

AN ACT

Relating to the manufacture, repair, renovating, cleansing, sterilizing, and disinfecting of mattresses, pillows, bolsters, feather beds, and other filled bedding, cushions and upholstered furniture intended for sale or lease, and to the sale or lease thereof; requiring the placing of tag and adhesive stamp on such material; providing for the sale of adhesive stamps; authorizing and requiring the Department of Labor and Industry to adopt rules and regulations; providing penalties; and repealing certain acts.

Department of
Labor and
Industry.

Section 1. Be it enacted, &c., That the provisions herein set forth shall be construed to cover and apply to the manufacture, repair, and renovation of all mattresses, pillows, bolsters, feather beds, and other filled bedding of any description, also to cushions and all types of upholstered furniture which are intended for sale or lease in this Commonwealth, and to the sale or lease thereof.

Definitions.

Section 2. (a) The term "Department," when used in this act, shall mean the Department of Labor and Industry.

(b) The term "new," as used in this act, shall mean any article or material which has not been subjected to a previous manufacturing process, or which has not been previously used for any purpose.

(c) The term "secondhand," as used in this act, shall mean any article or material, or portion thereof, of which prior use has been made in any manner whatsoever.

(d) The term "person," as used in this act, shall include persons, partnerships, companies, corporations, and associations.

(e) The term "renovate," as used in this act, shall mean to restore to former condition or to place in a good state of repair.

(f) The term "auction," as used in this act, shall mean a public sale of property or effects conducted upon the principle of the highest bidder becoming the purchaser of any particular article or lot offered for sale.

(g) Wherever in this act the singular is used the plural shall be included, and where the masculine gender is used the feminine and neuter shall be included.

Compliance with
provisions of act.

Section 3. (a) No person shall manufacture, offer for sale or lease, or have in his possession with intent to sell, auction, or include in a sale, lease or auction, any new or secondhand article or material covered by this act, unless all provisions of this act have been complied with.

(b) It is intended that the responsibility for compliance with this section, in the case of any article or material imported into the Commonwealth, shall rest upon the vendor, lessor or other person having such article or material in his possession.

Section 4. (a) No person shall use any secondhand material in the renovation of any article covered by this act, unless, since last used, such secondhand material has been effectively cleansed and sterilized or disinfected by a process approved by the department, and in accordance with the regulations of the department, and such article, if not so cleansed, sterilized or disinfected, shall be returned to its original owner, and shall not thereafter be offered for sale.

Use of second-hand material.

(b) The use of secondhand material previously used in any article covered by the act, shall be prohibited in the manufacture of any article covered by this act other than an article to be returned to its original owner.

Section 5. (a) No secondhand article covered by this act, except upholstered furniture, shall be offered for sale, lease, or auction, or be in the possession of any person with intent to sell, lease, or auction, unless such article, since last used, has been effectively cleansed and sterilized or disinfected by a process approved by the department and in accordance with regulations of the department. Secondhand upholstered furniture shall be so treated when required by the rules and regulations of the department.

Second-hand articles.

Section 6. (a) No person shall be considered to have qualified to apply an acceptable sterilizing or disinfecting process, as required by the provisions of this act, until such process has been registered with and approved by the department, after which a numbered permit shall then be issued by the department. Such permit shall expire one year from date of issue and shall thereafter be annually renewed at the option of the permit holder, upon submission of proof of continued compliance with the provisions of this act and the regulations of the department. Every person to whom a permit has been issued shall keep such permit conspicuously posted on the premises of his place of business near the sterilizer. Holders of permits to apply sterilization or disinfection shall be required to keep an accurate record of all articles or material which have been sterilized or disinfected, including the date of the same, and name and address of the buyer of each, and such records shall be available for inspection at any time by authorized representatives of the department.

Permits.

(b) For all initial permits issued, as required by the preceding section, there shall, at the time of issue thereof, be paid by the applicant to the Department of Labor and Industry a fee of twenty-five dollars (\$25.00). An annual renewal charge of one dollar (\$1.00) shall be paid to the same department.

Fees.

