



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

State Board of Barber Examiners
Austin, T e x a s

Gentlemen:

ATTY: W: O. B. LARONE, Secretary

Re: Opinion No. 0-2149

The beginning of the five year
retirement period with reference
to renewals of barber licenses.

We are in receipt of your letter of recent
date requesting the opinion of this department touch-
ing the following provision appearing in Section 20
of the Texas Barber Law (Sec. 20, Art. 734a, P.C.):

" * * * Any registered barber who re-
tires from the practice of barbering for not
more than five (5) years may renew his cer-
tificate of registration by making proper
showing to the Board, supported by his per-
sonal affidavit, which in the opinion of the
Board would justify the Board in issuing a
certificate to such applicant as upon an orig-
inal application upon payment of a fee of five
dollars (\$5.00) when filing affidavit as fee
for making examination."

Pertaining to this provision, you ask the fol-
lowing question:

"Does the barbers five year retirement
begin with issuance of license or with termi-
nation of license?"

It is our opinion that this five year retire-
ment period has no relation to the date of the issuance
of the license or of its termination, but that such
period begins upon the date of the particular barbers

State Board of Barber Examiners, page 2

actual retirement from the practice of barbering.

It is observed that the certificate of registration required by Section 20 of the Act pertains specifically, and only, to "every registered barber and every registered assistant barber, who continues in active practice or service". Accordingly, a barber who has retired is not required to annually renew his certificate of registration. He may, however, at any time between the date of his retirement and five years thereafter renew his certificate of registration in the manner provided in Section 20 of the Act, quoted above.

We do not believe that it was intended, when a barber retires during the period of his annual license, that the five year retirement period should not commence until the expiration of the license period; nor do we believe it was intended, under such circumstances, that the five year retirement period would have begun as of the date of the issuance of the annual license. Rather, it is our opinion that the retirement period begins when the barber actually retires from the practice of barbering.

To hold that this five year retirement period commences on the date of the termination of a current license period would enable a person to secure his annual license, retire from the practice of barbering immediately thereafter, and have not only the period of five years but the additional time that his license had to run following his retirement in which to avail himself of the provisions of Section 20; on the other hand, to hold that the five year retirement period commences on the date of the issuance of the license would prevent the person from having the full five years retirement period contemplated by the statute for such time as he would have practiced barbering following the issuance of his current license and the date of his retirement during the annual license period.

Trusting that this satisfactorily answers your inquiry, we remain

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Zollie C. Steadley*
Zollie C. Steadley
Assistant

ZCS:ob APPROVED APR 8, 1940

Reneed B. Mann

ATTORNEY GENERAL OF TEXAS

