State of California

Edmund G. Brown Jr. Governor

Department of Consumer Affairs
Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation

Home Furnishings and Thermal Insulation Act
and
Rules and Regulations

(Including additional references to the Business and Professions Code)

Issued By
Bureau of Electronic and Appliance Repair,
Home Furnishings, and Thermal Insulation
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BEARHFTI
BUREAU OF ELECTRONIC & APPLIANCE REPAIR, HOME FURNISHINGS & THERMAL INSULATION

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Home Furnishings and Thermal Insulation Act
Business and Professions Code Division 8, Chapter 3, Sections 19000-19221
Article 1.
General Provisions

19000. This chapter may be cited as the Home Furnishings and Thermal Insulation Act.

19001. Unless the context otherwise requires, the general provisions hereinafter set forth govern the construction of this chapter.

19002. "Person" includes individual, copartnership, association, firm, auctioneer, trust, and corporation, and the agents, servants and employees of any of them.

19003. "Sell," or any of its variants, includes any of, or any combination of, the following: Sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess with an intent to sell or dispose of in any other commercial manner.

19004. (a) "Bureau" refers to the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation, as established in Section 9810.
(b) "Chief" refers to the chief of the bureau.
(c) "Inspector" refers to an inspector either employed by, or under contract to, the bureau.
(d) "Director" refers to the Director of Consumer Affairs.
(e) "Department" refers to the Department of Consumer Affairs.

19004.1. Protection of the public shall be the highest priority for the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation in exercising its licensing, regulatory, and disciplinary functions under this chapter. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

19006. "Upholstered furniture" means any furniture, including children's furniture, movable or stationary, which is made or sold with cushions or pillows, loose or attached, or is itself stuffed or filled in whole or in part with any material, is or can be stuffed or filled in whole or in part with any substance or material, hidden or concealed by fabric or any other covering, including cushions or pillows belonging to or forming a part thereof, together with the structural units, the filling material and its container and its covering which can be used as a support for the body of a human being, or his or her limbs and feet when sitting or resting in an upright or reclining position. This does not include furniture used exclusively for the purpose of physical fitness and exercise.

19006.1. "Seating furniture," including children's furniture, movable or stationary, means any furniture, which is made or sold with or without filling material, together with the structural units, which may be used as a support for the body, limbs, or feet when sitting or resting in an upright or reclining position.

19007. "Bedding" means any quilted pad, packing pad, mattress pad, hammock pad, mattress, comforter, quilt, sleeping bag, box spring, studio couch, pillow or cushion made of leather, cloth or any other material, which is or can be stuffed or filled in whole or in part with any concealed substance or material, which can be used by any human being for sleeping or reclining purposes.

19007.5. "Filling material" means cotton, wool, kapok, feathers, downs, hair, liquid, or any other material, substance, or any combination thereof, loose or in batting, pads, or any other prefabricated form, concealed or not concealed to be used or that could be used in articles of bedding or upholstered furniture.

19008. "Secondhand" means any materials or articles used in the construction of bedding or upholstered furniture that have been previously used for any purpose, and shall include "sweepings" which are wastes recovered from gins, furniture and bedding factories, textile plants, or establishments using fibers or other materials. Manufacturing processes shall not be considered previous use, and new materials that are free from dirt or other contamination shall not be classified as sweepings.

19008.1. "Used" means furniture or bedding that has been previously owned or used by another individual.

19008.2. "Antique" means furniture having special value because of its age, especially a work of art or handicraft that is over 100 years old.

19008.5. Any article of upholstered furniture or bedding is secondhand if it contains any secondhand material in whole or in part.

19008.6. Any article of upholstered furniture or bedding on sales floors in a private residence or room, which is not separated from living quarters, is secondhand.

19009. "Retailer" means a person who sells any article of upholstered furniture or bedding or filling materials to a consumer or user of the article as purchased.

19010. "Bedding renovator" means a person who rebuilds, repairs, makes over, re-covers, restores, renovates or renews bedding.

19010.1. "Custom upholsterer" means a person who, either by himself or herself or through employees or agents, repairs, reupholsters, re-covers, restores, or renews upholstered furniture, or who makes to order and specification of the user any article of upholstered furniture, using either new materials or owner's materials.

