

STATE BARBER BOARD: Payment of \$2.00 per year entitles barber to annual license.

March 17, 1936.



Hon. Henry C. Salveter,
Prosecuting Attorney,
Pettis County,
Sedalia, Missouri.

Dear Mr. Salveter:

This acknowledges receipt of your letter which is as follows:

"It is my understanding that previous to the act passed by the 1935 session of the Legislature, that a barber who practiced his profession in this State in towns of less than 5000 inhabitants was not required to pay a \$2.00 license fee, and that he was out of the jurisdiction of the Barber's State Board of Examiners.

"A barber is in my office, who for the past five years has practiced his trade in a town of less than 5000 inhabitants in this State. The 1935 Session Act of Missouri provides that all barbers over the State must procure a license, the cost of which is \$2.00 per year. This barber has tendered the State Board \$2.00 for his license of 1936, and has tendered them \$2.00 to cover the whole of 1935, although the Statute did not go into effect pertaining to barbers in towns of under 5000 inhabitants until August 27, 1935.

"Even though this barber has sent to the board \$4.00 to cover 1936 and 1935, the board nevertheless demands that he send them an extra \$2.00. Is your department

able to advise me why the State Board would refuse, under the above facts, to issue a license for the year 1936? If I have correctly stated the law, and if the above facts are true, and this barber is not required to pay any other or additional fee, and you can advise me by letter immediately, I would appreciate the same, in order that this barber may forward it to the State Board, to clear up the difficulty now existing."

Section 13524, R. S. Mo. 1929, provided for the operative effect of the State Board of Barber Examiners to be limited to cities of 5000 population or more. That section was repealed by the 1935 Legislature (Laws of Missouri, 1935, page 191) and a new section was enacted, under the provisions of which barbers in cities of less than 5000 population are placed under said law.

Section 13522, R. S. Mo. 1929, states:

"It shall be unlawful for any person to follow the occupation of a barber in this state, unless he shall have first obtained a certificate of registration, or permit, as provided in this chapter: Provided, however, that nothing in this chapter contained shall apply to or affect any person who is now actually engaged in such occupation, except as hereinafter provided."

Section 13524, Laws of Missouri, 1935, pages 191-192, provides that the barber board

"shall have the power to administer oaths, and all certificates or permits required to be executed for and on behalf of the board shall be certified over the signatures of the president and secretary."

Section 13523, R. S. Mo. 1929, provides that the board, under certain limitations, may prescribe sanitary rules, and further:

"A copy of such rules shall be furnished each person to whom a certificate of registration or permit is granted."

Section 13527, R. S. Mo. 1929, provides:

"Every person now engaged in the occupation of barber 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 the time during which and the place where he has practiced such occupation, and shall pay to the treasurer of said board two dollars; and a certificate of registration entitling him to practice the said occupation for the fiscal year ending January thirty-first, 1922, thereupon shall be issued to him and the holders of such certificates shall, annually, within thirty days before the expiration of their respective certificate, make application for the renewal of same, stating the number of expiring certificate, and shall in each case pay to the treasurer of said board the sum of two dollars therefor. For any and every license or certificate given or issued by the board a fee of two dollars shall be paid by the person receiving the same."

The last section quoted means that when the barber law first went into effect in 1921, every barber practicing such vocation in cities of five thousand population or over in this state must, within ninety days after the approval of said law, "file with the secretary of said board a written statement, setting forth his name, residence, and the length of the time during which and the place where he has practiced such occupation, and shall pay to the treasurer of said board two dollars"; that by so doing said barber is thereupon entitled to a certificate of registration under said law, and that he is thereby entitled to practice said occupation "for the fiscal year ending January 31, 1922; that such holder of such certificate is required to make application to the barber board for renewal of same annually thereafter, and the application must be made "within thirty days before the expiration" of the year, said application containing certain information as in said section set forth. It also requires the applicant to "pay to the treasurer of said board the sum of two dollars therefor. For any and every license or certificate given or issued by the board a fee of two dollars shall be paid by the person receiving the same."

Said section provides the course to be followed by applicants as they procure authority to pursue their vocation. It provides in the original instance that after the law becomes operative, the applicant shall file with the secretary his application, etc., "and shall pay to the treasurer of said board two dollars; 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."

The later provision as to the payment of a like sum of two dollars must be reasonably construed. If the Legislature meant by the later provision of the section to require the payment of two dollars by the applicant for merely the application and another two dollars for the license, it does not harmonize with the earlier provision of the section which entitles the applicant to the license or certificate to pursue his occupation by the payment once of two dollars. For this two dollars the applicant procured not only the application, but the license or right to do business as a barber until the end of the year.

In construing statutes all parts thereof should be considered as a whole and reasonably harmonized if it is possible to do so. State ex rel. Dean v. Daues, 14 S. W. (2d) 990. These provisions of this section should be construed together in interpreting the act. State ex inf. Bloebaum v. Broeker, 11 S. W. (2d) 81.

To maintain that the applicant is required by the statute to pay the treasurer two dollars for the mere piece of paper, the printed form of the blank application, is unreasonable, and courts will not adopt an unreasonable construction of statutes. Williams v. St. Louis-San Francisco Ry. Co., 7 S. W. (2d) 392.

The fair and reasonable meaning of the provisions of Section 13527, supra, is that in the first instance when the law became operative, the applicant was required to pay two dollars, and this was all the payment required of him in procuring the right to pursue his vocation as a barber for that year; that if he desired to so pursue his said vocation for the next year or any year thereafter, he was required to pay two dollars, the same accompanying his application, and that when his application was favorably acted on, that this two dollars was all the money he was or is required to pay in order to procure the license. The later provision of the section merely means that in no event can the license be issued on the payment of less than two dollars, regardless of whether the applicant applies and is licensed for the whole year or for a fraction thereof. The section further contemplates that all licenses expire on January 31st of the year.

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CONCLUSION

We are of the opinion that the person whose acts you set forth in your inquiry and who has tendered the State Board of Barber Examiners two dollars in payment of his 1935 license, and has tendered said board two dollars for his 1936 license, if otherwise qualified, has tendered to said board all the money the law requires him to pay said board in order to be entitled to his license as a barber entitling him to pursue the vocation of a barber in this state.

Yours very truly,

DRAKE WATSON,
Assistant Attorney General.

APPROVED:

JOHN W. HOFFMAN, Jr.,
(Acting) Attorney General.

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