**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 77 TO TITLE 39 SO AS PROVIDE FOR CERTAIN DISCLOSURES WITH THE SALE OF SECONDHAND BEDDING, AND TO PROVIDE PENALTIES FOR A VIOLATION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 39 of the 1976 Code is amended by adding:

“CHAPTER 77

Used Mattress Labeling

Section 39‑77‑110. As used in this chapter:

(1) ‘Bedding’ means a mattress, mattress pad, mattress protector pad, box spring, upholstered spring, upholstered sofa bed, quilted pad, comforter, bolster, cushion, pillow, featherbed, sleeping bag, or other bag, case, or covering that is:

(a) made of leather, textile, or other material;

(b) stuffed or filled with a soft material or substance; and

(c) designed or made:

( i) for sleeping or reclining purposes; or

(ii) to be an integral part of a bed, couch, or other device used for sleeping or reclining purposes.

(2) ‘Department’ means the South Carolina Department of Consumer Affairs.

(3) ‘Filling material’ means:

(a) hair;

(b) down;

(c) feathers;

(d) wool;

(e) cotton;

(f) kapok;

(g) plant fibers; or

(h) any other soft material used in the manufacture of and the filling or stuffing of articles of bedding.

(4) ‘New’ means an article of bedding or filling material that has not been previously used for any purpose. Manufacturing processes must not be considered a prior use.

(5) ‘Secondhand’ means an article of bedding or material or part of bedding or material of which prior use of any kind has been made. An article of bedding must be considered to be secondhand if the article contains any previously used material in whole or in part.

(6) ‘Sold’ or ‘sale’ means to:

(a) sell;

(b) offer;

(c) expose for sale;

(d) barter;

(e) trade;

(f) lend;

(g) deliver;

(h) give away;

(i) rent;

(j) consign;

(k) lease;

(l) possess with the intent to sell; or

(m) dispose of in another commercial manner.

Section 39‑77‑120. (A) A new article of bedding sold in this State must have securely and permanently attached to it a substantial white cloth tag that:

(1) is visible on the outside covering, with the visible part being not less than six square inches in size;

(2) will not flake when abraded; and

(3) is indelibly stamped or printed in the English language a statement or statements:

(a) describes each kind of material used in filling the article of bedding;

(b) states that any material used in filling the article of bedding is new;

(c) discloses the name and address of the manufacturer, distributor, or vendor; and

(d) indicates the percentage by weight of each kind of animal material and fowl material, if any, for bedding containing mixtures of animal material, fowl material, or both, if any.

(B) An article of bedding containing secondhand material sold in this State must have securely and permanently attached to it the white cloth tag required by subsection (A) and a securely and permanently attached substantial yellow cloth tag upon which is stamped or printed, in the same manner as required in subsection (A), a statement:

(1) describing each kind of material used in filling the article of bedding; and

(2) indicating that the article of bedding itself is secondhand or that certain specified materials contained in it are secondhand.

(C) A shipment or delivery of material to be used in this State for filling articles of bedding must have conspicuously attached to the material a tag upon which is stamped or printed a statement or statements:

(1) describing the kind of material being shipped or delivered;

(2) stating whether the material is new or secondhand; and

(3) disclosing the name and address of the manufacturer, distributor, or vendor.

(D) The terms used on a tag to describe any filling material must be restricted to those defined in rules promulgated by the department. A trade or substitute term may not be used, and no additional information may be contained in the statement. The description of the filling material and the statement of whether new or previously used must be in plain type not less than one‑eighth inch in height.

Section 39‑77‑130. The provisions of this section do not apply to:

(1) the sale by an owner of bedding that was used by the owner or the family of the owner and was not acquired for the purpose of resale; and

(2) an article of bedding sold under court order.

Section 39‑77‑140. A person who violates a provision of this chapter is:

(1) guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars, or imprisoned for not more than thirty days, or both; and

(2) liable to the purchaser, on tender by the purchaser of the bedding, for an amount equal to three times the sum of the purchase price and interest, at the legal rate, from the date of payment of the purchase price.”

SECTION 2. This act takes effect upon approval by the Governor.

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