

CHAPTER 183.

[H. B. 207.]

REGULATION OF THE FURNITURE AND
BEDDING INDUSTRY.

AN ACT relating to furniture and bedding; defining terms; prescribing the duties of certain officers; creating the furniture and bedding advisory council; prescribing fees; providing penalties, and repealing sections 70.66.010 to 70.66.160, inclusive, R.C.W.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. When used in this act, the following terms, words or phrases shall have the following meanings:

“Person” includes individual, copartnership, association, firm, auctioneer, trust and corporation and the agents, employees and servants of any of them. “Person.”

“Sell” or any of its variants includes any of, or any combination of, the following: Sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess with an intent to sell or dispose of in any other commercial manner. Merchandise found on sales floors or in places from which sales or deliveries are made, shall be assumed to be for sale. “Sell.”

“Department” refers to department of health. “Department.”

“Director” refers to the director of health or his authorized representatives. “Director.”

“Annually,” or any of its variants, means that period beginning July first of each year and ending June thirtieth of the succeeding year, or any unexpired portion of that period. “Annually.”

“Certificate” means any registration certificate issued by the department of health. “Certificate.”

“Upholstered furniture” includes any furniture, including children’s furniture, movable or stationary, which “Upholstered furniture.”

(1) is made or sold with cushions or pillows, loose or attached, or

(2) is itself stuffed or filled in whole or in part with any material, hidden or concealed by fabrics or any other covering, including cushions or pillows belonging to or forming a part thereof, together with the structural units, the filling material and its covering and its container, that can be used as a support for the body of a human being, or his limbs and feet when sitting or resting in an upright or reclining position.

“Bedding.”

“Bedding” means any quilted pad, packing pad, mattress pad, hammock pad, mattress, comforter, bunk quilt, sleeping bag, box spring, studio couch, pillow, cushion, hassock or any bag or container made of leather, cloth or any other material or any other device that is stuffed or filled in whole or in part with concealed material in addition to the structural units, all of which may be used by any human being for sleeping, resting, or reclining purposes.

“Bedding” also includes pillows which are hereby defined as a bag or a case of cloth filled or stuffed with feathers, down, kapok, cotton, hair, wool, or other sanitary filling not prohibited by the regulations of this act to be used, or that may be used, as a rest or a support for the head in reclining, resting, or sleeping.

“Filling material.”

“Filling material” means cotton, wool, kapok, feathers, down, or any other material, or any combination thereof, loose or in batting, pads, or any other prefabricated form, concealed or not concealed, to be used, or that may be used, in articles of bedding or upholstered furniture.

“Second-hand.”

“Secondhand” means any material or article of which prior use has been made, and includes used defabricated material, thread, and yarn, not otherwise classed as new by the regulations of this act.

Any article of upholstered furniture or bedding is secondhand if it contains any secondhand material in whole or in part.

Any article of upholstered furniture or bedding on sales floors in a private residence or room, which is not separated from living quarters, is secondhand furniture or bedding.

“Manufacturer” means a person who, either by himself or through employees or agents, makes any article of upholstered furniture or bedding in whole or in part, or who does the upholstery or covering of any structural unit or part thereof, using either new or secondhand material. “Manufacturer.”

A “wholesaler” is a person who sells any article of upholstered furniture or bedding or filling material to another for purpose of resale. “Wholesaler.”

A “retailer” is a person who sells any article of upholstered furniture or bedding or filling material to a consumer or user of the article purchased. “Retailer.”

“Repairer” or “renovator” means a person who repairs, makes over, recovers, restores, renovates, or renews upholstered furniture or bedding. “Repairer” or “renovator.”

“Transient repairer or renovator” means any person who travels from place to place and repairs upholstered furniture or renovates bedding with or without benefit of mobile facilities but who has no permanent shop or address. “Transient repairer” or “renovator.”

“Sterilizer” means any person certified by the department to sterilize any upholstered furniture, bedding, or filling material relating thereto. “Sterilizer.”

