



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

July 11, 1972

Mr. Carl C. Hardin, Jr.  
Executive Secretary  
Texas State Board of Dental  
Examiners  
310 Capital National Bank Bldg.  
Austin, Texas 78701

Opinion No. M-1168

Re: Whether dentists and  
dental hygienists  
licensees who were  
delinquent in their  
annual registration  
fees as of March 1,  
1972, are permitted to  
pay annual registration  
fees at the rate set by  
law at the time they  
became due.

Dear Mr. Hardin:

You request our opinion as to whether dentists and dental hygienists who are delinquent in their annual registration fees as of March 1, 1972, shall now pay their delinquent fees at the rate set by law at the time they became due or at the higher rate now set by law.

Section 2 of Article 4550a, Vernon's Civil Statutes, as amended in 1971<sup>1</sup> includes the following language:

" . . . Provided, that such license shall be reinstated at any time within three years upon written application of the holder made to said Board . . . accompanied by the payment of the annual registration fees in arrears and an additional fee of Five Dollars (\$5). . . ."

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<sup>1</sup>Acts 62nd Leg., R.S., 1971, Ch. 375, p. 1391, 1392, S.B. 410.

Section 6 of Article 4551e, Vernon's Civil Statutes, as amended in 1971<sup>2</sup> includes a similar provision relative to a dental hygienist.

We are of the opinion that in collecting fees required for reinstatement of the license of a dentist or a dental hygienist, the Board shall collect the fee provided for under the law in effect at the time of the collection.

Under Section 1 of Article 4550a, as amended in 1971<sup>3</sup> the registration fee for a dentist may be from \$12 to \$50 as determined by the Board. Under Section 6 of Article 4551e, as amended in 1971<sup>4</sup> the registration fee for a dental hygienist may be from \$10 to \$25, as determined by the Board.

When the Board has adopted, under these statutes, the fee for the ensuing registration, it must collect the same amount for each year an eligible individual who desires to be reinstated is delinquent, plus the \$5 additional fee.

It is our opinion that the Legislature intended these statutes, as amended, to govern all annual registration fees from the time the statutes take effect, with the Board to collect the fees prescribed by the amended statutes without regard to fees set by older laws.

The Act which amended these statutes<sup>5</sup> contains a general repealer clause which reads,

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<sup>2</sup>Ibid., p. 1393.

<sup>3</sup>Ibid., p. 1391.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid.

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"All laws or parts of laws in conflict  
herewith are hereby repealed."

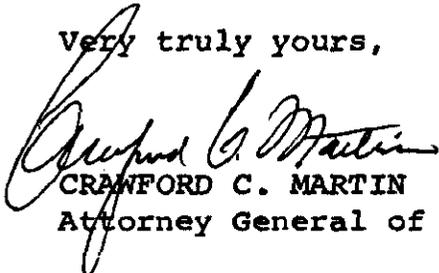
Therefore, the only statutes prescribing fees for reinstatement of either kind of license are those enacted in 1971. When the new law took effect, before the applicant may have his license renewed, he must pay his dues at the new rate, plus the amount of penalty assessment on the dues in arrears. This has been the past interpretation of this law by this office. Atty. Gen. Opin. No. O-5592 (1943).

Retrospective imposition of penalties on delinquent taxpayers or licensees violates no constitutional provision. See League v. Texas, 184 U.S. 156 (1902).

S U M M A R Y

Reinstatement of licenses of dentists and dental hygienists requires the payment of that amount for each year delinquent at the rate fixed by the Dental Board as prescribed by the 1971 Amendment to Article 4550a, V.C.S.

Very truly yours,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by James S. Swearingen  
Assistant Attorney General

APPROVED:  
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