

SCHOOLS:  
AND STATE:

RE: The Washington Technical School of St. Louis, Mo. in operating a barber school is subject to the provisions of Sec. 10134, R. S. Mo. 1939. The Board of Barber Examiners is authorized to refuse permission to take barber examinations to persons who have not graduated from a licensed barber college, if said persons are attempting to qualify under the provision of Section 10133, R. S. Mo. 1939, that they have attended a properly appointed and conducted barber school for a certain length of time.

July 5, 1946

Mr. J. C. Green,  
Secretary  
State Board of Barber Examiners  
St. Louis 2, Missouri

7/16



Dear Mr. Green:

This will acknowledge receipt of your letter of June 27, 1946, in which you request an opinion of this department as follows:

"Section 10134 of the Revised Statutes of Missouri, provides for the license and regulation of Barber schools and colleges in this state. Washington Technical school of St. Louis, Missouri, is operating a Barber school. This school has one instructor and ten students. This school is operated as a colored school. This school does not have any license as a barber school, altho the instructor does have an instructors license.

"Will you please advise our board if this school is subject to the provisions of the above mentioned section; and if our board is justified in refusing graduates of said school permission to take the barber examination."

In your letter you refer to Section 10134, R. S. Mo. 1939, requesting us to advise whether the Washington Technical School of St. Louis, Missouri, is subject to the provisions of that section. Section 10134, supra, reads as follows:

"Nothing in this chapter shall prohibit any person from serving as an apprentice in said trade under license issued by the board under a barber authorized to practice in the same, under this chapter, nor from serving as a student in any school or college for teaching said trade under the instruction of a qualified barber: Provided, that in no barber shop shall

there be more than one apprentice to two barbers authorized under this chapter to practice said occupation; but all barber shops having but one chair shall be entitled to one apprentice; that all barber schools and colleges shall have not less than one teacher or instructor for every ten students: Provided, that all barbers, or barber schools or colleges, who shall take an apprentice or student, shall immediately file with said board the name and age of each of such apprentice or students, and the said board shall cause the same to be entered in a register kept for that purpose; for which registration a fee of five dollars shall be paid to the treasurer of the board by such apprentice or student: Pro-  
vided, that any firm, corporation or person, desiring to conduct a barber school or college in this state, shall first secure from said board a permit to do so, and shall keep the same prominently displayed. For such permit there shall be paid to and collected by said board an annual fee of one hundred dollars to be paid on or before January 31st of each year: Provided further, that said board shall have the right to pass upon the qualifications, appointments, and course of study in said college or barber shops where apprentices are taught the occupation of barbering; and pro-  
vided further, that said board shall have the right and power to revoke the certificate, permit or license of any such barber school or college, instructor or teacher therein or instructor in any barber shop, for any violation of the provisions of this section. R. S. 1929, Sec. 13259. Reenacted, Laws 1937, p. 186."

By its terms, this section applies to all barber schools in this state. There is no exception contained in that section or in Chapter 67, R. S. Mo. 1939, which relates to the State Board of Barber Examiners, that exempts any barber school or college whatsoever. We think, therefore, that Section 10134, supra, applies to the Washington Technical School of St. Louis, Missouri.

The answer to the question which you raised regarding your justification in refusing graduates of this school permission to take the barber examination depends upon a construction of Section 10133, R. S. Mo. 1939, which reads as follows:

"Any person not following the occupation of

barbering at the time this chapter goes into operation, desiring to obtain a qualified certificate of said occupation in this state, shall make application to said board therefor and shall pay to the treasurer of said board an examination fee of ten dollars, and shall present himself at the next regular meeting of the board, for examination of applicants, whereupon said board shall proceed to examine such person, and, being satisfied that he is above the age of nineteen years, of good moral character, free from contagious or infectious diseases, has either studied the trade for two years as a registered apprentice, under a qualified and practicing barber, or studied the trade for at least 1000 hours over a period of not less than six months in a properly appointed and conducted barber school under the direct supervision of an instructor, who is licensed as such by the State Barber Board of Missouri; and an additional eighteen months as a registered apprentice under a qualified and practicing barber, or practiced the trade in another state for at least two years and is possessed of requisite skill in said trade to properly perform all the duties thereof, including his ability in the preparation of the tools, shaving, haircutting and all of the duties and services incident thereto and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said trade, shall enter his name in the register hereinafter provided for, and shall issue to him a certificate of registration, authorizing him to practice said trade in this state: Provided, that whenever it appears that an applicant has acquired his knowledge of said trade in a barber school or college, the board shall be judges of whether said barber school or college is properly appointed and conducted and under proper instructions to give sufficient training in said trade. Any person desiring to teach barbering in this state in a barber school, college or barber shop must first make application to appear before said board for an examination as a teacher or instructor in said occupation and shall pay to the treasurer of said board an examination fee of \$25.00, whereupon said board shall proceed to examine such applicant and after finding that he is duly qualified

to teach said occupation, said board shall issue to him a certificate of registration entitling him to teach barbering in this state, subject to all the provisions of this chapter."

Section 10133, supra, sets out the qualifications which shall be satisfied by the applicant for a barber's license, one of which is that the applicant shall have studied the trade for two years as a registered apprentice of a qualified and practicing barber or that he shall have studied the trade for at least one thousand hours over a period of not less than six months in a "properly appointed and conducted barber school" under the direct supervision of an instructor who is a licensed barber. From your letter we assume that the applicants from the Washington Technical School are able to satisfy the requirements set out in Section 10133, supra, in all respects with the possible exception that they do not come from a school which would properly accredit them to take the examination. The question, therefore, is whether the Washington Technical School is a properly accredited school. This, in turn, depends upon the meaning of the words "properly appointed and conducted barber school".

Section 10134 requires that barber schools and colleges be licensed and properly conducted. It places the supervision of the conduct and the appointments of the schools within the discretion of the Board. Statutes in pari materia must be construed together. Their provisions must be harmonized, if possible, so as to accomplish the legislature's central idea and intent. *Hull v. Baumann*, 131 S. W. (2d) 721, 345 Mo. 159; *State ex rel. Lefholz*, 95 S. W. (2d) 1239, 231 Mo. App. 870.

The words of Section 10133, supra, could refer only to the colleges controlled and licensed by the Board under Section 10134, supra. Those complying with the terms of Section 10134, supra, are the only ones which could be "properly appointed and conducted" according to the Missouri statutes.

This interpretation is in accord with the general intention of the Legislature as indicated by these two sections of the statute, i. e., that all barber schools were to be licensed and designated as such by the Board and that all barbers that were licensed were to meet high qualifications with regard to their trade. This strict supervision of the barber trade was the purpose of the statutes dealing with this subject. *State ex rel. Allen v. Davis* (1938 Mo. App.) 119 S. W. (2d) 844. To hold that students who had graduated from a school which had not met the requirements of the statute relating to barber schools and colleges could be permitted to practice their trade in Missouri would be to defeat the regulatory purpose of the statutes.

Mr. J. C. Green

-5-

It is, therefore, the opinion of this department that, (1) Section 10134, R. S. Mo. 1939, is applicable to the Washington Technical School of Missouri in so far as it is operating a barber school. (2) The State Board of Barber Examiners is justified in refusing graduates of the Barber School of Washington Technical School of St. Louis, Missouri, the permission to take the barber examination.

Respectfully submitted,

SMITH N. CROWE, JR.  
Assistant Attorney General

APPROVED:

J. E. TAYLOR  
Attorney General

SNC:mw