

**BEDDING, UPHOLSTERED FURNITURE, AND QUILTED  
CLOTHING INSPECTION ACT AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen G. Handy**

Senate Sponsor: Alvin B. Jackson

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**LONG TITLE**

**General Description:**

This bill modifies the Bedding, Upholstered Furniture, and Quilted Clothing Inspection Act.

**Highlighted Provisions:**

This bill:

- ▶ amends definitions;
- ▶ amends licensing provisions;
- ▶ amends provisions relating to unlawful acts;
- ▶ amends tagging requirements; and
- ▶ requires the sterilization of certain materials.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**4-10-2**, as last amended by Laws of Utah 2014, Chapter 411

**4-10-5**, as last amended by Laws of Utah 2010, Chapter 73

**4-10-6**, as last amended by Laws of Utah 2014, Chapter 411

**4-10-7**, as last amended by Laws of Utah 2014, Chapter 411

ENACTS:

30 4-10-14, Utah Code Annotated 1953

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32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section 4-10-2 is amended to read:

34 **4-10-2. Definitions.**

35 As used in this chapter:

36 (1) "Article" means [any] a bedding, upholstered furniture, quilted clothing, or filling  
37 material.

38 (2) "Bedding" means [any] a:

39 (a) quilted, packing, mattress, or hammock pad; or

40 (b) mattress, [boxsprings] boxspring, comforter, quilt, sleeping bag, studio couch,  
41 pillow, or cushion made with [any] a filling material that can be used for sleeping or reclining.

42 (3) "Consumer" means a person who purchases, rents, or leases an article for the  
43 article's intended, everyday use.

44 (4) "Filling material" means [any] cotton, wool, kapok, feathers, down, shoddy, hair, or  
45 other material, or [any] a combination of [material] materials, whether loose or in bags, bales,  
46 batting, pads, or other prefabricated form that is, or can be, used in bedding, upholstered  
47 furniture, or quilted clothing.

48 (5) "Label" means the display of written, printed, or graphic matter upon a tag or upon  
49 the immediate container of [any] a bedding, upholstered furniture, quilted clothing, or filling  
50 material.

51 (6) (a) "Manufacture" means to make, process, or prepare from new or secondhand  
52 material, in whole or in part, [any] a bedding, upholstered furniture, quilted clothing, or filling  
53 material for sale.

54 (b) "Manufacture" does not include making, processing, or preparing an article  
55 described in Subsection (6)(a) if:

56 (i) a person sells three or fewer [annual sales of such] of the articles per year; and

57 (ii) the articles are sold by persons who are not primarily engaged in the making,

58 processing, or preparation of ~~[such]~~ the articles.

59 (7) (a) "New material" means material that has not previously been used in the  
60 manufacture of another article used for any purpose.

61 (b) "New material" includes by-products from a textile mill using only new raw  
62 material synthesized from a product that has been melted, liquified, and re-extruded.

63 (8) "Owner's own material" means an article owned or in the possession of a person for  
64 the person's own or a tenant's use that is sent to another person for manufacture or repair.

65 (9) "Quilted clothing" means a ~~[quilted]~~ filled garment or apparel, exclusive of trim  
66 used for aesthetic effect, or a stiffener, shoulder ~~[pads]~~ pad, interfacing, or other material that is  
67 made in whole or in part from filling material and sold or offered for sale.

68 (10) "Repair" means to restore, recover, alter, or renew bedding~~[;]~~ or upholstered  
69 furniture~~[-or quilted clothing]~~ for a consideration.

70 (11) "Retailer" means a person who sells bedding, upholstered furniture, quilted  
71 clothing, or filling material to a consumer for use primarily for personal, family, household, or  
72 business purposes.

73 (12) (a) "Sale" or "sell" means to offer or expose for sale, barter, trade, deliver,  
74 consign, lease, or give away any bedding, upholstered furniture, quilted clothing, or filling  
75 material.

76 (b) "Sale" or "sell" does not include ~~[any]~~ a judicial, executor's, administrator's, or  
77 guardian's sale of ~~[such items]~~ an item described in Subsection (12)(a).

78 (13) "Secondhand" means ~~[any]~~ an article or filling material, or portion ~~[thereof]~~ of an  
79 article or filling material, that has previously been used~~[-other than previous use as a floor~~  
80 ~~model]~~.

81 (14) "Sterilize" means to disinfect, decontaminate, sanitize, cleanse, or purify as  
82 required by Section 4-10-14.

83 ~~[(14)]~~ (15) "Tag" means a card, flap, or strip attached to an article for the purpose of  
84 displaying information required by this chapter or under rule made pursuant to it.

85 ~~[(15)]~~ (16) (a) "Used" means an article that has been sold to a consumer and has left

86 the store.

87 (b) "Used" does not include an article returned to the store:

88 (i) [~~within three days from the day on which the article is purchased~~] with its original  
89 tags; and

90 (ii) in its original packaging.

91 [~~(16)~~] (17) "Upholstered furniture" means [~~any~~] portable or fixed furniture, except  
92 fixed seats in motor vehicles, boats, or aircraft, that is made in whole or in part with filling  
93 material, exclusive of trim used for aesthetic effect.

