

**Cosmetology—Licenses—Examination.**

Under chapter 104, Laws of 1929, a person holding a license or permit of another state to practice cosmetology is entitled to a license in Montana without examination, provided such person can and does comply with the other provisions of section 3 of said chapter.

Montana State Examining Board  
of Beauty Culturists, (Reba House, Secretary),  
Helena, Montana. September 23, 1930.

My dear Mrs. House:

In compliance with your request for an opinion will say that under chapter 104, laws of 1929, it is provided that before one can practice or teach cosmetology such person must procure a license from your board and in order to do so must pass an examination given by said board but that the persons coming within the following classes must be licensed without examination: (a) A person holding a similar license or permit of another state, territory or District of Columbia; (b) a person who has practised or taught cosmetology for at least three years in such other state, territory or District of Columbia; (c) a person who is practising or teaching in this state preceding the date chapter 104 went into effect.

You inquire if a person who is holding a similar license or permit of another state to practice cosmetology is entitled to a license without examination in this state. Such person comes within class designated "a" above and is therefore entitled to a license without examination. Of course, such person in order to obtain the license must comply with the other provisions of section 3 of said chapter. The exemption only extends to the taking of the examination.

You also have submitted a list of rules and regulations which your board has prepared and asked this office to designate which are reasonable and which are unreasonable, if any.

The reasonableness or unreasonableness of a rule or regulation is to be determined from all the facts and circumstances in connection with the practice of cosmetology which make reasonably necessary the adoption of rules to effect the purposes of the act governing the practice of cosmetology. This office knows nothing about these facts and circumstances and therefore can give you no opinion on the reasonableness or unreasonableness of the rules. Whether or not a particular rule is justifiable depends entirely upon the relation said rule bears to the purpose of the legislation concerning the practice of cosmetology and the facts, circumstances and conditions which make the adoption of the rule reasonably necessary.

Very truly yours,

L. A. Foot,  
Attorney General.