



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

PRICE DANIEL  
ATTORNEY GENERAL

June 2, 1948

Hon. J. B. Burris, President  
Board of Barber Examiners  
Austin, Texas

Opinion No. V-595

Re: Authority of the State  
Board of Barber Examin-  
ers to grant licenses  
to beauty operators and  
beauty schools.

Dear Sir:

Your request for our opinion on the above sub-  
ject matter is as follows:

"1. Will it be possible for us to accept applications for Class 'B' Registered license from beauty operators who can prove that they practiced haircutting in a beauty parlor for two years prior to the taking effect of the Texas Barber Law, and having been continuously engaged in the profession since the enactment of the law.

"2. Will it be possible to grant retroactive approval to beauty schools if they have been approved by the State Board of Hairdressers and Cosmetologists, and we have certain knowledge that they would have qualified under Section 9 of the Texas Barber Law as barber schools; thus making it possible to accept their graduates as applicants for Class 'B' license; such license to be issued only upon successful examination. (Either for Assistant 'B' or Registered 'B', depending on the amount of experience as in the case of Class 'A' barbers.)

"3. May we accept applicants for examination for Assistant Class 'B' license from graduates of beauty schools approved by

the Board as barber schools under section 9 of the Texas Barber Law."

Sections 6 and 16 of Article 734a, V. P. C., as amended by Senate Bill No. 20, Acts of the 41st Legislature, 5th C.S., 1930, provide, in part, as follows:

"Sec. 6. . . . Any person who for a period of two years prior to the taking effect of this act, was bobbing or cutting hair in any beauty shop or hair dressing establishment shall be entitled to a certificate without taking an examination. Application shall be made in the same manner as that for 'Class A', 'Class A' and 'Class B' as used herein shall refer to the classifications prescribed herein and shall include Registered Barbers and Registered Assistant Barbers as defined and used in the sections of this act. . . ."

"Sec. 16. That any person who has for two years immediately preceding the taking effect of this act been continuously engaged in the practice of barbering at one or more established places of business, shall be granted a certificate of registration as a Registered Barber without examination by making application to the Board on or before the expiration of sixty days after the passage of this act, and by paying the required fee of Ten Dollars (\$10.00). The required fee as referred to herein, shall mean ten dollars, but certificates shall be issued to those entitled thereto according to the classification under which they may fall, to wit: 'Class A' and 'Class B'."

In view of the above quoted provisions, those persons who had practiced hair cutting in a beauty shop or hairdressing establishment for a period of at least two years prior to the effective date of Article 734a were entitled to a certificate without taking an examination. Construing Sections 6 and 16 together, it is apparent that the Legislature intended, however, that the exception was to apply to only those persons who made applications to the Board on or before the expiration of sixty days after the passage of the Act. We are supported in this view by the fact that the Legislature reenact-

ed Section 16 without change in H. B. 329, Acts of the 43rd Legislature, R.S. p. 802.

Therefore, you are advised that applicants for Class B licenses who had practiced haircutting in beauty shops for a period of two years prior to the effective date of the Texas Barber Law (Art. 734a), but did not make application within the sixty-day period after the effective date of Article 734a, may not be given a certificate without examination. However, you may accept their applications for examinations provided, of course, they meet the other requirements of the Barber Law.

Section 9 of Article 734a provides:

"Any firm, corporation or person desiring to conduct or operate a barber school or college in this state shall first obtain from the Board of Barber Examiners a permit to do so, and shall keep the same prominently displayed. No such school or college shall be approved unless such school or college requires as a prerequisite to graduation a course of instruction of not less than one thousand hours (1,000), to be completed within a period of not less than six months and unless said school or college requires as a prerequisite to the admission thereto, applicants to demonstrate their ability to read intelligently and write clearly the English language; and no certificate or permit shall be issued to an applicant as provided for herein, unless said applicant demonstrates his or her ability to read intelligently and write clearly the English language as determined by an examination conducted by the Board.

"Such schools or colleges shall instruct students in such subjects as may be necessary and beneficial in teaching the practice of barbering, including the following subjects: Scientific fundamentals of barbering; hygienic bacteriology; Histology of the hair, skin, muscles and nerves; Structure of the head, face and neck; Elementary chemistry relating to sterilization and antiseptics; Diseases

of the skin and hair; Massaging and manipulating the muscles of the scalp, face, and neck; Haircutting, shaving, and bleaching and dyeing of the hair. However, if said school does not care to teach persons who apply for 'Class A' but only Class B Certificates, shaving need not be taught."  
(Emphasis added)

There is no provision in the Barber Law which would prohibit a beauty school from also being a school of barbering provided it meets the prerequisites of section 9. It is noted, however, section 9 requires that any firm, corporation, or person desiring to operate a barber school shall first obtain a permit from the Barber Board. Therefore, although a beauty school may meet the requirements of section 9 of the Barber Law, such establishment cannot be recognized as "a school of barbering" until it has received a permit to operate as such. In answer to your second question, it is our opinion that if the beauty schools referred to possess the prerequisites of section 9 above quoted, they may be given a permit to operate a barber school as well as a beauty school; but these permits cannot operate retroactively.

Section 8 of Article 734a provides:

"Any person is qualified to receive a certificate of registration as a registered assistant barber

"(a). Who is at least sixteen and one-half years of age; and

"(b). Who is of good moral character and temperate habits; and

"(c). Who has graduated from a school of barbering approved by the Board; and

"(d). Who has passed a satisfactory examination conducted by the Board to determine his fitness to practice as a registered assistant barber."

If a beauty school has been approved by the Board of Barber Examiners, it is our opinion that such school then becomes "a school of barbering approved by

the Board" within the meaning of section 8, as well as a beauty school, and you may accept its graduates as applicants for examinations for assistant's license.

SUMMARY

The Board of Barber Examiners cannot grant certificates without examinations to persons who had practiced hair-cutting for a period of two years prior to the effective date of Article 734a, V. P. C., but who failed to make applications within sixty days after the passage of the Act. The Board of Barber Examiners may, however, accept their applications for examinations, if they meet the other qualifications set out in the Barber Law.

The Board of Barber Examiners may issue a permit to a beauty school to conduct also a barber school if such establishment meets the requirements of section 9 of Article 734a, but such permit cannot operate retroactively. Graduates of such schools after the permit is granted are "graduates of a school of barbering approved by the Board."

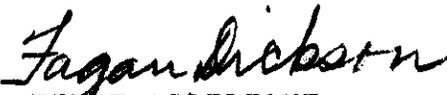
Yours very truly,

ATTORNEY GENERAL OF TEXAS

By   
John Reeves  
Assistant

JR:mv

APPROVED:

  
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ATTORNEY GENERAL