19010.5. "Wholesaler" means a person who, on his or her own account, sells any article of upholstered furniture or bedding or filling materials to another for the purpose of resale, but shall not include an affiliate or a subsidiary where the ownership and name are identical, and that is the exclusive sales outlet of a manufacturer.

19011. "Manufacturer" means a person who, either by himself or herself or through employees or agents, makes any article of upholstered furniture or bedding in whole or in part, or who does the upholstery or covering of any unit thereof, using either new or secondhand material. "Manufacturer" does not, however, include a "custom upholsterer," as defined in Section 19010.1.

19011.1. "Importer" means a person who manufactures or wholesales, through employees or agents, any article of upholstered furniture, bedding, or filling material manufactured outside of the United States for the purpose of sale or resale in California.

19012. "Supply dealer" means a person who manufactures, processes or sells any felt, batting, pads, woven or plastic fabrics, or loose material in bags or containers, concealed or not concealed, to be used or that could be used in articles of upholstered furniture or bedding.

19012.5. "Sanitizer" means a person who sanitizes articles of bedding or filling materials.

19014. "Branch" means any subordinate establishment situated apart from the parent house, maintaining a separate service to the trade.

19015. "Slip seat" means the separate padded seat unit consisting of a plywood or similar base with its filling material and attached cover, which is used on chairs, benches, stools or similar articles, attached with screws or in any other manner.

19016. "Slip cover" means any casing or cover without filling material which is to be placed, on or over any completely manufactured article of upholstered furniture or bedding, and which is not permanently attached by tacking, sewing, or in any other manner.

19016.5. A person engaged exclusively in the manufacture of slip covers shall not be required to have a license under the provisions of this chapter.

19017. "Owner's material" means any article or material belonging to a person for his or her own, or tenant's use, that is sent to any manufacturer, bedding renovator, or custom upholsterer to be repaired or renovated, or used in repairing or renovating.

19018. "Approved testing laboratory" means any testing facility which is determined by rule and regulation of the bureau to have adequate personnel, facilities, equipment, and expertise to carry out the testing required by this article. Testing of insulation material by the manufacturer in his or her own approved testing laboratory or in an approved independent testing laboratory under contract to the manufacturer may be utilized in the initial certification process and the continued maintenance of certifications.

19019. "Insulation material" means any material or combination of materials applied or installed within or contiguous to a roof, wall, ceiling, or floor of a building or structure, or contiguous to the surface of any appliance or its intake or out take mechanism, for the purpose of reducing heat transfer and thus energy requirements for heating and cooling or reducing adverse temperature fluctuations of the building, room, appliance, or structure.

19020. "R-value" means a measure of thermal resistance of material or composite materials. "R-value" is equal to the reciprocal of the conductance of a given material, or where the conductance of the material is: Btu (hour x square foot x Fahrenheit degree average temperature difference between two surfaces).

$$\text{R-value} = \frac{1}{\text{conductance of the material}}$$

19021. "Quality assurance program" means a system of procedures employed at the place of manufacture of insulation material designed to assure that insulation material produced at that place continues to meet the standards established by the bureau pursuant to this chapter. The program shall include, without limitation, regular periodic testing by an approved testing laboratory.

19022. (a) An "insulation manufacturer" is any person who produces insulation materials or a combination of materials which, when properly applied or installed without any alteration, dilution, or modification so as to affect the thermal or physical properties, performance, or intended use as supplied by the manufacturer, retards the transfer of heat or cold. "Insulation manufacturer" also includes any person who produces finished products whose function is insulation, including, but not limited to, insulated roof and wall panels, insulation kits, pipe insulation, flexible insulated ducting, spray applied insulation systems, or other similar material.
(b) Anyone who alters, substitutes, or recompounds any insulation product or material shall be considered to be the manufacturer of that particular insulation product.
(c) Any applicator, contractor, or fabricator of insulation materials, who installs, applies, or uses insulation materials for their intended use, without changing the thermal or physical properties of the insulation material, shall not be considered an insulation manufacturer, provided that the manufacturer of the insulation material has been licensed in accordance with this chapter.
(d) As used in subdivision (b), "alteration," "substitution," or "recompounding" includes:
(1) The attachment of facings or vapor barriers, including, but not limited to, plastic, metal, felt, paper, or other similar materials.
(2) The compression, expansion, or reshaping of insulation materials.
(3) The addition of, or mixing with, adhesives.
(4) In the case of spray applied or foamed in place insulation, any addition to, substitution of, or deletion from, the chemical system provided by the insulation manufacturers.
(e) This chapter does not apply to the attaching of fiberglass insulation to metal duct work by a licensed contractor using industry-accepted adhesives and metal pins.

