



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN
ATTORNEY GENERAL

May 17, 1979

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
ANTITRUST: 296-5299

ATTORNEY GENERAL OPINION NO. 79- 86

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

Re: Public Health--Examination, Registration, and
Regulation of Barbers--Renewal of Certificates

Synopsis: An apprentice barber whose certificate of registration
expired on December 31, 1973, cannot be required
to successfully complete a re-examination as a
condition precedent to renewal of his certificate
of registration.

* * *

Dear Mr. Lippincott:

You request the opinion of this office as to whether the Board
of Barber Examiners may require re-examination of an apprentice
barber who passed the apprentice examination at least seven
years ago, but whose certificate of registration expired on
December 31, 1973.

K.S.A. 1978 Supp. 65-1819(b) provides as follows:

"(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

Mr. H. D. Lippincott
Page Two
May 17, 1979

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 added.)

Pursuant to the above statute, it is clear that a registered barber who retires from the practice of barbering for more than three years may renew his certificate of registration only after successful re-examination by the board. Furthermore, it is apparent that a registered barber who has not renewed his certificate of registration for a period of three years or more is deemed to be "retired." This construction is required by the fee schedule set forth in K.S.A. 1978 Supp. 65-1817, which provides, in part, as follows:

"For restoration of expired certificate to practice as a barber, under three years old each year--not less than \$10 or more than 25.00

"After three years applicant shall be reexamined upon payment of the regular examination fee--not less than \$25 or more than 30.00"

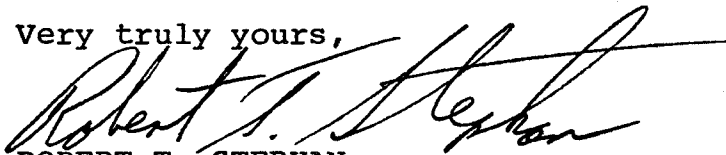
However, K.S.A. 1978 Supp. 65-1819(b) is silent as to the subject of re-examination of apprentice barbers who have failed to renew their certificate of registration for a period of years. Although K.S.A. 1978 Supp. 65-1817 provides for a fee on restoration of an expired certificate to practice as an apprentice barber, it makes no such provision for re-examination of an apprentice barber. In short, we can find no legislative intent to impose the requirement of re-examination upon apprentice barbers who have failed to renew their certificates for a period of years, and we must conclude that the board cannot require re-examination of an apprentice barber as a condition precedent to renewal of his certificate of registration.

Pursuant to K.S.A. 1978 Supp. 65-1812, however, an apprentice barber who has renewed his certificate of registration must take the examination necessary to become a registered barber at the end of twelve month's practice (inclusive of any period of practice prior to retirement), and may not be allowed to


Mr. H. D. Lippincott
Page Three
May 17, 1979

practice as an apprentice for a period longer than eighteen months (inclusive of any period of practice prior to retirement).

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Terrence R. Hearshman
Assistant Attorney General

RTS:BJS:TRH:jm