(c) Every application for a sterilizing or disinfecting permit to be held in a state, other than Pennsylvania, shall be approved only after personal inspection of said

sterilizer or disinfectant by the Secretary of Labor and Industry or his authorized representative. The expenses for such inspections out of the State shall be paid by the applicant.

(d) A sterilization or disinfection permit may be revoked by the Secretary of Labor and Industry upon proof of violation of any of the provisions of this act. A reissue of said permit shall be subject to provisions as set forth for an initial permit.

Articles to be tagged.

Section 7. (a) Every article containing new material covered by this act shall bear securely attached thereto and plainly visible a substantial white cloth tag, upon which shall be indelibly stamped or printed, in the English language, a statement showing the kind of materials used in filling such article, with approximate percentages when mixed, and with the word new clearly printed thereon. When required to be sterilized or disinfected, the number of the permit of the person who sterilized or disinfected such material shall appear thereon.

(b) Every article covered by this act containing secondhand material, or a portion thereof, shall bear securely attached thereto and plainly visible a substantial yellow cloth tag upon which shall be indelibly stamped or printed, in the English language, a statement showing the kind of materials used in filling such article, with approximate percentages when mixed, and shall state STERILIZED AND DISINFECTED, with the permit number of the person who performed such work.

(c) The terms used on the tag to describe filling materials shall be restricted to those defined in the regulations of the department, and no trade or substitute terms shall be used.

(d) It shall be unlawful to make any false or misleading statements on the tag required by this section. It shall be unlawful for any person to remove, deface, or alter, or cause to be removed, defaced, or altered, any tag or statement contained thereon. The placing of stamps required in the next succeeding section of this act over any lettering on the tag shall be construed to be defacement of the tag.

(e) The size of the tag required by this section shall be not less than six (6) square inches, and the lettering thereon, covering the statement of filling materials and whether new or secondhand, shall be in plain type not less than one-eighth ($\frac{1}{8}$) inch in height.

Registration.

Section 8. (a) No person shall sell or lease, or have in his possession with intent to sell or lease, in the Commonwealth of Pennsylvania, any article covered by the provisions* of this act, unless there be affixed to the tag required by this act by the person manufacturing, sell-

* "provision" in the original.

ing, or leasing the same, an adhesive stamp prepared and issued by the department.

(b) The department shall register all applicants for stamps and assign to every such person a registration number, which thereafter shall constitute his identification record, and said identification shall not be used by any other person.

(c) Adhesive stamps as provided for by this act shall be furnished by the Secretary of Labor and Industry in quantities of not less than one thousand (1000), for which the applicant shall pay ten dollars (\$10.00) for each one thousand stamps. The Secretary of Labor and Industry is hereby authorized to prepare and cause to be printed adhesive stamps, which shall contain a replica of the seal of the Commonwealth, the registry number of the person applying therefor, and such other matter as the secretary shall direct.

Section 9. (a) The Department of Labor and Industry is hereby charged with the enforcement of this act, and it is further empowered, and its duty shall be to make, amend, alter or repeal general rules and regulations for carrying into effect all the provisions of this act, and to prescribe means, methods, and practices to make effective such provisions.

Duties of the
Department of
Labor and
Industry.

(b) All places where mattresses, pillows, bolsters, feather beds, and other filled bedding, cushions, or articles of upholstered furniture are manufactured, repaired, or renovated, or where materials for the herein named articles are prepared, or where said articles are offered for sale or lease, or where there is possession with intent to sell or lease, or where sterilizing and disinfecting is performed, shall be subject to inspection by authorized representatives of the department to ascertain whether the requirements of this act and of regulations of the department have been met.

The department, through its officers and employes, is hereby empowered to take samples of materials under the authority of this act and to hold for evidence at a trial for the violations of this act any articles or materials manufactured or offered for sale or lease in violations of this act.

(c) Properly accredited representatives of the department shall have authority to place "off sale" any article or material which is offered for sale or lease, or found in the possession of any person with intent to sell or lease in violation of any of the provisions of law herein set forth. When articles or* materials are removed from sale, they shall be so tagged, and such tags shall not be removed except by an authorized representative of the department, after satisfactory proof of compliance with all requirements of this act and of regulations of the department.

