



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

July 21, 1976

ATTORNEY GENERAL OPINION NO. 76-231

Mr. Henri Fournier
Executive Director
Kansas State Board of Cosmetology
630 Kansas Avenue
Topeka, Kansas 66603

RE: Public Health--Cosmetologists License Renewal
Examination Fee--Rules and Regulations

SYNOPSIS: K.S.A. 1975 Supp. 65-1904 authorizes Kansas State Board of Cosmetology to collect the annual renewal fee and a delinquent fee for those cosmetologists or manicurists renewing said license within three (3) years of the date of expiration of his or her last license, but does not authorize the collecting of any renewal fees for those years in which said license had expired.

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Dear Mr. Fournier:

You have requested this office to render a formal opinion as to the authority the Kansas State Board of Cosmetology to charge back fees in renewing the cosmetologist's license for each year the license had expired or was not renewed. You further state this question has been raised as a result of an inquiry of the Post Audit Division following the audit of your agency in regard to K.S.A. 1975 Supp. 65-1904. You expressly state you interpret "from year to year" and "paying the annual renewal fee and the delinquent fee" as justification for this practice and its survival. K.S.A. 1975 Supp. 65-1904 recognizes three different classifications of license renewals. Those cosmetologists or manicurists renewing said

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license prior to the expiration of their present license, cosmetologists and manicurists renewing a license which already expired within three (3) years of the date of expiration of their last license, and finally, an applicant renewing said license which has expired for more than three (3) years prior to their application for renewal. Your question pertains only to those cosmetologists and manicurists renewing a license which has already expired within three (3) years of the date of the expiration of their last license.

K.S.A. 1975 Supp. 65-1904 states in pertinent part:

"(a) Unless revoked for cause, all licenses of cosmetologists and manicurists and all renewals thereof shall expire on June 30 of the year succeeding the year in which they were issued commencing June 30, 1970, and shall thereafter be renewable from year to year upon the filing of a renewal application prior to the expiration of each such license and payment of the renewal fee established under this section. Any license may be renewed by the applicant within three (3) years of the date of expiration of his or her last license upon showing satisfactory proof of his or her qualifications to renew the practice of the proffion of cosmetologist or manicurist and by paying the annual renewal fee and a delinquent fee as established under this section. Any applicant whose cosmetology license has expired for more than three (3) years prior to his or her application for renewal may obtain a license in the same manner as herein provided for the original applicants upon payment of the same fees."

K.S.A. 1975 Supp. 65-1904 also establishes limitations for license renewal of not less than \$7.00 nor more than \$15.00, nor less than \$6.00 or more than \$12.00 for cosmetologists and manicurists, respectively, and the delinquent cosmetologist and manicurist license charge of \$4.00.

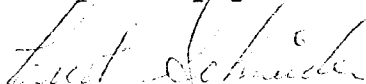
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In my opinion, the phraseology "the annual renewal fee and a delinquent fee as established under this section" refers only to renewal fees for that year in which the applicant makes application to renew his or her license, as established by said statute, namely, not less than \$7.00 nor more than \$15.00, nor less than \$6.00 or more than \$12.00, and to the delinquent license fee fixed by subparagraph (c) of this provision. Any other interpretation would have the effect of exceeding the amounts for license renewal established by said statute.

It is also important to note that the Legislature did not use the terms "paying the annual renewal fees" (emphasis added) or any language expressing plural application. The Legislature could have used language clearly indicating payment of back fees as they have in various other statutes which touch and concern license renewal.

In summary, K.S.A. 1975 Supp. 65-1904 authorizes the Kansas State Board of Cosmetology to collect the annual renewal fee and a delinquent fee for those cosmetologists or manicurists renewing said license within three (3) years of the date of expiration of his or her last license, but does not authorize the collecting of any renewal fees for those years in which said license had expired.

Very truly yours,



CURT T. SCHNEIDER
Attorney General

CTS:RRS:ksn