94 [~~(17)~~] (18) "Wholesaler" means a person who offers an article for resale to a retailer or  
95 institution rather than a final consumer.

96 Section 2. Section 4-10-5 is amended to read:

97 **4-10-5. License -- Application -- Fees -- Expiration -- Renewal.**

98 (1) (a) [~~Application~~] A person may apply to the department, on forms prescribed and  
99 furnished by the department, for a license to manufacture, repair, sterilize, or [to] engage in the  
100 wholesale sale of bedding, upholstered furniture, quilted clothing, or filling material [shall be  
101 made to the department on forms prescribed and furnished by the department].

102 (b) Upon receipt of a proper application and payment of the appropriate license fee, the  
103 commissioner, if satisfied that the convenience and necessity of the industry and the public will  
104 be served, shall issue to the applicant a license to engage in the particular activity through  
105 December 31 of the year in which the license is issued, subject to suspension or revocation for  
106 cause.

107 (c) A person doing business under more than one name shall be licensed for each name  
108 under which business is conducted.

109 (2) The annual license fee for each license issued under this chapter shall be  
110 determined by the department pursuant to Subsection 4-2-2(2).

111 (3) Each license issued under this chapter is renewable for a period of one year upon  
112 the payment of the applicable amount for the particular license sought to be renewed on or  
113 before December 31 of each year.

114 (4) A person who holds a valid manufacturer's license may, upon application, be  
115 licensed as a wholesale dealer~~[-supplier, or repairer]~~ without the payment of an additional  
116 license fee.

117 (5) A person who fails to renew a license and engages in conduct requiring a license  
118 under this chapter shall pay the applicable license fee for each year in which the person engages  
119 in conduct requiring a license for which a license is not renewed.

120 (6) The department may retroactively collect a fee owed under Subsection (5).

121 Section 3. Section **4-10-6** is amended to read:

122 **4-10-6. Unlawful acts specified.**

123 It is unlawful for any person to:

124 (1) sell bedding, upholstered furniture, quilted clothing, or filling material as new  
125 unless it is made from new material and properly tagged;

126 (2) sell bedding, upholstered furniture, quilted clothing or filling material made from  
127 secondhand material which is not properly tagged;

128 (3) label or sell a used or secondhand article as if it were a new article;

129 (4) use burlap or other material which has been used for packing or baling, or to use  
130 any unsanitary, filthy, or vermin or insect infected filling material in the manufacture or repair  
131 of any article;

132 (5) sell bedding, upholstered furniture, quilted clothing or filling material which is not  
133 properly tagged regardless of point of origin;

134 (6) use any false or misleading statement, term, or designation on any tag;

135 (7) use any false or misleading label; [or]

136 (8) sell new bedding, upholstered furniture, or quilted clothing with filling material  
137 made of down, feather, wool, or hair that has not been properly sterilized; or

138 [~~(8)~~] (9) engage in the manufacture, repair, sterilization, or wholesale sale of bedding,  
139 upholstered furniture, quilted clothing, or filling material without a license as required by this  
140 chapter.

141 Section 4. Section **4-10-7** is amended to read:

142           **4-10-7. Tagging requirements for bedding, upholstered furniture, and filling**  
143 **material.**

144           (1) (a) All bedding, upholstered furniture, and filling material shall be securely tagged  
145 by the manufacturer, retailer, or repairer.

146           (b) Tags shall be at least six square inches and plainly and indelibly labeled with:

147           (i) information as the department requires by rule;

148           (ii) according to the filling material type, the words "All New Material," "Secondhand  
149 Material," or "Owner's Material," stamped or printed on the label; and

150           (iii) the word "USED" stamped or printed on the label of a used mattress.

151           (c) Each label shall be placed on the article in such a position as to facilitate ease of  
152 examination.

153           (2) (a) If more than one type of filling material is used~~[, its component parts shall be~~  
154 ~~listed in descending order by weight or by percentages]~~ in an item, the percentage, by weight,  
155 of each component part shall be listed in order of predominance.

156           (b) If descriptive statements are made about the frame, cover, or style of the article,  
157 such statements shall, in fact, be true.

158           (c) All quilted clothing shall be tagged and labeled in conformity with the Federal  
159 Textile Fiber Products Identification Act, 15 U.S.C. [~~Sec.~~] Secs. 70 through 70k.

160           (3) No person, except the purchaser, may remove, deface, or alter a tag attached  
161 according to this chapter.

162           (4) A used mattress shall be tagged with the word "USED," in accordance with rules  
163 established by the department.

164           (5) The retailer of a used mattress shall display the mattress so that the "USED" tag is  
165 clearly visible to a customer.

166           Section 5. Section **4-10-14** is enacted to read:

167           **4-10-14. Sterilization of filling material.**

168           (1) A person shall sterilize all wool, feathers, down, shoddy, hair, or other material  
169 before the material is used as filling material in new bedding, upholstered furniture, or quilted

170 clothing.

171           (2) The department shall, in accordance with Title 63G, Chapter 3, Utah  
172 Administrative Rulemaking Act, make rules governing the appropriate method by which a  
173 person may sterilize wool, feathers, down, shoddy, hair, or other material for use in filling  
174 material, as required by Subsection (1).