* "of" in the original.

(d) The department is also empowered to test samples of materials when requested to do so by any reputable person.

(e) All auctioneers shall be required to be registered in the Department of Labor and Industry, and shall secure thereupon a certificate authorizing the sterilization of articles under the jurisdiction of this act by an approved process. Each certificate at the time of issue thereof shall be subject to a fee of five dollars (\$5.00), with an annual renewal of one dollar (\$1.00).

(f) An auctioneer's certificate may be revoked by the Secretary of Labor and Industry upon proof of violation of the provisions of this act. A reissue of said certificate shall be subject to provisions set forth for initial certificate.

Proceeds payable
into the General
Fund.

Section 10. (a) All proceeds of the sale of stamps and all fines and other monies collected in the administration of this act shall be payable to the Secretary of Labor and Industry, and when collected shall thereafter be transmitted by him to the State Treasury, through the Department of Revenue.

Prosecutions for
violations.

Section 11. (a) Prosecution for violations of the provisions of this act or of the rules and regulations adopted by the department may be instituted by said department, and shall be in the form of summary proceedings before an alderman, magistrate or justice of the peace. Upon conviction, after a hearing, the penalties herein provided for shall be imposed.

Violations.

Section 12. (a) Any person, who shall be convicted of violation of any of the provisions of this act, or of the rules and regulations established thereunder, shall be sentenced to pay a fine of not less than fifty dollars (\$50.00) or more than one hundred dollars (\$100.00) for each offense, and in default of payment of such fine, to undergo an imprisonment of not less than thirty days for each separate offense, provided that the term of imprisonment at any one time for total computed offenses shall not exceed six (6) months.

Penalties.

(b) Of all monies collected by the magistrates* of cities of the first class and turned over to the department, one-half shall be returned to the treasurer of such cities, and the other half to the General Fund of the Commonwealth of Pennsylvania.

(c) Each mattress, pillow, bolster, feather bed, and other filled bedding, cushion, or article of upholstered furniture manufactured, repaired, or renovated, sold, offered for sale, or leased or possessed with intent to sell or lease, contrary to the provisions of this act or of the rules and regulations established thereunder, shall constitute a separate offense and shall be punishable as provided in clause (a) of this section.

* "magistrate" in the original.

(d) The Secretary of Labor and Industry may revoke any permit issued under the provisions of this act if the person to whom the permit was issued has violated any provisions of this act or of the rules and regulations established thereunder.

Section 13. This act shall become effective and operative immediately upon final enactment. When effective.

Section 14. It is intended that the various provisions of this act are severable, and if any such provisions are declared to be unconstitutional at any time by courts of authorized jurisdiction, the said action shall not be considered to affect the remainder of the provisions of this act. Constitutional provision.

Section 15. The following act, which this act is to replace, approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred two), entitled "An act relating to mattresses, pillows, bolsters, feather beds, comfortables, cushions, and upholstered furniture; regulating the making, remaking, renovating, sterilizing, disinfecting, sale, leasing, delivering, and consigning thereof, and the possession thereof with intent to sell, lease, deliver, or consign," and the amendments thereto, are hereby repealed. All other acts or parts of acts inconsistent herewith are hereby repealed. Act of June 14, 1923 (P. L. 802), repealed.

APPROVED—The 27th day of May, A. D. 1937.

GEORGE H. EARLE

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No. 250

AN ACT

To amend the act, approved the seventeenth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws, one thousand ninety-two), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports; and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation and certain other societies from its provisions; and requiring beneficial associations, other than fraternal benefit societies, to report to and be supervised by the Insurance Commissioner; and repealing existing laws," empowering the Insurance Commissioner to make periodical examination of such societies; and requiring such societies to furnish the Insurance Commissioner with any information he may desire; providing penalties.

Section 1. Be it enacted, &c., That the act, approved the seventeenth day of July, one thousand nine hundred

Sections 19, 24, and 28, act of June 17, 1935 (P. L. 1092), amended.