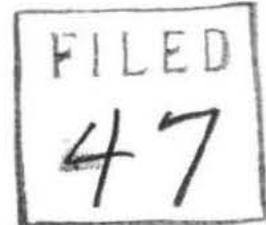


FOR OPINION 487 (1963)
47 (1964)
(Answered by Letter--Chitwood)

June 8, 1964



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

Dear Mr. Burton:

This office is in receipt of your request for a legal opinion as to whether or not the State Board of Barber Examiners, by their rule, can increase certain requirements to be met by an applicant for registration as a barber set out in Section 328.080, 2., (3), RSMo 1959, reading as follows:

"Our question is this: Could the State Barber Board make a ruling to increase the hours and months required without legislation?"

Section 328.080, Paragraph 2, RSMo 1959, to which the inquiry refers, reads as follows:

"2. The board shall proceed to examine the applicant and shall issue to him a certificate of registration authorizing him to practice the trade in this state and enter his name in the register herein provided for, if it finds that:

* * * * *

"(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

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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; * * * * *

In an opinion of this office written for Mr. Charles F. Quinlin, Secretary, State Board of Barber Examiners, on December 6, 1954, (copy enclosed), it was concluded the State Board of Barber Examiners did not have the power to prescribe a rule limiting the period of time within which the eighteen-month training period, provided by what is now Section 328.080, RSMo 1959, must be spent.

In said opinion it was pointed out the Barber Board was an administrative body, with very limited rule-making powers.

Therefore, for the same reasons given in said opinion, and in answer to the present inquiry, it is our thought the State Board of Barber Examiners lacks the power and cannot make a rule increasing the requirements as to the hours of a barber school course and months of apprenticeship in excess of that set out in Section 328.080, Paragraph 2, (3), RSMo 1959. Any contemplated increase in such statutory requirements can be accomplished only by an act of the Legislature.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

PNC/jlf