Proposed Language

Amend section 1101 of Article 1 to read as follows:

1101. Definitions of Bureau and Act.
For the purposes of these rules and regulations, the term “Bureau” means the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation, and the term “act” means Chapter 3 of Division 8 of the Business and Professions Code, which chapter is also cited as the Home Furnishings Act.


Amend section 1126 of Article 2 to read as follows:

1126. Official Law Label Requirements.
(a) Attachment of Law Labels. Labels shall be securely fastened onto completed articles and bulk materials in a manner approved by the Bureau in such an area as to be openly and easily visible to view. Labels are not to be concealed or obstructed from view in any manner.
(b) Label Material. Law labels shall be constructed of material approved by the Bureau and shall not be easily torn or defaced.
(c) Color of Label and Color of Ink:
   (1) A white law label printed in black ink shall be used for new materials.
   (2) A red law label printed in black ink shall be used for materials which are in whole or in part secondhand (used).
   (3) A green label printed in black ink shall be used for “Owner's Material.”
(d) Statements and Headings to be Shown on Law Labels:
   (1) “UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER” shall appear at the top of the label.
   (2) Headings shall read “All New Material” when the material is wholly new; “Secondhand (Used) Material” when the material is in whole or in part secondhand.
   (3) Description of filling material as provided in the applicable regulations.
   (4) For owner's own materials the heading shall state: “THIS ARTICLE NOT FOR SALE” - “OWNER'S MATERIAL.”
   (5) The registry number assigned or approved by the Bureau.
   (6) “Certification is made by the manufacturer that the materials in this article are described in accordance with law.”
(7) For owner’s own materials the certification portion of the label shall state: “CERTIFICATION IS MADE THAT THIS ARTICLE CONTAINS THE SAME MATERIAL IT DID WHEN RECEIVED FROM THE OWNER AND THAT ADDED MATERIALS ARE DESCRIBED IN ACCORDANCE WITH LAW AND CONSIST OF THE FOLLOWING.”

(8) For owner’s own materials the name and address of the owner.

(9) The finished size of articles of bedding such as sleeping bags, mattresses, comforters, mattress pads, pads, box springs, pillows, and similar articles, showing the width and length expressed in inches. Decorator pillows need not show size.

(10) The net weight of filling materials in articles of bedding such as sleeping bags, mattresses, box springs, pads and similar items, stated in pounds and ounces.

(11) All bulk filling materials which meet the requirements of Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin No. 117-2013, dated March 2000 January 2013 shall have imprinted on the law label immediately following the requirements as set forth in subsection (c) of this section the statement: “THIS PRODUCT MEETS THE REQUIREMENTS OF BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION TECHNICAL BULLETIN 117-2013.”

(12) In addition to the requirements set forth in subsection (11) of this section all invoices for products meeting the requirements of Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin No. 117-2013, dated March 2000 January 2013 shall have stated on such invoices the identification of the product meeting the requirement and the statement that such identified products meet the requirements of Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin No. 117-2013.

(e) Size of Law Labels and Type of Printing:

(1) The minimum size of labels shall be 2 x 3 inches. Labels shall be larger when the required size of type and statements make it necessary.

(2) The minimum size of type shall be one-eighth inch in height, in capital letters.

(3) All printing shall be in English.

(f) Forms of Law Labels.
Type No. 1

For articles of upholstered furniture without loose cushions, also for decorator pillows, chair cushions, quilted bedspreads, headboards, hassocks, and similar items.

Type No. 2

For articles of furniture with loose cushions.
Type No. 3

For owner’s own materials.

(Space for Stitching at top or bottom)

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.

This Article Not For Sale

OWNER’S MATERIAL
Certification is made that this article contains the same material it did when received from the owner and that added materials are described in accordance with law, and consist of the following

ALL NEW MATERIAL

Renovated or repaired by:

Registry No. Date

Owner:
Address:

(GREEN LABEL)

Minimum type size one-eighth inch in height, in capital letters.

Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.

This space optional.

Type No. 4

For bulk filling materials such as batting and pads.

(Space for stitching or typing (method optional))

UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.

ALL NEW MATERIAL

Net Wt.

Certification is made by the manufacturer that the materials in this article are described in accordance with law.

REGISTRY NO.
Name and address of vendor or manufacturer

Minimum type size one-eighth inch in height, in capital letters.

Insert description of filling materials by clearly imprinting in English, using capital letters not less than one-eighth inch high.

This space optional.
Type No. 5
For packaged filling materials ready for use by the ultimate customer.

Type No. 6
For articles of bedding, such as bed pillows, comforters, mattress pads and similar items.
Type No. 7

For sleeping bags, pads, mattresses, including a hybrid flotation sleep system containing a quilted fabric cover over a traditional water filled bladder, box springs and similar items.

Type No. 8

For bulk material such as batting and any filling material in loose or pre-fabricated form used or which can be used in articles of upholstered furniture.
Type No. 9

For bedding articles that contain whole or in part any secondhand (used) filling materials.

