

1974 WL 27192 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 15, 1974

**\*1 Re: Prepared Regulation South Carolina Board of Cosmetic Art Examiners.**

Mr. James C. Anders, Esquire  
Rentz, Anders and DeBerry  
Attorneys at Law  
Suite 1000 SCN Center  
Post Office Box 11909  
Capitol Station  
Columbia, South Carolina 29211

Dear Mr. Anders:

You have requested that this Office advise you as to whether the State Board of Cosmetic Art Examiners may require that the annual license fee of a registered cosmetologist may be renewed as of the birth date of the licensee.

The applicable law set forth in § 56-468 Code of Laws of South Carolina, 1962, as amended, states in pertinent part 'all licenses for junior and registered cosmetologists shall be renewed each year on March 10.' While it is true that the State Board of Art Examiners does have certain rule-making power, § 56-471, it is elementary that such rule-making power can not be exercised contrary to or in derogation of the State law. [Hodge v. Pollack](#), 223 S.C. 342, 75 S.E.2d 752; [Banks v. Batesburg Hauling Company](#) 202 S.C. 273 24 S.E.2d 496. As the State law clearly sets forth the date for renewal of licenses, any regulation setting forth a different date for such renewal would necessarily be invalid.

I trust that this has been sufficient in answer to the question which you posed. If we may be of any further assistance, please do not hesitate to call or write.

Very truly yours,

Timothy G. Quinn  
Senior Assistant Attorney General

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