“Fumigator” means any person certified by the department to fumigate any article of upholstered furniture or bedding or filling material relating thereto. “Fumigator.”

“Supply dealer” means any person certified by the department to manufacture, process, or sell at wholesale any felt, padding, pads, or loose material in bags or containers, concealed or not concealed, to “Supply dealer.”

be used, or that could be used, in articles of bedding or upholstered furniture.

"Supply depot."

"Supply depot" means any warehouse or store-room used as a merchandising center or supply outlet, to supply, or for the purpose of supplying, merchandise subject to this act, either directly or indirectly at wholesale or retail, which merchandise is sold or held for the purpose of sale to any person regardless of whether the purchaser is in business or in the employ of any person.

"Auctioneer."

"Auctioneer" means any person who sells at auction to the highest bidder, either for himself or another party, at public or private sale, any article or material regulated by this act.

"Residence dealer."

"Residence dealer" means any person who sells any new or used article of upholstered furniture or bedding from his own or another person's place of abode or from any salesroom not having a recognized and ordinary store entrance.

"Slip cover."

"Slip cover" means any casing or cover without any filling material and meeting any of the following requirements:

(1) Which is for use or is to be placed on or over any manufactured article or upholstered furniture or bedding;

(2) Which covers or conceals the upholstered furniture or bedding in whole or in part;

(3) Which is closed or held in place by snaps or hooks and eyes or lacing so that it may be removed without the use of tools or instruments;

(4) Which is not permanently attached by tacking, sewing, or in any other manner.

Any person engaged exclusively in the manufacture of slip covers shall not be required to have a certificate under the provisions of this act.

"Branch."

"Branch" means any subordinate establishment situated apart from the parent house, maintaining a separate service to the trade.

“Owner’s own material” means any article or material belonging to any person for his own or his tenant’s use that is sent to any manufacturer, repairer or renovator to be repaired or renovated or used in repairing or renovating.

“Owners own material.”

SEC. 2. The director shall administer this act.

Director to administer.

SEC. 3. It shall be unlawful for any person to engage in a business regulated by this act unless he has first obtained the proper certificate as required by this act.

Unlawful to operate without certificate.

SEC. 4. Except as otherwise provided in this act, a person who advertises, solicits, or contracts to manufacture, repair, or renovate upholstered furniture or bedding and either does the work himself or employs others to do it for him, shall secure the particular certificate required by this act for the particular type of work that he solicits or advertises that he will do, regardless of whether he has a shop or factory.

Persons required to secure certificates.

SEC. 5. Every person manufacturing either upholstered furniture, or bedding, or both, shall annually obtain a furniture and bedding manufacturer’s certificate from the department bearing a registration number assigned by the department.

Furniture and bedding manufacturer’s certificate.

SEC. 6. A wholesaler of either upholstered furniture, or bedding, or both, unless he holds a furniture and bedding manufacturer’s certificate, shall annually obtain a wholesale furniture dealer’s certificate from the department.

Wholesale furniture dealer’s certificate.

SEC. 7. Every person repairing upholstered furniture or renovating bedding, unless he holds a furniture and bedding manufacturer’s certificate, shall annually obtain a repairer’s and renovator’s certificate from the department bearing a registration number assigned by the department.

Repairer’s and renovator’s certificate.

SEC. 8. Every person selling any upholstered furniture or bedding at retail, including upholstered

antique furniture, regardless of its condition, unless he holds a furniture and bedding manufacturer's certificate, a wholesale furniture and bedding manufacturer's certificate, a wholesale furniture and bedding dealer's certificate, or a repairer's and renovator's certificate, shall annually obtain a retail furniture and bedding dealer's certificate from the department. This does not apply to upholstered furniture or bedding sold by a peace officer when so ordered by a court: *Provided*, That the provisions of this section and of section 7 shall not apply to any person repairing and/or selling the furnishings of his own household.

Retail furniture and bedding dealer's certificate.