Article 2.
Administration

19030. Any reference in California law to the Bureau of Home Furnishings or to the Bureau of Home Furnishings and Thermal Insulation shall be deemed to refer to the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation.

19031. The duty of enforcing and administering this chapter and Chapter 20 (commencing with Section 9800) of Division 3 is vested in the chief and he or she is responsible to the director therefor.

19032. In accordance with the State Civil Service Act, the director may appoint and fix the compensation of such inspectors and other personnel as may be necessary for the administration of this chapter.

19033. Except as qualified by this chapter the chief has all the powers and duties of a head of a department under Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.

19034. With the approval of the director, the chief may adopt rules and regulations necessary for the administration of this chapter and declaring the policy of the bureau, and shall determine when any article, not otherwise clearly defined, is "upholstered furniture" or "bedding" or "insulation" under the provisions of this chapter.

19034.5. All rules and regulations shall become effective not earlier than 30 days after approval by the director, and upon compliance with the procedure provided in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Article 3.
Licensing

19049. It shall be unlawful for any person to engage in a business regulated by this chapter unless, at the time of so doing, he or she holds a valid, unexpired license to engage in that business, in compliance with the provisions of this chapter.

19050. To obtain a license authorized by this chapter, an applicant shall submit to the chief an application in writing. The application shall be made on a form prescribed by the chief and shall be accompanied by the fee fixed by this chapter.

19051. Every upholstered-furniture retailer, unless he or she holds an importer's license, a furniture and bedding manufacturer's license, a wholesale furniture and bedding dealer's license, a custom upholsterer's license, or a retail furniture and bedding dealer's license shall hold a retail furniture dealer's license.
(a) This section does not apply to a person whose sole business is designing and specifying for interior spaces, and who purchases specific amenable upholstered furniture items on behalf of a client, provided that the furniture is purchased from an appropriately licensed importer, wholesaler, or retailer. This section does not apply to a person who sells “used” and “antique” furniture as defined in Sections 19008.1 and 19008.2.
(b) This section does not apply to a person who is licensed as a home medical device retail facility by the State Department of Health Services, provided that the furniture is purchased from an appropriately licensed importer, wholesaler, or retailer.

19052. Every custom upholsterer, unless he or she holds a furniture and bedding manufacturer's license, shall hold a custom upholsterer's license.

19053. Every upholstered-furniture wholesaler, bedding wholesaler, and upholstered-furniture and bedding wholesaler, unless he or she holds an importer's license, shall hold a wholesale furniture and bedding dealer's license.

19053.1. Every importer shall hold an importer's license.

19054. Every upholstered-furniture manufacturer, bedding manufacturer, upholstered-furniture and bedding manufacturer, or bedding renovator, unless he or she holds an importer's license, shall hold a furniture and bedding manufacturer's license.

19055. Every bedding retailer, unless he or she holds an importer's license, an upholstered-furniture and bedding manufacturer's license, a wholesale upholstered-furniture and bedding dealer's license, or a retail furniture and bedding dealer's license, shall hold a retail bedding dealer's license.

(a) This section does not apply to a person whose sole business is designing and specifying for interior spaces, and who purchases specific amenable bedding items on behalf of a client, provided that the bedding is purchased from an appropriately licensed importer, wholesaler, or retailer.
(b) This section does not apply to a person who is licensed as a home medical device retail facility by the State Department of Health Services, provided that the bedding is purchased from an appropriately licensed importer, wholesaler, or retailer.

19056. Every bedding renovator shall hold an upholstered-furniture and bedding manufacturer's license.

19059. Every supply dealer, unless he or she holds an upholstered-furniture and bedding manufacturer's license or an importer's license, shall hold a supply dealer's license.

