

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4350**

BY DELEGATES HOWELL, HAMRICK, HILL, MARTIN, CRISS,  
PAYNTER, MOORE, STATLER, KESSINGER AND FAST

[Introduced January 30, 2018; Referred  
to the Committee on Government Organization.]

1 A BILL to amend and reenact §47-1A-2 of the Code of West Virginia, 1931, as amended, relating  
 2 to eliminating the regulation of upholstery; and modifying and eliminating certain  
 3 definitions.

*Be it enacted by the Legislature of West Virginia:*

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

**§47-1A-2. Definitions.**

1 As used in this article, unless the contents clearly require otherwise:

2 "Commissioner" means Commissioner of Labor.

3 "Department" means state department of labor.

4 "Bedding" or "articles of bedding" includes ~~upholstered furniture and filling material (as~~  
 5 ~~herein defined) and any mattress, pillow, cushion, quilt, bed pad, comforter, upholstered spring~~  
 6 ~~bed, headboard, box springs, davenport or day bed, bedsprings, metal couch, metal bed, metal~~  
 7 ~~cot, metal cradle, metal bassinette, which is wholly or partly upholstered and is used or intended~~  
 8 ~~for use for sleeping, resting or reclining purposes~~

9 ~~"Upholstered furniture" means any article of household furniture wholly or partly stuffed or~~  
 10 ~~filled with soft material which is used or intended for use for sitting, resting or reclining purposes.~~

11 ~~"Upholstered furniture" does not include any seat or cushion which is used in any automobile,~~  
 12 ~~truck, bus or airplane~~

13 "Filling material" includes any hair, down, feathers, wool, cotton, kapok, or other soft  
 14 material used in the manufacture of and for filling articles of bedding. ~~or upholstered furniture.~~

15 "New" means any material or article which has not been previously used for any purpose,  
 16 including by-products produced in the manufacture of any fabric and material reclaimed from new  
 17 fabric: *Provided*, That an article of bedding returned by the purchaser for exchange, alteration, or  
 18 correction within 30 days after date of delivery after original sale at retail, shall be deemed to be

19 a new article, but if such article is returned later than 30 days after the date of such delivery, such  
20 article shall be deemed to be secondhand.

21 "Secondhand" means any material or article of which prior use has been made, except as  
22 otherwise provided in this article.

23 "Manufacture," "making," "make," or "made" includes altering, repairing, finishing or  
24 preparing articles of bedding or ~~upholstered furniture~~ or filling materials for sale, including  
25 remaking or renovating when done away from the home of the owner.

26 "Sale," "sell," or "sold" includes offering or exposing for sale or exchange or lease or  
27 consigning or delivery in consignment for sale, exchange or lease or holding in possession with  
28 like intent.

29 "Person" shall include persons, partnerships, corporations and associations.

NOTE: The purpose of this bill is to eliminate the regulation of upholstery. The bill modifies and eliminates certain definitions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.