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October 19, 1972

Hon. Garland Boles
Executive Director
Texas Cosmetology Commission
1111 Rio Grande Street
Austin, Texas 78701

Opinion No. M-1239

Re: Authority of Texas Cosmetology
Commission to renew licenses
for periods of less than one
year for the purpose of stagger-
ing anniversary dates of re-
newals to achieve efficient
administrative work distribu-
tion, and related questions.

Dear Mr. Boles:

In your recent opinion request you provided us with the following information and questions:

"The Texas Cosmetology Commission seeks opinions on the following questions to determine if these actions can be accomplished without petitioning the Legislature for consideration and approval.

"It is the desire of the Texas Cosmetology Commission to stagger dates of license renewal and re-issue in order to prevent inconvenience and excessive costs caused when all licenses expire on August 31. For these reasons we ask the following questions:

"1. Does the Texas Cosmetology Commission have the authority to renew licenses for periods of less than one year for the purpose of staggering anniversary dates of renewals to efficiently achieve administrative work distribution?

"2. Does the Texas Cosmetology Commission have the authority to issue two separate renewal licenses together for a combined time span in excess of one year, (i.e., one license from one to eleven months and one license for one full year)?

"3. If affirmative opinions are issued for questions 1 and 2, can the Commission in its collection of license fees collect simultaneously monies for both a prorated license period of less than one year and that of a full year during the same state fiscal year?

"The Texas Cosmetology Commission functions under the enactment of House Bill No. 156 by the 62nd Legislature, Regular Session, 1971."

Section 38 of House Bill 156 (Acts 62nd Leg., R.S. 1971,) Ch. 1036, p. 3389, codified as Vernon's Penal Code, Art. 734c, is entitled "Renewal of unexpired licenses" and reads:

"(a) All licenses issued under this Act except temporary licenses expire one year from the date of issue.

"(b) Applications for renewal of an unexpired license must be filed at least 20 days prior to the expiration date of the license. Application shall be on a form prescribed by the Commission.

"(c) A renewal license shall be issued upon compliance with Subsections (a) and (b) of this section and payment of the renewal fee established by this Act."

Under these provisions, the answer to questions 1 and 2 is no. As to licenses presently expiring on August 31, we assume these are expiring one year from date of issue as required by Section 38(a). Original licenses issued throughout the year to licensees who satisfactorily meet the Commission's requirements expire one year from the date of original issuance and may be renewed at that time and not August 31.

S U M M A R Y

The Texas Cosmetology Commission does not have the authority to renew licenses for periods of less than one year except temporary licenses, nor does it have the authority to issue two separate renewal licenses together for a combined time span in excess of one year.

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Very truly yours,


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