

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

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
NOVEMBER 20, 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; AND PROVIDING FOR HANDLES ON MATTRESSES. <—

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:

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,

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

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

10 Section 6. \* \* \*

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

16 \* \* \*

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

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

1 thereto.

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

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

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

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

8 SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

9 SECTION 8.1. NO PERSON SHALL SELL OR LEASE, OR HAVE IN HIS  
10 POSSESSION WITH INTENT TO SELL OR LEASE, IN THE COMMONWEALTH OF  
11 PENNSYLVANIA, ANY MATTRESS, UNLESS THERE BE AFFIXED TO THE  
12 MATTRESS HANDLES ON THE HEAD AND THE FOOT OF THE MATTRESS.

13 Section 4 5. Section 9(a) of the act, amended August 23, <—  
14 1961 (P.L.1075, No.485), is amended to read:

15 Section 9. (a) The Department of Labor and Industry is  
16 hereby charged with the administration and enforcement of this  
17 act, and it is further empowered and its duty shall be to make,  
18 amend, alter or repeal general rules and regulations for  
19 carrying into effect all the provisions of this act and to  
20 prescribe means, methods and practices to make effective such  
21 provisions. The department, by regulation, shall set the level  
22 for all fees to be paid under this act. Until the department  
23 promulgates the amounts of the fees to be paid under this act, a  
24 regulation establishing the fees established pursuant to section  
25 613-A of the act of April 9, 1929 (P.L.177, No.175), known as  
26 "The Administrative Code of 1929," shall remain in effect.

27 \* \* \*

28 Section 5 6. Section 12(a) of the act is amended to read: <—

29 Section 12. (a) Any person, who shall be convicted of  
30 violation of any of the provisions of this act, or of the rules

1 and regulations established thereunder, shall be sentenced to  
2 pay a fine of not less than [fifty dollars (\$50.00) or more than  
3 one hundred dollars (\$100.00)] one hundred dollars (\$100.00) or  
4 more than five hundred dollars (\$500.00) for each offense, and  
5 in default of payment of such fine, to undergo an imprisonment  
6 of not less than thirty days for each separate offense, provided  
7 that the term of imprisonment at any one time for total computed  
8 offenses shall not exceed six (6) months.

9 \* \* \*

10 Section ~~6~~ 7. This act shall take effect in 60 days.

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