



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

Curt T. Schneider
Attorney General

August 28, 1978

ATTORNEY GENERAL OPINION NO. 78-274

Mr. H. D. Lippincott
Administrative Officer
State Board of Barber Examiners
109 West 9th Street, Room 725
Topeka, Kansas 66612

Re: Barbers--Fees--Proration

Synopsis: A fee for restoration of a license, provided by K.S.A. 1977 Supp. 65-1817, may be prorated pursuant to 1978 House Bill No. 3247, ch. 245, L. 1978.

* * *

Dear Mr. Lippincott:

You inquire concerning the effect of 1978 House Bill No. 3247, ch. 245, L. 1978, regarding the amount legally chargeable for the restoration of an expired barber's license.

House Bill No. 3247 amends K.S.A. 65-1819 to read as follows:

"(a) Every registered barber, every registered apprentice, every registered teacher, and every owner of a barber school or barber college shall annually renew his or her certificate of registration or permit, as the case may be, and pay the required fee. The expiration date of each certificate of registration or permit which is issued, restored or renewed by the board shall be established by rules and regulations of the board so that

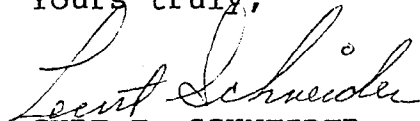
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certificates of registration and permits are renewed by the board throughout the year on a continuing basis. In each case in which a certificate of registration or permit is issued, restored or renewed for a period of time of less than one year, the board may prorate the amount of the fee established under K.S.A. 1977 Supp. 65-1817 and amendments thereto.

(b) A registered barber or registered apprentice whose certificate of registration has expired may have his or her certificate renewed immediately upon payment of the required restoration fee. Any registered barber who retires from the practice of barbering or haircutting for more than three (3) years, may renew his or her certificate of registration after a successful re-examination by the board and upon the payment of the required examination fee." [Emphasis supplied.]

The purpose of this enactment is to stagger the renewal of barber licenses throughout the year. The Legislature has provided for the proration of fees for renewal and restoration of licenses to accomplish this end. K.S.A. 1977 Supp. 65-1817 states that a fee of not more than \$25.00 or less than \$10.00 may be charged each year for the restoration of a license. In our view, House Bill No. 3247 by its terms, allows the Board of Barber Examiners to prorate such restoration fees as well as the renewal fee. Therefore, we conclude that the Board of Barber Examiners may require barbers to pay a restoration fee for each year and part of a year, after his or her certificate has expired.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:WEM:kj