19059.5. Every sanitizer shall hold a sanitizer's license unless he or she is licensed as a home medical device retail facility by the State Department of Health Services or as an upholstered furniture and bedding manufacturer, retail furniture and bedding dealer, retail bedding dealer, or custom upholsterer.

19059.7. Every insulation manufacturer who sells insulation material in California shall hold an insulation manufacturing license issued by the bureau. Manufacturers having more than one manufacturing plant shall hold a single license for all plants under the same ownership producing the same generic type of insulation. The total annual license fee for any insulation manufacturer shall not exceed eight thousand dollars ($8,000).

19060. Every person in any class shall obtain a separate license for each branch house; but one whose manufacturing plant is located in another state or foreign country, and who is licensed to manufacture upholstered furniture or bedding or filling materials for sale in California, may have one wholesale outlet operated in the same name in California, covered by the license issued to the factory.

19060.5. Every person who, on his or her own account, sells either directly or indirectly to any person either at wholesale or retail any merchandise subject to this chapter by means of a car, catalog, office or in any other manner, shall obtain the proper license for each method of sale or distribution.

19060.6. (a) Except as provided in subdivision (b), every person who, on his or her own account, advertises, solicits or contracts to manufacture, repair or renovate upholstered furniture or bedding, and who either does the work himself or herself or has others do it for him or her, shall obtain the particular license required by this chapter for the particular type of work that he or she solicits or advertises that he or she will do, regardless of whether he or she has a shop or factory.
(b) Every person who, on his or her own account, advertises, solicits or contracts to repair or renovate upholstered furniture and who does not do the work himself or herself nor have employees do it for him or her but does have the work done by a licensed custom upholsterer need not obtain a license as a custom upholsterer but shall obtain a license as a retail furniture dealer. However, nothing in this section shall exempt a retail furniture dealer from complying with Sections 19162 and 19163.

19061. Every person doing business at the same address under more than one firm name is subject to the license provisions for each firm name.

19061.5. The chief shall prescribe the procedure relative to:
(a) Assignment or reassignment of serial or registry numbers.
(b) Transfer of licenses between persons, where such transfer is effected through rent, lease or sale of the business.
(c) Change in name, ownership, address, or of license classification.

19062. A license issued by the bureau shall be posted in a conspicuous place in the main office or principal place of business of the licensee.

19063. The bureau may refuse to issue any license provided for in this chapter to any individual:
(a) Who has had any license issued to him or her revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension.

(b) If any license of a partnership of which he or she is or was a member, or of a corporation of which he or she is or was an officer or director, or of a firm or association of which he or she is or was an officer or of which he or she is or was acting in a managerial capacity, has had any license issued to it revoked or suspended, and while acting as a member, officer, director, or in a managerial capacity he or she participated in any of the prohibited acts for which the license was revoked or suspended.

19064. The bureau may refuse to issue any license provided for in this chapter to any partnership, corporation, firm, or association:
(a) Who has had any license issued to it revoked, or whose license is under suspension, or who has failed to renew its license while it was under suspension.
(b) If any member of the partnership, or any officer or director of the corporation, or any officer or person acting in a managerial capacity of the firm or association has had any license issued to him or her revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension.
(c) If any member of the partnership, or any officer or director of the corporation, or any officer or person acting in a managerial capacity of the firm or association, was either a member of any partnership, or an officer or director of any corporation, or an officer or person acting in a managerial capacity of any firm or association, whose license has been revoked, or whose license is under suspension, or who failed to renew a license while it was under suspension, and while acting as such member, officer, director, or person acting in a managerial capacity participated in any of the prohibited acts for which any such license was revoked or suspended.

Article 4.
Application of the Chapter

19070. This chapter applies to upholstered furniture, bedding and filling materials, and insulation sold in California regardless of its point of origin.

19071. Secondhand bedding, or secondhand filling materials to be used or that could be used in bedding received from outside of this state shall comply with all the sanitization provisions of this chapter before it is accepted, sold or delivered, either directly or indirectly by any person.

