

## **Opinion No. 57-153**

July 3, 1957

**BY:** OPINION OF FRED M. STANDLEY, Attorney General Fred M. Calkins, Jr.,  
Assistant Attorney General

**TO:** Honorable Edward L. Yudin, Simms Building, Albuquerque, New Mexico

### **QUESTIONS**

#### QUESTIONS

1. Does § 67-14-3, N.M.S.A., 1953 Comp., relating to the number of hours required and the subjects to be taught in barber schools, provide for the minimum or maximum qualifications?
2. Is it possible for a barber school to refuse to collect any charge or fee for barbering services to the public?

#### CONCLUSION

1. The section provides for the minimum qualifications.
2. Yes.

### **OPINION**

#### ANALYSIS

§ 67-14-3, supra, relates to the regulation of barber schools and has as one of its requirements, in part, as a prerequisite to graduation:

"A course of instruction of not less than one thousand (1000) hours to be completed within (6) months and not more than eight (8) hours in one (1) working day."

The language used above, we believe, clearly states the minimum number of hours necessary for graduation and places no maximum hours upon the course of study.

Turning to the second question, the statutes are silent as to fees to be charged by student barbers, if any. § 67-14-36, N.M.S.A., 1953 Comp., authorizes the Barber Board to approve price agreements submitted by an organized group of barbers in a given county. The statute was held to be constitutional in *Arnold v. Board of Barber Examiners*, 45 N.M. 57, 109 P. 2d 779. The section, however, refers to persons licensed and now practicing the profession of barbering. It is our opinion that the Legislature could authorize a minimum fee to be charged for services performed by

student barbers, but in lieu of such specific statutory authorization, student ,barbers, attending barber school, may refuse to accept or collect any charge for barbering services rendered to the public.