

**Effective 5/13/2014**

**Superseded 5/10/2016**

**4-10-2 Definitions.**

As used in this chapter:

- (1) "Article" means any bedding, upholstered furniture, quilted clothing, or filling material.
- (2) "Bedding" means any:
  - (a) quilted, packing, mattress or hammock pad; or
  - (b) mattress, boxsprings, comforter, quilt, sleeping bag, studio couch, pillow or cushion made with any filling material that can be used for sleeping or reclining.
- (3) "Consumer" means a person who purchases, rents, or leases an article for the article's intended, everyday use.
- (4) "Filling material" means any cotton, wool, kapok, feathers, down, hair or other material, or any combination of material, whether loose or in bags, bales, batting, pads, or other prefabricated form that is, or can be, used in bedding, upholstered furniture or quilted clothing.
- (5) "Label" means the display of written, printed, or graphic matter upon a tag or upon the immediate container of any bedding, upholstered furniture, quilted clothing, or filling material.
- (6)
  - (a) "Manufacture" means to make, process, or prepare from new or secondhand material, in whole or in part, any bedding, upholstered furniture, quilted clothing, or filling material for sale.
  - (b) "Manufacture" does not include three or fewer annual sales of such articles by persons who are not primarily engaged in the making, processing, or preparation of such articles.
- (7)
  - (a) "New material" means material that has not previously been used in the manufacture of another article used for any purpose.
  - (b) "New material" includes by-products from a textile mill using only new raw material synthesized from a product that has been melted, liquified, and re-extruded.
- (8) "Owner's own material" means an article owned or in the possession of a person for the person's own or a tenant's use that is sent to another person for manufacture or repair.
- (9) "Quilted clothing" means a quilted garment or apparel, exclusive of trim used for aesthetic effect, or a stiffener, shoulder pads, interfacing, or other material that is made in whole or in part from filling material and sold or offered for sale.
- (10) "Repair" means to restore, recover, alter, or renew bedding, upholstered furniture, or quilted clothing for a consideration.
- (11) "Retailer" means a person who sells bedding, upholstered furniture, quilted clothing, or filling material to a consumer for use primarily for personal, family, household, or business purposes.
- (12)
  - (a) "Sale" or "sell" means to offer or expose for sale, barter, trade, deliver, consign, lease, or give away any bedding, upholstered furniture, quilted clothing, or filling material.
  - (b) "Sale" or "sell" does not include any judicial, executor's, administrator's, or guardian's sale of such items.
- (13) "Secondhand" means any article or filling material, or portion thereof, that has previously been used, other than previous use as a floor model.
- (14) "Tag" means a card, flap, or strip attached to an article for the purpose of displaying information required by this chapter or under rule made pursuant to it.
- (15)
  - (a) "Used" means an article that has been sold to a consumer and has left the store.
  - (b) "Used" does not include an article returned to the store:
    - (i) within three days from the day on which the article is purchased; and

- (ii) in its original packaging.
- (16) "Upholstered furniture" means any portable or fixed furniture, except fixed seats in motor vehicles, boats, or aircraft, that is made in whole or in part with filling material, exclusive of trim used for aesthetic effect.
- (17) "Wholesaler" means a person who offers an article for resale to a retailer or institution rather than a final consumer.