19072. Responsibility for compliance with this chapter rests not only with the manufacturer but also with the importer, wholesaler, retailer, or any person having in his or her possession any article of upholstered furniture or bedding, or filling materials with intent to resell contrary to the provisions of this chapter.

19072.5. Importers, wholesalers, and retailers shall not sell or resell in California unlabeled upholstered furniture or bedding. Importers, wholesalers, and retailers shall obtain labels from the manufacturer of those articles and shall affix the labels before offering any upholstered furniture or bedding for sale. This does not include furniture used exclusively for the purpose of physical fitness and exercise.

19072.6. The manufacturer of chairs and benches and similar articles, using slip seats that are manufactured by himself or herself or purchased from another, is responsible for the labeling of those articles.

19072.7. Aiding, abetting, or knowingly combining or conspiring with an unlicensed person engaged in a business regulated by this chapter, to evade the provisions of this chapter, or allowing one's license or registry number to be used by an unlicensed person to evade the provisions of this chapter is grounds for disciplinary action.

19073. This chapter does not apply to upholstered furniture, bedding, or insulation manufactured and sold at wholesale in California for delivery outside the borders of this state.

19074. This chapter does not apply to the manufacturer of insulating window or door glass or products containing insulating window or door glass.

Article 5.
Labeling

19080. A person shall not, at wholesale, retail, or otherwise, directly or indirectly, make, rebuild, repair, renovate, process, prepare, sell, offer for sale, display, or deliver any article of upholstered furniture or bedding, or any filling materials in prefabricated form or loose in bags or containers, unless the article or material is plainly and indelibly labeled. This does not include furniture used exclusively for the purpose of physical fitness and exercise.

19081. The form and size of labels, the fabric of which they are made and the wording and statements thereon necessary to carry out the provisions of this chapter, shall be approved by the chief.

19082. A rubber stamp may be used in lieu of a label, on articles with slip seats having a smooth backing on which the imprint can be legibly and indelibly stamped.

19083. Labels shall be securely attached to the article or filling material at the factory, in a position where they can be conveniently examined.

19084. The information required by this chapter shall be printed on one side of the label only.

19085. Labels shall contain no advertising matter nor anything that detracts, or is likely to detract from the required statements.

19086. No mark, tag, sticker or any other device shall be placed upon labels by any dealer or any other person in such a way as to cover the required statements.

19087. It is unlawful for any person, except the purchaser for his own use, to attempt to, or to remove, deface, alter or cause to be removed, defaced or altered, the label or any mark or statement thereon, placed upon any article of upholstered furniture, bedding, or filling material under the provisions of this chapter.

19088. It is unlawful to use, in the description of filling material, or in the statement on any label, any misleading term or designation or any term or designation likely to mislead.

19089. The bureau may establish grades, specifications and tolerances for the kinds and qualities of materials which are used or intended to be used in the manufacture, repair or renovation of upholstered furniture, bedding or filling materials, and may approve or adopt designations and rules which are not in conflict with any provisions of this chapter, for the labeling of articles filled with these materials.

19089.3. All bedding with liquid filling material and each component part of such bedding shall be clearly labeled in a manner approved by the chief.

19089.5. Any upholstered furniture or mattress that is made from or contains nonflame retardant cellular foam shall be labeled in a manner approved by the chief. On and after January 1, 2004, all bedding that is made from or contains nonflame retardant cellular foam shall also be labeled in a manner approved by the chief. Notwithstanding the provisions of this section, no label is required for a product that complies with the regulations required by Section 19161 or with applicable federal flammability regulations.

19092. The repairer or renovator of any secondhand upholstered furniture or bedding which is subsequently sold, shall affix the "Secondhand Material" label.

19093. Any person who repairs or renovates upholstered furniture or bedding for the owner for his or her own or a tenant's use, shall affix the "Owner's Material" label, which shall be attached to the article before delivery to the owner.

19094. (a) For the purposes of this section, the following definitions shall apply:

(1) "Component" means the separate constituent parts of upholstered furniture sold in California, as identified in Technical Bulletin 117-2013, specifically cover fabrics, barrier materials, resilient filling materials, and decking materials.

(2) "Covered products" means any flexible polyurethane foam or upholstered or reupholstered furniture sold in California that is required to meet the test requirements set forth in Technical Bulletin 117-2013, entitled "Requirements, Test Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture."

