

September 30, 1964



Mr. Leon F. Burton
Secretary-Treasurer
State Board of Barber Examiners
for State of Missouri
131 Capitol Building
Jefferson City, Missouri

Dear Mr. Burton:

This letter is in answer to your request for an opinion of this office upon the question whether an applicant is eligible to take the state barber examination if he can show proof that he practiced the trade of barbering in Missouri prior to 1921 but who never secured a license to practice the trade in Missouri.

Section 10132, RSMo 1939, provided:

"Every person now engaged in the occupation of barbering in this state shall, within ninety days after the approval of this law, file with the secretary of said board a written statement, setting forth his name, residence and the length of time during which and the place where he has practiced such occupation, and shall pay to the treasurer of said board \$2.00; and a certificate of registration entitling him to practice the said occupation for the fiscal year ending January 31, 1922, thereupon shall be issued to him, and the holders of such certificates shall, annually, on or before the expiration of their respective certificates, make application for the renewal of same * * *. * * any barber

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failing to renew his certificate of registration for a period exceeding two years and desiring to be re-registered as a barber in this state will be required to appear before said board and pass a satisfactory examination * * *."

The quoted statute allowed a period of ninety days' time to anyone who had been a barber in Missouri at the time of the enactment of the law in 1921 within which to secure a license to practice the trade without an examination, and further provided that anyone who failed to "renew his certificate of registration" for a period exceeding two years would have to pass the examination before being issued a license.

Your question does not involve one who failed to renew his certificate, but one who never obtained a certificate under the provisions of the above statute, although he was legally following the trade of barbering in Missouri prior to passage of the statute.

Section 328.080, subparagraph 2(3), RSMo, sets out the qualifications of an applicant for the state barber examination:

"(3) He has studied for at least one thousand hours in a period of not less than six months in a properly appointed and conducted barber school under the direct supervision of an instructor licensed as such by the board, and spent an additional eighteen months as a registered apprentice under a qualified practicing barber or has practiced the trade in another state for at least two years;"

Under this statute an applicant must have studied at least one thousand hours in a period of not less than six months in a barber school licensed by the Missouri board and must also have spent at least eighteen months as an apprentice. An exception is made in the case of one who has practiced the trade "in another state for at least two

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years". No provision is made for an applicant who practiced barbering in the state of Missouri prior to the effective date of the licensing statute.

Under the plain provisions of the cited statutes, the applicant described in your question would not be eligible to take the barber examination, because he has not undergone the prescribed schooling and apprenticeship and he does not come within the exception provided for those who have practiced the trade in another state for at least two years.

While this construction of the statute may produce some unfortunate and perhaps unfair results, yet the legislature has seen fit to require all residents of Missouri to have certain prescribed schooling and training. This, the legislature had power to do. If unfair results occur, the legislature may change it. However, changes in the law cannot be accomplished by interpretation which is contrary to the manifest meaning of the statute.

We believe that an applicant is ineligible to take the examination of the State Board of Barber Examiners of Missouri, even if he can show proof that he was a barber in Missouri prior to the time that barbers were required to obtain a license in this state, unless the applicant has undergone the training and apprenticeship required by the Missouri statutes or has practiced the trade of a barber in another state for at least two years.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

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