Exception: selling furnishings of own household.

SEC. 9. Every person manufacturing, processing, or selling at wholesale any felt or batting or any pads or loose material in bags or containers for use in bedding or upholstered furniture, unless he holds a furniture and bedding manufacturer's certificate, shall annually procure a supply dealer's certificate from the department bearing a registration number assigned by the department. Each and every branch is likewise subject to the provisions of this act.

Supply dealer's certificate.

SEC. 10. Every person in any class shall secure a separate certificate for each branch. But one whose manufacturing plant is located in another state or foreign country and who is certified to manufacture upholstered furniture or bedding for sale in Washington, may have one wholesale outlet covered by the certificate issued to the factory.

Certificate for each branch.

Foreign manufacturer.

SEC. 11. Every person doing business at the same address under more than one firm name is subject to the registration provisions for each firm name.

More than one firm name.

SEC. 12. The department may reciprocate with other states regarding the mutual recognition and acceptance of labels in interstate commerce, the recognition of manufacturer-shipper identification numer-

Reciprocity with other states.

als, and in such other manner as may be consistent with the best interests of the state of Washington.

SEC. 13. The department shall prescribe the procedure relative to assignment or reassignment of registration numbers. Registration number procedure.

SEC. 14. This act shall not apply to upholstered furniture or bedding manufactured, repaired, or renovated which is for sale outside the borders of this state, except that if such articles when manufactured, repaired, or renovated, contain in whole or in part, secondhand materials, such articles shall first be sterilized, fumigated, or otherwise treated as required by this act. Upholstered furniture or bedding for sale out of state.

SEC. 15. Secondhand upholstered furniture or bedding, or secondhand filling materials to be used, or that may be used, in upholstered furniture or bedding, received from outside of this state shall comply with all of the provisions of this act before being accepted, sold or delivered, either directly or indirectly by any person. Secondhand items from out of state.

SEC. 16. Every person importing or selling either at wholesale or retail, directly or indirectly, any unlabeled foreign-made upholstered furniture or bedding, shall fully comply with all the requirements of this act, including the registration and labeling provisions before any such upholstered furniture or bedding can be offered or exposed for sale. Unlabeled foreign made items.

SEC. 17. A person shall not, at wholesale or retail or otherwise, directly or indirectly make, repair, renovate, or sell any upholstered furniture or bedding for use in any household or place of abode which can be used by human beings, if it is made of new or secondhand material which is concealed by fabric or any other covering, unless such article is plainly and indelibly stamped or labeled with a tag or other marking as provided in this act and approved by the department. The presence of any article or material Certain acts prohibited unless article labeled.

regulated by this act on sales floors or premises from which sales or deliveries are made shall be presumptive evidence of intent to sell or use.

Secondhand items must be fumigated, sterilized, or otherwise treated before sale.

SEC. 18. A person shall not, directly or indirectly, sell in this state, at wholesale or retail or otherwise, any secondhand or previously used article or upholstered furniture or bedding or any secondhand or previously used filling material to be used, or that could be used in the manufacture, repair, or renovation thereof, unless such article or material has, subsequent to its last use, been sterilized, fumigated, or otherwise treated by a process approved by the department and labeled in accordance with the provisions of this act.

Labels, specifications and contents; statement whether filler is "new," etc.

SEC. 19. Labels to be attached to articles of upholstered furniture and bedding regulated by this act shall not be less than six square inches in size and shall show or state that the filling material is "new," "secondhand," or "owner's own," as the case may be.

Same; description of filling material.

SEC. 20. Filling materials shall be described by true name and grade. When more than one kind or grade is used in a mixture the component parts shall be described in order of their predominance. Feather and down contents shall be shown by percentage. The manner of describing the various filling materials, including the language required by law, together with such other descriptive information as may be required, and the type size, placement and the color of ink thereof, shall be prescribed by the department. In addition to the prescribed language appearing on the label, the label shall show or state the registration number of the manufacturer as assigned by the department.