(3) "Flame retardant chemical" means any chemical or chemical compound for which a functional use is to resist or inhibit the spread of fire. Flame retardant chemicals include, but are not limited to, halogenated, phosphorous-based, nitrogen-based, and nanoscale flame retardants, flame retardant chemicals listed as "designated chemicals" pursuant to Section 105440 of the Health and Safety Code, and any chemical or chemical compound for which "flame retardant" appears on the substance Safety Data Sheet (SDS) pursuant to Section 1910.1200(g) of Title 29 of the Code of Federal Regulations.

(4) "Chemical" means either of the following:

(A) An organic or inorganic substance of a particular molecular identity, including any combination of those substances occurring, in whole or in part, as a result of a chemical reaction or occurring in nature, and any element, ion, or uncombined radical, and any degradate, metabolite, or reaction product of a substance with a particular molecular identity.

(B) A chemical ingredient, which means a substance comprising one or more substances described in subparagraph (A).

(5) "Molecular identity" means the substance's properties listed below:

(A) Agglomeration state.
(B) Bulk density.
(C) Chemical composition, including surface coating.
(D) Crystal structure.
(E) Dispersability*.
(F) Molecular structure.
(G) Particle density.
(H) Particle size, size distribution, and surface area.
(I) Physical form and shape, at room temperature and pressure.
(J) Physicochemical properties.
(K) Porosity.
(L) Solubility in water and biologically relevant fluids.
(M) Surface charge.
(N) Surface reactivity.

(6) "Added flame retardant chemicals" means flame retardant chemicals that are present in any covered product or component thereof at levels above 1,000 parts per million.

(7) "Department" means the Department of Toxic Substances Control.

(8) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

(b) (1) A manufacturer of covered products shall indicate whether or not the product contains added flame retardant chemicals by including the following "flame retardant chemical statement" on the label described in Section 1374.3 of Title 4 of the California Code of Regulations for covered products:

* The term "Dispersability" is misspelled in Senate Bill 1019. The correct spelling is "Dispersibility".

"The upholstery materials in this product:

_____contain added flame retardant chemicals

_____contain NO added flame retardant chemicals

The State of California has updated the flammability standard and determined that the fire safety requirements for this product can be met without adding flame retardant chemicals. The state has identified many flame retardant chemicals as being known to, or strongly suspected of, adversely impacting human health or development."

A manufacturer of covered products shall indicate the absence or presence of added flame retardant chemicals by placing an "X" in one of the appropriate blanks.

(2) This statement shall be included in the label described in Section 1374.3 of Title 4 of the California Code of Regulations in accordance with the bureau's regulations for that label. The statement need not be in all capital letters, and shall follow the statement required by Section 1374.3 of Title 4 of the California Code of Regulations.

(c) (1) The manufacturer of the covered product sold in California shall retain documentation to show whether flame retardant chemicals were added. A written statement by the supplier of each component covered by Technical Bulletin 117-2013 attesting either that flame retardant chemicals were added or not added shall be sufficient documentation.

(2) The bureau shall ensure compliance with the labeling and documentation requirements in this section.

(3) (A) Upon request, a manufacturer of a covered product sold in California shall provide to the bureau, within 30 days of the request, documentation establishing the accuracy of the flame retardant chemical statement on the label required by subdivision (b).

(B) The bureau shall assess fines of not less than two thousand five hundred dollars ($2,500) but not more than fifteen thousand dollars ($15,000) in accordance with the factors described in subdivision (d) for the failure of the manufacturer of the covered product to maintain the documentation required by this section, or for the failure of the manufacturer of the covered product to provide, upon request, the documentation required by this section to the bureau. These fines shall replace any other fines in this article for a violation of the documentation requirements of this section. This subparagraph does not alter or amend any other penalty otherwise imposed by this article.

(C) A manufacturer of covered products and component suppliers shall be jointly and severally liable for violations of the documentation required in this section.

