

OPINION NO. 76-003

Syllabus:

The date contained in R.C. 4747.05 has no effect on the present and continuing issuance of trainee permits pursuant to the terms of R.C. 4747.10.

To: Paul L. Barenfield, Exec. Sec., Ohio Hearing Aid Dealers and Fitters Licensing Board, Columbus, Ohio
By: William J. Brown, Attorney General, January 28, 1976

I have before me your request for my opinion concerning the interpretation of the word "currently" as used in R.C. 4747.10, which states in pertinent part as follows:

"Each person currently engaged in training to become a licensed hearing aid dealer or fitter shall apply to the hearing aid dealers and fitters licensing board for a hearing aid dealer's and fitter's trainee permit. . . ."

As can be seen from this plain language, it relates to issuance of trainee permits. R.C. 4747.05, like R.C. 4747.10, was enacted by S.B. 61 and became effective on November 25, 1969, but it relates to issuance of hearing aid dealers' and fitters' licenses.

R.C. 4747.05 provides two different procedures to be followed for licenses. The first, contained in R.C. 4747.05 (A), was to have been employed by the Board from the date that S.B. 61 became effective "until July 1, 1970." The second, contained in R.C. 4747.05(C), is to be employed "after July 1, 1970."

The problem you have raised begins with the fact that

the license provisions of R.C. 4747.05 contain specific time periods in which the Board is to take different approaches, while the permit provision of R.C. 4747.10 does not contain references to any specific date. Instead, the latter section applies to "each person currently engaged in training. . . ."

Your question is whether the permit provisions of R.C. 4747.10 were designed to operate - because of the word "currently" contained therein - only until the July 1, 1970 date specified (in R.C. 4747.05) as a cut off for certain licensing activities. Your concern is that the legislature may have intended no issuance of trainee permits after July 1, 1970 as would certainly be the result if the cut off date in R.C. 4747.05 were applied to the trainee permit provisions of R.C. 4747.10.

This issue is resolved as a matter of legislative intent as determined from the statutory language under basic rules of construction.

R.C. 1.47 provides that in enacting a statute "the entire statute is intended to be effective." As indicated above, were the word currently construed so as to preclude permit issuance after July 1, 1970 then all of the language otherwise contained in R.C. 4747.10 would now have no effect. Because of that result in addition to the fact that neither R.C. 4747.05 nor 4747.10 contains anything to indicate a legislative intent to limit issuance of trainee permits after July 1, 1970, I conclude that the language of R.C. 4747.10, including the word "currently," operates now and at whatever point in time it is considered by the reader. That is, employment of the word "currently" in the statute does not have reference back to the date of its enactment.

Therefore it is my opinion and you are so advised that the date contained in R.C. 4747.05 has no effect on the present and continuing issuance of trainee permits pursuant to the terms of R.C. 4747.10.