

**HAIRDRESSERS AND COSMETOLOGISTS:
LICENSE FEES:**

State board of health may not
require holder of certificate of registra-
tion to pay a license fee for the
privilege of operating a shop.

*P.O. 1189-9494-7101 RS 7/20/33
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November 7, 1933.

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Mr. H. G. Cherry, Director,
Division of Cosmetology and Hairdressing,
Jefferson City, Missouri.

Dear Sir:

We are acknowledging receipt of your letter in which you
inquire as follows:

"I am herewith enclosing a copy of the law, Act No.
650, covering cosmetology and hairdressing, exacted
by the 55th General Assembly of Missouri.

What I want to know is, whether or not, under this
law my Department can force any one, operating a
beauty parlor or shop in the state to secure a license
from my department to operate said shop.

If our law permits us to collect a license fee from
shop owners and they refuse to take out a license,
which many of them are now doing, what procedure will
we take in order to enforce the law. I would like an
opinion in the very near future."

You inquire whether you can require the operator of a
beauty parlor or shop in this State to secure a license from
your department in order to operate a shop.

Section 9089, R. S. Mo. 1929, provides as follows:

"It shall be unlawful for any person in this state
to engage in the occupation of hairdresser or cos-
metologist or manicurist, or to conduct a hair-
dressing or cosmetologist's or manicurist's estab-
lishment of school, unless such person shall have
first obtained a certificate of registration as
provided by this article."

Section 9094, R. S. Mo. 1929, provides as follows:

"Every person desiring to practice any of the occupa-
tions provided for in this article shall file with
the secretary of state board of health a written appli-
cation under oath on a form prescribed and supplied by
said board and shall submit said proof of the required

age, educational qualifications and of good moral character and shall deposit with the secretary of said board the sum of ten dollars. Upon the filing of such application and the payment of the examination fee of ten dollars, the state board of health may issue to said applicant a temporary certificate of registration for a definite period of time but not beyond the next regular examination of applicants for the practicing of the occupations in this article provided; * * *."

Section 9101, R. S. No. 1929, provides as follows:

"All who are engaged in the actual and continuous practice of any of the practices of the qualified occupations named in this article, prior to the passage of the same shall be entitled to a certificate to practice hereunder without an examination upon the payment of a fee of five dollars." * * *

Section 9106, R. S. No. 1929, provides as follows:

"The fees for examination and certificate as provided in this article shall be paid in advance to the secretary of the state board of health and by him paid each month into the state treasury to the credit of the general revenue fund." * * *

Under Section 9083 above, it is made unlawful for any person to engage in the occupations of hairdressing, cosmetology or manicuring and to conduct an establishment or school, unless such person shall first obtain a certificate of registration. Under Section 9094, a person may obtain a temporary certificate of registration upon submitting the required proof and the payment of the sum of ten dollars. Under Section 9101, persons engaged in such business prior to the passage of this Act, are entitled to a certificate upon the payment of a fee of five dollars. As we view the Act, persons are entitled to engage in the business of hairdressing, cosmetology or manicuring upon receipt of a certificate from the state board of health and depositing the required fee of five dollars or ten dollars, according to the situation of the applicant. We find no provision in the Act that gives your board the power to exact a license fee in addition to the fee required for the certificate of registration for the privilege of such operator to operate a business. It is made unlawful for any one to operate an establishment or act individually without the certificate of registration and when the operator complies with the law and receives his certificate of registration by paying the required fee, then such operator is entitled to carry on his business. As a matter of fact, the state has granted to the various cities the right to exact a license fee for the purpose of operating a shop or place of business within the city limits, but we do not find any provision in the law which

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would give to the state the right to require a license fee from a person who has received his certificate of registration before they would be entitled to open a shop.

It is therefore the opinion of this Department that after the individual has acquired his certificate of registration and paid the fee required in the statute, that he is not required to pay a license fee to your board for the privilege of operating a shop within the state.

Very truly yours,



Assistant Attorney General.

APPROVED:

Attorney General.

FVN : S.