

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4350

BY DELEGATES HOWELL, HAMRICK, HILL, MARTIN, CRISS, PAYNTER,

MOORE, STATLER, KESSINGER AND FAST

[Passed March 10, 2018; in effect ninety days from passage.]

1 AN ACT to amend reenact §47-1A-11 and §47-1A-14 of the Code of West Virginia, 1931, as
2 amended, all relating to eliminating the regulation of upholsterers by the Commissioner of
3 Labor; removing tagging requirements for upholsterers; and eliminating annual
4 registration and permit fees for upholsterers.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 1A. REGULATION AND CONTROL OF BEDDING AND UPHOLSTERY
BUSINESSES.**

§47-1A-11. Statements required on tags to be affixed to bedding.

1 (1) Every article of bedding made for sale, sold, or offered for sale shall have attached
2 thereto a tag on which is stated the name of the filling material used, that such material used is
3 new or secondhand and, when required to be sterilized, that such material has been sterilized
4 and the number of the sterilization permit. Such tag shall also contain the name and address of
5 the maker or the vendor and the registry number, as hereinafter provided, of the maker.

6 (2) In the description of the filling material used on any tag attached to an article of
7 bedding, no term or designation intended or likely to mislead shall be used; but where such article
8 contains more than one material, the amount of such materials shall be stated on the tag and
9 there shall be no variance in excess of 10 percent from the amount stated on the tag: *Provided,*
10 That no variance shall be allowed for filling material which is described as “all”, “pure”, “100%” or
11 terms of similar import.

12 (3) A complete secondhand article of bedding which has not been remade or renovated
13 may be sold “as is” without being sterilized, but the original tag shall be removed by the vendor
14 and he or she shall attach a tag stating that the article is secondhand – “contents unknown”. This
15 requirement shall not apply to articles sold at public auction, the sale of antique furniture, or to a
16 private sale from the home of the owner direct to the purchaser: *Provided,* That the exceptions
17 herein stated shall not authorize the sale of an article of bedding that has been exposed to

18 infectious or contagious disease and which, after such exposure, has not been sterilized and
19 approved for use.

§47-1A-14. Annual registration and permit fees.

1 (a) The annual registration fee for all manufacturers shipping or selling articles of bedding
2 in the State of West Virginia shall be \$90, payable on the first day of the fiscal year. Any
3 manufacturer who submits an annual registration fee on or after July 16 shall pay a \$25 late fee
4 in addition to the annual fee.

5 (b) The annual sterilizer permit fee shall be \$90, payable on the first day of the fiscal year.
6 Any sterilizer who submits an annual permit fee on or after July 16 shall pay a \$25 late fee in
7 addition to the annual fee.

8 (c) The fee for reissuing a revoked or expired registration or permit shall be \$90.

9 (d) All fees paid pursuant to this article shall be paid to the Commissioner of Labor and
10 deposited in an appropriated special revenue account hereby created in the State Treasury to be
11 known as the Bedding and Upholstery Fund and expended for the implementation and
12 enforcement of this article. Through June 30, 2019, amounts collected which are found from time
13 to time to exceed funds needed for the purposes set forth in this article may be utilized by the
14 commissioner as needed to meet the division's funding obligation: *Provided*, That beginning July
15 1, 2019, amounts collected may not be utilized by the commissioner as needed to meet the
16 division's funding obligations.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

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day of, 2018.

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Governor