Note: Authority cited: Sections 19034 and 19081, Business and Professions Code. Reference: Sections 19080, 19081, 19086, 19087, 19088, 19089.3, 19089.5, 19092 and 19093, Business and Professions Code.

Amend section 1370 of Article 13 to read as follows:

1370. Fire Resistant, Flame Resistant, Flame Retardant.

(a) On and after July 1, 2014, filling materials and cover fabrics labeled as “fire resistant,” “flame resistant,” “flame retardant” and words of similar import shall be tested in accordance with, and shall meet the requirements of, the State of California, Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin No. 117-2013, entitled “Requirements, Test Procedures and Apparatus for Testing the Flame Retardance Smolder Resistance of Filling Materials Used in Upholstered Furniture,” dated March 2000 January 2013 which is incorporated by reference. This section shall not apply to articles of furniture manufactured prior to July 1, 2014.

(b) Fabrics labeled as “flame resistant,” “flame retardant,” and words of similar import shall be tested in accordance with, and shall meet the requirements of, the State of California, Bureau of Home Furnishings Technical Bulletin No. 105, entitled, “Requirements, Test Procedures and Apparatus for Testing the Flame Retardance of Fabrics,” dated January 1980.

Amend Section 1373.2 of Article 13 to read as follows:

1373.2. Flammability; Flexible Polyurethane Foam.
On and after July 1, 2014, all flexible polyurethane foam in the form of slabs, blocks, or sheets, or which is shredded (loose or packaged), except polyurethane foam which cannot reasonably be expected to be used in or as an article of furniture or in or as a mattress, that is offered for sale to the general public at retail outlets in this state for non-commercial or non-manufacturing purposes shall meet the test requirements set forth in Section A, Part I; Section A, Part II and Section D, Part II Section 3, Resilient Filling Material Test of the State of California, Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin No. 117-2013, entitled “Requirements, Test Procedures and Apparatus for Testing the Flame Retardance Smolder Resistance of Filling Materials Used in Upholstered Furniture,” dated March 2000 January 2013. This section shall not apply to flexible polyurethane foam manufactured prior to July 1, 2014.


Amend section 1374 of Article 13 to read as follows:

1374. Flammability; Upholstered and Reupholstered Furniture.
(a) On and after July 1, 2014, all filling materials and cover fabrics contained in any article of upholstered furniture, and all filling materials added to reupholstered furniture, shall meet the test requirements as set forth in the State of California, Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin Number 117-2013, entitled “Requirements, Test Procedures and Apparatus for Testing the Flame Retardance Smolder Resistance of Filling Materials Used in Upholstered Furniture,” dated March 2000 January 2013. This section shall not apply to filling materials and cover fabric manufactured prior to July 1, 2014.
(b) In addition to the requirements of subsection (a) above, finished articles of upholstered furniture may also be tested in accordance with the State of California, Bureau of Home Furnishings Technical Bulletin Number 116 entitled “Test Procedures and Apparatus for Testing the Flame Retardance of Upholstered Furniture,” dated January 1980.
(c) On and after March 1, 1992, all upholstered seating furniture sold for use in public occupancies, as defined in subsection (d) below, shall meet the test requirements set forth in the State of California, Bureau of Home Furnishings and Thermal Insulation Technical Bulletin Number 133, entitled “Flammability Test Procedure For Seating Furniture For Use in Public Occupancies,” dated January 1991.
(d) For purposes of this section, the term “public occupancies” shall mean:
   (1) Jails, prisons, and penal institutions, as defined in Chapter 3 of the California State Building Standards Code.
   (2) Hospitals, mental health facilities, and similar health care facilities, as defined in Chapter 3 of the California State Building Standards Code.
   (3) Nursing homes, board and care facilities, and convalescent homes, as defined in Chapter 3 of the California State Building Standards Code.
(4) Child day care centers, as defined in Chapter 3 of the California State Building Standards Code.
(5) Public auditoriums and stadiums, as defined in Chapter 3 of the California State Building Standards Code.
(6) Public assembly areas, as defined in Chapter 3 of the California State Building Standards Code, containing ten (10) or more articles of seating furniture and located in hotels, motels and lodging houses.
(e) Public occupancies and public assembly areas, as defined in section 1374(d), which are fully sprinklered in accordance with either National Fire Protection Association (NFPA) Standard NFPA 13-1996 or Uniform Building Code Standard No. 38-1, dated 1988 shall either comply with the requirements of section 1374(a) and may comply with or the requirements of section 1374(c).
(f) The flammability requirements contained in this section are considered to be flammability performance standards. Testing under these standards shall be at the discretion of the licensee; however, products and materials offered for sale in this state shall meet all applicable flammability requirements established in these regulations.