Same; registration number.

Same; other descriptions authorized.

SEC. 21. If desired, the label may also describe the frame, cover, and style of the article to which it is attached. When such descriptive statements are made they must, in fact, be true statements. Before

display, sale, or delivery of any articles of upholstered furniture or bedding, all labels required by this act shall be securely attached to the article at the factory or shop. Such labels shall be fixed in such position that they may be conveniently examined.

SEC. 22. The finished size of bed pillows shall be stated on the label. Quilt and comforter labels shall show the "cut" size on the label and a reasonable tolerance from the "cut" size measurement shall be established by regulation. Labels appearing upon decorative pillows, boudoir and fancy cushions, need not show the finished size. Slip-seat chairs and benches or upholstered stools and similar articles of upholstered furniture, having a wood or metal bottom, may be clearly and indelibly stamped at the factory in lieu of the label. The stamp to be used shall not be smaller than the minimum size approved by the department. When a stamp is approved in lieu of a label, such stamp shall show or state such information as would be required on the label which it replaces.

Labels; bed pillows, quilts and comforters.

Same; decorative pillows.

Stamp in lieu of label.

SEC. 23. Before being sold, offered, or exposed for sale, cotton, wool, kapok, feathers, down, or any other material or any combination thereof, loose, in batting, pad, or any other prefabricated form, concealed or not concealed, to be used, or that could be used, in articles of bedding or upholstered furniture, shall be labeled with a tag or other device setting forth its true content in accordance with this act.

Materials usable as bedding or upholstered furniture filler shall be labeled to show true content.

SEC. 24. All feathers and down, excepting raw stocks sold in bulk or package, shall be labeled with a tag or other marking upon each and every parcel setting forth the true contents according to the requirements of this act.

Feathers and down; label required.

SEC. 25. Any person who renovates or repairs upholstered furniture or bedding for such owner's or customer's own use or use by his tenants, shall at-

"Owner's own material" label.

tach, when completed, the "owner's own material" label approved by the department.

Same; how affixed.

SEC. 26. The "owner's own material" label shall be securely attached to the article at the factory or shop and it shall be fixed in such position that it may be conveniently examined.

Fabric of labels.

SEC. 27. The material from which furniture and bedding labels are made shall be a fabric of good quality approved by the department.

Stickers must not cover statements.

SEC. 28. No mark, tag or sticker, or any other device shall be placed upon labels required hereby by any person in such a way as to cover the statements required by law.

Use of misleading terms prohibited.

SEC. 29. It shall be unlawful to use on any label any misleading term or designation or term or designation likely to mislead.

Unlawful for person other than purchaser for his own use to remove or deface label.

SEC. 30. Every person except the purchaser for his own use, who attempts to or does remove, deface, alter, or causes to be removed, defaced or altered, the label or any mark or statement placed upon any upholstered furniture, bedding, or material under the provisions of this act, is guilty of a violation of this act.

Filthy articles.

SEC. 31. Filthy articles of upholstered furniture or filthy articles of bedding cannot be sold, offered for sale, or exposed for sale.

Sterilizers, fumigators, etc., must secure certificate.

SEC. 32. No person shall engage in the business of sterilizing, fumigating, or otherwise treating articles or materials subject to the regulations of this act without first obtaining the proper registration certificate.

Articles from certain jails, hospitals, etc., must be sterilized.

SEC. 33. Every article of upholstered furniture or bedding from any private or public hospital, jail, or any other institution, or which has been used by any person suffering from an infectious or contagious

disease, shall be sterilized before it is repaired or renovated.

SEC. 34. New, sterilized, fumigated, or otherwise treated articles of upholstered furniture or bedding or materials shall at all times be kept separate from secondhand articles or materials not sterilized, fumigated, or otherwise treated.

Treated articles to be kept separate from untreated articles.

