

**OPINION**  
**45-31**

June 16, 1945           (OPINION)

BARBER SHOPS

RE:   Inspection - Fee

This will acknowledge your letter of June 12, in which you enclose a notice from the North Dakota Barber Board, which cites rule 17, concerning shop license, and which rule reads as follows:

"No barber shop shall be open for business of barbering until a certificate of approval is given by the State Board of Barber Examiners. Any person or persons proposing to open a new barber shop in a new location or to change locations shall first make application for an inspection and approval of the premises, containing an exact description of the proposed location of said barber shop, and file with the secretary of the board on a form prescribed by the board (accompanied by the \$10.00 inspection fee as required by law)."

As I understand your letter, you have moved your barber shop from its former location to another location in the city of Grand Forks, and you want to know whether you have to pay the \$10.00 fee, as required under the above-quoted rule.

Chapter 43 04 of the North Dakota Revised Code of 1943 deals with barbers. Section 43-0411 of that chapter gives the Board of Barber Examiners the right to adopt and enforce all rules and orders necessary to carry out the provisions of that chapter.

One of the declared purposes of the adoption of the law with reference to the regulation of the barber trade was to procure the maintenance of reasonably safe and healthful barbering service in order to protect properly the public health and public safety. Rule 17, above quoted, was undoubtedly adopted by the North Dakota Board of Barber Examiners for the purpose of promoting the general declaration of policy stated in the law, and to procure proper inspection of any barber shop moving from one location to another. The rule as above quoted was adopted pursuant to the law and is in conformity with the general intent and purpose of the law, and since the rule was undoubtedly adopted by the board in conformity with section 43-0411, it has become and is in effect a part of the law and enforceable against all barbers in this state.

It is, therefore, the opinion of this office that the North Dakota Board of Barber Examiners can legally, within the terms of the rule, charge \$10 to you to cover the cost of the inspection of your new location in Grand Forks.

NELS G. JOHNSON

Attorney General