

Section 710-126a of the General Code, in an amount equal to or in excess of such reduction.

Respectfully,
 JOHN W. BRICKER,
Attorney General.

1970.

BARBER—ELIGIBLE FOR LICENSE WHEN PRACTICING BARBERING PRIOR TO EFFECTIVE DATE OF AMENDED S. B. NO. 129, ALTHOUGH SEVENTEEN YEARS OF AGE.

SYLLABUS:

A person, resident of this state, who has been, in good faith, engaged in the practice of barbering at one or more established places of business in the State of Ohio at the time of the effective date of Amended Senate Bill No. 129, is entitled to a license pursuant to the provisions of section 10 of such Act, regardless of the fact that such applicant is at the present time seventeen years of age.

COLUMBUS, OHIO, December 8, 1933.

State Board of Barber Examiners, Wyandotte Building, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your request for my opinion, which reads as follows:

“May the State Board of Barber Examiners issue a license as a registered barber to a person who is at the present time seventeen years of age and who will not become eighteen until next year?

In answering this question you may assume that the applicant is otherwise qualified and meets with the conditions of Section 10 of Amended Senate Bill No. 129. The sole question raised being the question of his age.”

Amended Senate Bill No. 129, regulating the business of barbering, was passed at the recent session of the legislature. This law has been assigned sections numbers 1081-1, et seq., General Code, by the Attorney General.

Your question relates to those persons who are entitled to licenses as registered barbers without taking an examination. The exemption section of the barber's law is 1081-10, which reads as follows:

“Upon the taking effect of this act any person, resident of this state, who has been, in good faith, engaged in the practice of barbering at one or more established places of business in this state or any person who was engaged in the practice of barbering as an apprentice of a person eligible under this section to a certificate of registration as a barber without examination, shall be granted a certificate of registration either as a barber or as an apprentice upon his making application to the board on or before September 1, 1933.

Any person who at the time of the taking effect of this act was a student in a school of barbering shall be qualified, upon graduation from

such school, to take the examination for a certificate of registration to practice as an apprentice."

It is significant to note that in this section there is no provision requiring the applicant to be over eighteen years of age. This is the only section of the barber's law which provides for licenses by exemption from examination, and since there is no provision that a person shall be a certain age but only that he shall have been in good faith engaged in the practice of barbering, I am unable to say that the applicant in this case is not entitled to a license. It is well established that where a statute is clear and unambiguous, the courts do not have any right to read language into the statute.

Section 1081-12, which provides for examinations for applicants as registered barbers, provides that the applicants must be at least eighteen years of age. This section reads as follows:

"Any person shall be qualified to receive a certificate of registration to practice as a registered barber:

- (1) Who is qualified under the provisions of section 13 of this act.
- (2) Who is at least eighteen years of age.
- (3) Who has practiced as a registered apprentice for a period of eighteen months under the immediate personal supervision of a registered barber, and
- (4) Who has passed a satisfactory examination conducted by the board to determine his fitness to practice barbering.

An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the board must continue to practice as an apprentice for an additional six months before he is again entitled to take the examination for a registered barber, and pay the required fees."

This section has no bearing upon applicants already engaged in the practice of barbering. It is prospective in nature rather than retrospective.

In view of the above discussion, and in specific answer to your question, it is my opinion that a person, resident of this state, who has been, in good faith, engaged in the practice of barbering at one or more established places of business in the State of Ohio at the time of the effective date of Amended Senate Bill No. 129, is entitled to a license pursuant to the provisions of section 10 of such Act, regardless of the fact that such applicant is at the present time seventeen years of age.

Respectfully,

JOHN W. BRICKER,
Attorney General.