SEC. 35. Every person who uses the required furniture and bedding label coming under the provisions of this act or who uses any other type of tag or device to falsely advertise or misrepresent any merchandise to which the bedding or furniture label is required to be attached is guilty of a violation of this act.

False advertising unlawful.

SEC. 36. Whenever the words "bat," "batting," or "felt" are used in any statement required by this act, the material designated shall be in layers as processed by garnetting or carding machines and the statement on the label shall indicate whether the bat is a "staple cotton bat" or a "cotton linters bat," or such other true statement as may be in order.

Use of words "bat," "batting," or "felt."

SEC. 37. Any and all filling material to be used in the manufacture of upholstered furniture or bedding shall be free from foreign matter, dirt or trash.

Filling material free from foreign matter.

SEC. 38. The state board of health shall by regulation, establish grades, specifications, and tolerances on the kinds and qualities of materials which are used or intended to be used or that may be used in the manufacture of upholstered furniture or bedding, provided such grades, specifications and tolerances are not in conflict with accepted national standards relating thereto, and may approve or adopt standard designations and rules for the proper labeling of articles filled with those materials, provided such rules are not in conflict with any of the provisions of this act, and may adopt such other rules and regula-

Board of health to establish grades, specifications and tolerances.

tions as may be necessary for carrying out the provisions of this act.

Identifica-
tion of ar-
ticles to be
repaired or
renovated.

SEC. 39. Every person, upon receiving upholstered furniture or bedding for repair or renovation, shall securely affix immediately a tag of identification showing the owner's or dealer's name and address and the date upon which it was received. The tag shall remain affixed until actual repair or renovation is begun. Secondhand springs, structural parts and filling materials shall likewise be identified.

Premises
and equip-
ment to be
clean.

SEC. 40. The premises, delivery equipment, machinery, appliances and devices of all persons under this act shall at all times be kept free of refuse, dirt, contamination, insects or vermin.

Registration
fee table.

SEC. 41. The annual registration fee for such certificates granted under this act shall be in accordance with the following table and shall be due and payable on or before July 1st of each year:

Furniture and bedding manufacturer's certificate	\$35
Wholesale furniture and bedding dealer's certificate	\$35
Supply dealer's certificate	\$35
Supply depot	\$35
Furniture repairer's and renovator's certificate	\$25
Sterilizer's or fumigator's certificate	\$25
Retail furniture and bedding dealer's certificate	\$10
Auctioneer's certificate	\$10

Fees may
be reduced.

The schedule of fees prescribed in this act constitutes a maximum, and the director, with the approval of the advisory council, may make a proportionate reduction in the schedule for any year upon the basis of the department's needs for the proper enforcement of this act.

Fees, when
payable.

SEC. 42. All registration fees shall be paid in full up to the following July 1st. Prorated license fees

shall be on a quarterly basis beginning as of July 1st, October 1st, January 1st, April 1st.

SEC. 43. Any person not licensed during the last preceding fiscal year may obtain a certificate on the prorated basis by payment of the registration certificate fee beginning the quarter in which he engages in business.

Certificate on prorated basis.

SEC. 44. Renewal registration fees are payable on or before July 1st. When such fees are not paid in full before September 1st they shall become delinquent and there shall be added to the requisite fee a penalty of twenty per cent. If such fee and delinquent penalty are not paid on or before October 1st the licensee shall be subject to such further penalties as provided elsewhere in this act.

Renewal registration fees.

Penalty for delinquency.

SEC. 45. All monies received under this act shall be paid over to the state treasurer at the close of each month. Expenses for carrying out the provisions of this act shall be obtained from these monies. The department shall maintain separate records showing receipt and expenditure of such monies.

Disposition of monies received under act.

Records.

SEC. 46. The director shall have access to any premises or to any records held by any person containing any information pertaining to any materials or articles affected by and subject to the provisions of this act. They may inspect materials and structural parts intended to be used in the manufacture of upholstered furniture or bedding, may open such articles or parts thereof for the purpose of inspecting concealed filling material and may take either the entire article or samples of filling material in such quantities as may be necessary for laboratory analysis.

