

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1673 Session of
1990

INTRODUCED BY MADIGAN, REGOLI, WENGER, SCANLON, SALVATORE,
BELAN, HELFRICK, HOPPER AND O'PAKE, JUNE 13, 1990

REFERRED TO LABOR AND INDUSTRY, JUNE 13, 1990

AN ACT

1 Amending the act of May 27, 1937 (P.L.926, No.249), entitled, as
2 amended, "An act relating to the manufacture, repair,
3 renovating, cleansing, sterilizing, and disinfecting of
4 mattresses, pillows, bolsters, feather beds, and other filled
5 bedding, cushions, upholstered furniture and bulk materials
6 intended for use in such products intended for sale or lease,
7 and to the sale or lease thereof; requiring the placing of
8 tag and adhesive stamp on such material; providing for the
9 sale of adhesive stamps; authorizing and requiring the
10 Department of Labor and Industry to adopt rules and
11 regulations; providing penalties; and repealing certain
12 acts," further regulating fees, registration, duties and
13 penalties.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. The title of the act of May 27, 1937 (P.L.926,
17 No.249), referred to as the Bedding and Upholstery Law, amended
18 August 23, 1961 (P.L.1075, No.485), is amended to read:

19 AN ACT

20 Relating to the manufacture, repair, renovating, cleansing,
21 sterilizing, and disinfecting of mattresses, pillows,
22 bolsters, feather beds, and other filled bedding, cushions,
23 upholstered furniture and bulk materials intended for use in

1 such products intended for sale or lease, and to the sale or
2 lease thereof; requiring the placing of a tag [and adhesive
3 stamp] on such material; [providing for the sale of adhesive
4 stamps;] authorizing and requiring the Department of Labor
5 and Industry to adopt rules and regulations; providing
6 penalties; and repealing certain acts.

7 Section 2. Section 6(b) of the act, amended May 22, 1953
8 (P.L.206, No.21), is amended to read:

9 Section 6. * * *

10 (b) For all [initial] permits issued, as required by the
11 preceding section, there shall, at the time of issue thereof, be
12 paid by the applicant to the Department of Labor and Industry a
13 fee. [of twenty-five dollars (\$25.00). An annual renewal charge
14 of five dollars (\$5.00) shall be paid to the same department.]

15 * * *

16 Section 3. Section 8 of the act, amended August 23, 1961
17 (P.L.1075, No.485) and November 6, 1985 (P.L.301, No.73), is
18 amended to read:

19 Section 8. (a) No person shall sell or lease, or have in
20 his possession with intent to sell or lease, in the Commonwealth
21 of Pennsylvania, any article covered by the provisions of this
22 act, unless [there be affixed to the tag required by this act by
23 the person manufacturing, selling, or leasing the same, an
24 adhesive stamp prepared and issued by the department, except
25 that any person desiring to do so may make] that person makes
26 application to the secretary on an approved form for a license
27 [which, if issued, will relieve him of the requirement that an
28 adhesive stamp be attached to every tag]. Each license shall
29 expire one year from the date of issue unless revoked prior
30 thereto.

1 (b) The department shall register all applicants for [stamps
2 or] licenses and assign to every such person a registration
3 number, which thereafter shall constitute his identification
4 record, and said identification shall not be used by any other
5 person. Each registration shall expire one year from the date of
6 issue unless revoked prior thereto. [The annual registration fee
7 for an applicant for stamps shall be five dollars (\$5). The] An
8 annual registration fee [for an applicant for a license shall be
9 twenty-five dollars (\$25).] shall be paid to the department for
10 each license issued.

11 [(c) Adhesive stamps as provided for by this act shall be
12 furnished by the Secretary of Labor and Industry in quantities
13 of not less than one thousand (1000), for which the applicant
14 shall pay fifteen dollars (\$15.00) for each one thousand stamps.
15 The Secretary of Labor and Industry is hereby authorized to
16 prepare and cause to be printed adhesive stamps, which shall
17 contain a replica of the seal of the Commonwealth, and such
18 other matter as the secretary shall direct.

19 (d)] (c) Every licensee, except secondhand dealers,
20 renovators and auctioneers, shall make a report to the secretary
21 every three months. The report shall show the exact number of
22 articles sold in this Commonwealth, or shipped into this
23 Commonwealth, for sale in this Commonwealth by the licensee,
24 which are covered by the provisions of this act during the
25 period covered by the report, and the licensee shall, at the
26 same time, pay to the secretary [one and one-half cents (1
27 1/2¢)] a fee for each such article. The reports shall be made
28 within thirty days of the expiration of the three month period
29 unless the period is extended by the secretary. Whenever any
30 licensee shall fail to make the report and payment required

1 herein or whenever a report is unsatisfactory, the secretary may
2 cause the books and records of such licensee to be examined for
3 the purpose of determining the correct amount due from such
4 licensee. Any licensee failing to pay any amount found to be
5 due, or the expenses incurred in making the examination, shall
6 forfeit its license and registration.

7 Section 4. Section 9(a) of the act, amended August 23, 1961
8 (P.L.1075, No.485), is amended to read:

9 Section 9. (a) The Department of Labor and Industry is
10 hereby charged with the administration and enforcement of this
11 act, and it is further empowered and its duty shall be to make,
12 amend, alter or repeal general rules and regulations for
13 carrying into effect all the provisions of this act and to
14 prescribe means, methods and practices to make effective such
15 provisions. The department, by regulation, shall set the level
16 for all fees to be paid under this act. Until the department
17 promulgates the amounts of the fees to be paid under this act, a
18 regulation establishing the fees established pursuant to section
19 613-A of the act of April 9, 1929 (P.L.177, No.175), known as
20 "The Administrative Code of 1929," shall remain in effect.

21 * * *

22 Section 5. Section 12(a) of the act is amended to read:

23 Section 12. (a) Any person, who shall be convicted of
24 violation of any of the provisions of this act, or of the rules
25 and regulations established thereunder, shall be sentenced to
26 pay a fine of not less than [fifty dollars (\$50.00) or more than
27 one hundred dollars (\$100.00)] one hundred dollars (\$100.00) or
28 more than five hundred dollars (\$500.00) for each offense, and
29 in default of payment of such fine, to undergo an imprisonment
30 of not less than thirty days for each separate offense, provided

1 that the term of imprisonment at any one time for total computed
2 offenses shall not exceed six (6) months.

3 * * *

4 Section 6. This act shall take effect in 60 days.