



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

State Board of Barber Examiners  
202 Brueggerhoff Building  
Austin, Texas

Dear Sir:

Attention: Mr. C. E. LaGrone

Opinion No. 0-2989

Re: Where a registered barber, or a registered assistant barber, who continues in the active practice or service, whose certificate of registration was not renewed on or before November 1, and who seeks to have his expired certificate of registration restored within thirty days thereafter as provided in Section 20 of Article 734-a, Penal Code, and makes a substantial effort to qualify within said time and but for some mere irregularity would have fully qualified within said time, if the Texas Barber Board restores the certificate of the applicant the proper fee to be charged is the sum of \$2.50.

This department has received a request for an opinion from you in a letter dated December 19, 1940, from which we quote:

"Section #20 of the Texas Barber Law provides that any registered barber may renew his certificate on or before November 1 each year by paying the renewal fee of \$2.50. A registered barber or registered assistant barber whose

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certificate of registration has expired, may, within thirty days thereafter, and not later, have his certificate of registration restored upon making a satisfactory showing to the Board, supported by his personal affidavit, which, in the opinion of the Board, will excuse the applicant for having failed to renew his certificate within the time required by this Act.

"Your opinion is respectfully requested on the following question:

"If a certificate were received in this office prior to December 1st. and had to be returned for an affidavit or other requirements, such as correction of money order, etc., and failed to return it to this office until after December 1, may we then renew that certificate for the \$2.50 fee, or must we again return it and ask for the prescribed \$5.00 reinstatement fee?"

In your written request you have not specified whether you have particular reference to a registered barber or a registered assistant barber. However, in a telephone conversation with you, you further advised us that your request was meant to cover situations wherein the applicant was a registered barber as well as where the applicant was a registered assistant barber. You stated further in your telephone conversation that your department had, in the past, restored the certificates of registered barbers as well as assistant barbers under similar facts given in your written request, and that in your request for an opinion you were only interested in the amount of money to be charged to the applicant where the Board does restore his certificate.

Article 734-a of the Penal Code, of Texas, as found in Vernon's Annotated Criminal Statutes, contains what is known and referred to as "The Texas Barber Law." Section 20 thereof provides as follows:

"Sec. 20. That every registered barber and every registered assistant barber, who continues in active practice or service, shall annually on

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or before the 1st day of November of each year renew his certificate of registration which shall be issued by the Board of Barber Examiners, upon the payment of a renewal fee of Two Dollars and Fifty Cents (\$2.50). Every certificate of registration which has not been renewed prior to that date shall expire on the 1st day of November of that year. A registered barber or a registered assistant barber, whose certificate of registration has expired, may, within thirty (30) days thereafter, and not later, have his certificate of registration restored upon making a satisfactory showing to the Board, supported by his personal affidavit, which, in the opinion of the Board, will excuse the applicant for having failed to renew his certificate within the time required by this Act. Any registered barber who retires from the practice of barbering for not more than five (5) years may renew his certificate of registration by making proper showing to the Board, supported by his personal affidavit, which in the opinion of the Board would justify the Board in issuing a certificate to such applicant as upon an original application upon payment of a fee of five dollars (\$5.00) when filing affidavit as fee for making examination."

The facts given in your request show that the applicant has made a substantial effort to comply with the law governing the restoration of an expired certificate within the thirty day period provided in the Statute and but for some mere irregularity he would have complied fully with the provisions thereof and within the time limit therein contained. Under these facts, and considering the provisions of Section 20, as quoted above, of Article 734-a of the Penal Code, and the other provisions of the Texas Barber Law, it is our opinion that where the Board restores an expired certificate of a registered or a registered assistant barber who continues in the active practice or service, the proper fee to be charged the applicant by the Board is the sum of Two Dollars and Fifty Cents (\$2.50).

Yours very truly

APPROVED JAN 13, 1941

*Gerald B. Mann*

ATTORNEY GENERAL OF TEXAS

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*Harold W. McCracken*

By *Harold W. McCracken*  
Assistant