Repeal section 1374.1 of Article 13 as follows:

1374.1. Exemptions.
(a) Articles exempted from the provisions of Section 1374 of these regulations shall have a label attached to the surface area of the article, in plain view stating the following:

NOTICE
THIS ARTICLE DOES NOT MEET CALIFORNIA BUREAU OF HOME FURNISHINGS FLAMMABILITY REQUIREMENTS-TECHNICAL BULLETIN 117. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(b) The minimum size of the label shall be 2 x 3 inches and the minimum size of type shall be one-eighth inch in height. All type shall be in capital letters.


Amend section 1374.2 of Article 13 to read as follows:

1374.2. Criteria for Exemption.
Articles of upholstered furniture, other than furniture used for and in facilities designed for the care or treatment of humans, which meet any of the following criteria shall be exempt from compliance with the provisions of Section 19161 of the Home Furnishings Act:
(a) Cushions and pads intended solely for outdoor use.
(b) Any article which is smooth surfaced and contains no more than one-half (1/2) inch of filling material, provided that such article does not have a horizontal surface meeting a vertical surface.

(c) Strollers, infant carriers, and nursing pillows, Bassinets, booster seats, car seats, changing pads, floor play mats, highchairs, highchair pads, infant bouncers, infant carriers, infant mattresses, infant mattress pads, infant seats, infant swings, infant walkers, nursing pads, nursing pillows, playpen side pads, playards, portable hook-on chairs, and strollers.


Amend section 1374.3 of Article 13 to read as follows:

1374.3. Labeling.

(a) Upholstered furniture conforming to the requirements of Section 1374(a) and 1374(b) of these regulations shall have a label permanently attached to the article, in plain view, stating the following:

NOTICE
THIS ARTICLE MEETS ALL FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION TECHNICAL BULLETINS 116 AND 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(b) Upholstered articles conforming to Section 1374(a) but which may not conform to Section 1374(b) shall have a label permanently attached to the article, in plain view, stating the following:

NOTICE
THIS ARTICLE MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION TECHNICAL BULLETIN 117-2013. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(c) Articles of furniture conforming to the requirements of section 1374(c) shall have a label permanently attached to the article, in plain view, stating the following:

NOTICE
THIS ARTICLE IS MANUFACTURED FOR USE IN PUBLIC OCCUPANCIES AND MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF HOME FURNISHINGS TECHNICAL BULLETIN 133. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES.

(d) Minimum size of the label for subsections (a), (b) and (c) shall be 2 x 3 inches and the minimum size of the type shall be one-eighth inch in height. All type shall be in capital letters.
(e) All flammability labels described in sections 1373.1, 1374.1, and 1374.3 shall also comply with the labeling requirements of sections 1126(a) and (b).


Amend section 1383.2 of Article 15.5 to read as follows:

1383.2. Fines.
(a) The chief shall assess fines in accordance with the following schedule: provided, however, in no case shall the total exceed $2,500 for each inspection made with respect to the violation.

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<th>Range of Fines</th>
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<td>Procedure Re License</td>
<td>$150 to 1,500</td>
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<tr>
<td>1109</td>
<td>&quot;Withhold from Sale&quot; Tag</td>
<td>100 to 1,000</td>
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<tr>
<td>1110</td>
<td>Names of Filling Materials</td>
<td>100 to 1,000</td>
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<tr>
<td>1113</td>
<td>Deviation from Percentages Stated</td>
<td>100 to 1,000</td>
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<tr>
<td>1114</td>
<td>Water Repellent, Water Resistant</td>
<td>100 to 1,000</td>
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<td>1116</td>
<td>Mildew Proof, Mildew Resistant</td>
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<td>1118</td>
<td>Moth Proof, Moth Resistant</td>
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<td>1119</td>
<td>Bacteria Proof, Odor Resistant</td>
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<td>1121</td>
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1126 Official Law Label Requirements 100 to 1,000

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<td>Unconditional warranties</td>
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<tr>
<td>19158</td>
<td>Custom upholsterer ID label</td>
<td>100 to 1,000</td>
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<tr>
<td>19160</td>
<td>Cleanliness of premises</td>
<td>100 to 1,000</td>
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<tr>
<td>19161</td>
<td>Fire retardant requirements</td>
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<td>19161.3</td>
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<td>19162</td>
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<td>19163</td>
<td>Custom upholsterer work order</td>
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<tr>
<td>19165</td>
<td>Insulation product testing</td>
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**Article 9. Enforcement.**

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<td>19204</td>
<td>Removal of Withhold tag</td>
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<tr>
<td>19205</td>
<td>Failure to produce withheld products</td>
<td>250 to 2,500</td>
</tr>
<tr>
<td>19206</td>
<td>Interference with an inspector's duties</td>
<td>250 to 2,500</td>
</tr>
</tbody>
</table>

*References for Rules are to sections of Title 4 of the California Code of Regulations.
Note: Authority cited: Sections 125.9, 148 and 19034, Business and Professions Code.
Reference: Sections 125.9 and 148, Business and Professions Code.*