Director; right of access and inspection.

SEC. 47. When the director determines that any secondhand or damaged article of upholstered furniture or bedding for sale, or any materials intended to be used in the manufacture of any article or arti-

Director; powers as to articles detrimental to public health.

cles of upholstered furniture or bedding are detrimental to public health, he may condemn, withhold from sale, seize, or destroy any such article or articles.

Condemned articles; specifications of tags.

SEC. 48. The tag to be affixed to any article of condemned upholstered furniture or bedding or any material by a representative shall be a colored tag and shall contain such information as may be required by the department.

Failure to produce item on demand.

SEC. 49. The failure of any person to produce upon demand of the director any article or material that has been condemned or ordered held on an inspection notice is a violation of this act.

Violation of act.

SEC. 50. Every person who violates any of the provisions of this act is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment in the county jail for not less than thirty days nor more than six months or by both such fine and imprisonment.

Penalty.

Separate violations.

SEC. 51. The unit for a separate and distinct offense in violation of this act is each and every article of improperly labeled, or not labeled, upholstered furniture or bedding made, repaired, re-covered, renovated, sterilized, fumigated, or otherwise treated, sold, exposed or offered for sale, delivered, consigned, rented or possessed with intent to sell contrary to the provisions of this act.

Furniture and bedding advisory council.

SEC. 52. There is hereby created a furniture and bedding advisory council to the department which shall consist of the director as secretary and seven members to be appointed by the governor. The seven appointive members shall be persons who, because of their vocations, employment or affiliations, are qualified to represent the various branches of the affected industries. Members shall be appointed for a seven-year term, except that in the initial instance

Members.

Terms.

following the effective date of this act, one member shall serve for one year, one member for two years, one member for three years, one member for four years, one member for five years, one member for six years and one member for seven years, as the governor may designate. Vacancies of unexpired terms shall be filled by appointment by the governor.

Vacancies of unexpired terms.

SEC. 53. Appointments to the advisory council, except to fill vacancies, shall be as of July 1st and apportioned as follows: One representing the upholstered furniture manufacturing industry; one representing the bedding manufacturing industry; one representing the retail furniture industry; one representing the sterilizing and fumigation industry; and three having no commercial interest, affiliation or relationship in or to the industry, to represent the public. The governor shall fill such vacancies as may occur in the membership of the council and a member so appointed shall serve during the unexpired term for which his predecessor was appointed. The furniture and bedding advisory council shall choose one of its members to act as chairman and shall meet once each year at a time and place to be designated by the chairman: *Provided, however,* The chairman may, at the written request of two members of the council, or, at his own option, call a special meeting of the council to discuss such matters as may, in his opinion, require interim discussion and advice.

Apportionment of appointments.

Vacancies filled by governor.

Chairman.

Special meetings.

SEC. 54. The governor may remove any member of the council for misconduct or when he is no longer connected with that segment of industry in whose behalf he was appointed. All advisory council members shall serve without pay. The advisory council shall have full power to:

Removal from council.

Compensation.

(1) Consider all matters submitted to it by the director;

Powers.

(2) Recommend such rules and regulations as may in their opinion be necessary in carrying out the provisions of this act;

(3) Make recommendations to the state merit system and the director relative to the qualifications and duties of the representatives provided for in this act;

(4) Advise regarding enforcement policy and other such matters as may be pertinent to the purpose and intent of this act.

Partial in-
validity.

SEC. 55. If any provision of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or the application of this act which can be given effect without the invalid provision or application, and to this end the provisions of the act are declared to be severable.

SEC. 56. Sections 70.66.010 to 70.66.160, inclusive, R.C.W., as derived from chapter 125, Laws of 1931, are repealed.

[Rep. R.R.S. §§ 6294-1 to 6294-17 incl.]

Passed the House February 28, 1951.

Passed the Senate March 6, 1951.

Approved by the Governor March 16, 1951.