have more than one license or that such person pay more than one annual registration fee, neither does there appear to be any expressed or implied prohibition of the holding of more than one license. In view of the fact that a person must have been an operator for three years before becoming an instructor and in addition thereto must have met certain other requirements, it is the opinion of this department that it is not necessary for an instructor to hold both an operator's and instructor's license. This does not mean, however, that an instructor by virtue of holding only an instructor's license is authorized to act as an operator. If a person desires to act both as an instructor and as an operator such person must hold both licenses and pay both the annual registration fee of \$10.00 for an instructor's license and \$3.00 for an operator's license.

In view of the graduated scale on which these licenses are issued you are advised that a person who has held only an instructor's license and who desires to return to the status of operator may do so simply by exchanging the instructor's license for an operator's license at the time fixed for renewal and pay in only the \$3.00 annual registration fee.

In more concise form it is the opinion of this department that, the necessary requirements having been met, a person may hold both an operator's and an instructor's license and must do so if such person intends to occupy the

Mrs. Faye Stewart, Page 3

field covered by both licenses but that it is unnecessary for a person who desires to act as an instructor only to continue to renew the operator's license upon qualifying as an instructor and paying the \$10.00 annual registration fee.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

*Ross Carlton*

Ross Carlton  
Assistant

TC:FL

APPROVED AUG 31, 1939

*Gerald B. Mann*

ATTORNEY GENERAL OF TEXAS

