

# VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

## CHAPTER 391

*An Act to amend and reenact §§ 32.1-212, 32.1-215, and 32.1-225 of the Code of Virginia, relating to bedding and upholstered furniture.*

[H 2018]

Approved March 21, 2005

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 32.1-212, 32.1-215, and 32.1-225 of the Code of Virginia are amended and reenacted as follows:**

§ 32.1-212. Definitions.

As used in this article unless the context otherwise requires:

(1) "Bedding" means any mattress, mattress pad, box spring, upholstered bed, davenport, upholstered sofa bed, quilted pad, comforter, bolster, cushion, pillow, featherbed, sleeping bag, or any other bag, case or cover made of leather, textile or other material which is stuffed or filled in whole or in part with concealed substance, which can be used by any human being for sleeping or reclining purposes.

(2) "Filling material" means cotton, wool, feathers, kapok, down, plant or vegetable fibers, or any other material or substance or combination thereof, loose or in batting, pads, or any prefabricated form, that is used or that may be used in articles of bedding or upholstered furniture.

(3) "Importer" means any person who for the purpose of manufacture or resale receives bedding, upholstered furniture or filling material from any country other than the United States.

(4) "New" means not previously used for any purpose. Manufacturing processes shall not be considered a prior use.

(5) "Sanitize" means to reduce the level of microbiological agents to a level not injurious to health.

(6) "Secondhand" means having been made prior use of or containing any filling material of which prior use has been made.

(7) "Shoddy" means any material which has been spun into yarn, knit or woven into fabric and subsequently cut up, torn up, broken or ground up.

(8) "Sterilize" means to render free of viable microbiological agents.

(9) "Upholstered furniture" means any article of furniture designed to be used for sitting, resting, or reclining ~~which~~ that is wholly or partly stuffed or filled with any filling material.

§ 32.1-215. Disposal restricted.

No person *engaged in commerce* shall rent, offer or expose for sale, barter, give away, or dispose of in any other commercial manner any article of bedding or upholstered furniture made, remade, reupholstered, or renovated in violation of § 32.1-213 or § 32.1-214 or any secondhand article of bedding or upholstered furniture unless since last used such secondhand article has been sanitized by a reasonable process approved by the Commissioner. *However, a retailer may sell, give away, or rent used upholstered furniture when the used upholstered furniture has been purchased by the retailer as new furniture and has been used in the course of business. Such used furniture shall be (i) conspicuously identified as used furniture and (ii) reduced in price, sold at auction, donated to charity, or made available for a rental fee, and so tagged.*

§ 32.1-225. Exemptions.

A. The provisions of this article shall not apply to:

1. Any items of bedding or upholstered furniture sold under the order of any court or pursuant to § 55-419, any sale of a decedent's estate or any sale by any individual of his household effects.

2. Any interstate public carrier.

3. Any state institution, agency or department unless such institution, agency or department offers for sale to the public items of bedding or upholstered furniture manufactured, reupholstered or renovated by it.

4. Any retailer who sells, gives away, or rents used upholstered furniture that has been purchased by the retailer as new furniture and has been used in the course of business when such used furniture has been (i) conspicuously identified as used furniture and (ii) reduced in price, sold at auction, donated to charity, or made available for a rental fee, and so tagged.

B. Any person who sells at retail, exclusively on a consignment basis, articles of bedding ~~which~~ that are handmade by individuals and whose gross annual receipts from the sale of such articles are not in excess of \$2,000 shall be deemed to be the manufacturer of such articles and shall not be required to obtain a license to make such articles. Each such article shall have a label affixed stating the kind of filling materials used in such article but shall be exempt from any other requirement as to tags set forth in this article.