(D) (i) The bureau shall provide the Department of Toxic Substances Control with a selection of samples from covered products marked "contain NO added flame retardant chemicals" for testing for the presence of added flame retardant chemicals. The samples shall be from the components identified in paragraph (1) of subdivision (a). The bureau shall select samples based on consultation with the department, taking into account a range of manufacturers and types of covered products. The bureau and the department shall consult on the tests to be conducted by the department. The department shall provide the results of any completed test to the bureau. The bureau shall reimburse the department for the cost of testing for the presence of added flame retardant chemicals in covered products marked "contain NO added flame retardant chemicals".

(ii) No later than August 1 of each fiscal year, the bureau shall assess available resources and determine the number of tests to be conducted in the corresponding fiscal year, pursuant to this subparagraph.

(E) (i) If the department's testing shows that a covered product labeled as "contain NO added flame retardant chemicals" is mislabeled because it contains added flame retardant chemicals, the bureau may assess fines for violations against manufacturers of the covered product and component manufacturers to be held jointly and severally liable for the violation.

(ii) A fine for a violation of this subparagraph relating to mislabeling shall be assessed in accordance with the factors described in subdivision (d) and the following schedule:

(I) The fine for the first violation shall be not less than one thousand dollars ($1,000) but not more than two thousand five hundred dollars ($2,500).

(II) The fine for the second violation shall be not less than two thousand five hundred dollars ($2,500) but not more than five thousand dollars ($5,000).

(III) The fine for the third violation shall be not less than five thousand dollars ($5,000) but not more than seven thousand five hundred dollars ($7,500).

(IV) The fine for any subsequent violation shall be not less than seven thousand five hundred dollars ($7,500) but not more than ten thousand dollars ($10,000).

(iii) The fines in clause (ii) shall replace any other fines in this article for a violation of the testing requirements of this section. This clause does not alter or amend any other penalty otherwise imposed by this article.

(iv) If the department's testing shows that a covered product labeled as "contain NO added flame retardant chemicals" is mislabeled because it contains added flame retardant chemicals, in addition to a fine or any other request, the bureau may request that the label required by subdivision (b) for covered products that belong to the same stock keeping unit (SKU) currently produced by the manufacturer be corrected to reflect that flame retardant chemicals are added to the covered product.

(v) If the department's testing shows that a covered product labeled as "contain NO added flame retardant chemicals" is mislabeled because it contains added flame retardant chemicals, in addition to a fine or any other request, the bureau may request additional testing of more products belonging to the same stock keeping unit (SKU) at the manufacturer's expense to verify the accuracy of the label required by subdivision (b) for covered products if the manufacturer wishes to retain the "contain NO added flame retardant chemicals" designation on the label required by subdivision (b).

(d) (1) The bureau shall make information about any citation issued pursuant to this section available to the public on its Internet Web site.

(2) In determining the amount of the fine for violations of this section, the bureau shall consider the following factors:

(A) The nature and severity of the violation.
(B) The good or bad faith of the cited person.
(C) The history of previous violations.
(D) Evidence that the violation was willful.
(E) The extent to which the cited person or entity has cooperated with the bureau.

(3) (A) The bureau shall adjust all minimum and maximum fines imposed by this section for inflation every five years.

(B) The adjustment shall be equivalent to the percentage, if any, that the Consumer Price Index at the time of adjustment exceeds the Consumer Price Index at the time this section goes into effect. Any increase determined under this paragraph shall be rounded as follows:

(i) In multiples of ten dollars ($10) in the case of penalties less than or equal to one hundred dollars ($100).

(ii) In multiples of one hundred dollars ($100) in the case of penalties greater than one hundred dollars ($100) but less than or equal to one thousand dollars ($1,000).

(iii) In multiples of one thousand dollars ($1,000) in the case of penalties greater than one thousand dollars ($1,000).

(4) It shall be the duty of the bureau to receive complaints from consumers concerning covered products sold in California.

(e) The bureau may adopt regulations pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) to carry out this section.

Article 6.
Sanitization

19120. The enforcement of all sanitization regulations pertaining to any article subject to this chapter is vested in the bureau. The bureau shall consult with the State Department of Health Services on any changes to the sanitization requirements.

19121. Filthy or soiled articles of new or used bedding cannot be sold, offered or exposed for sale unless the fabric covering them is either properly cleaned or replaced by a new covering and then subjected to sanitization as provided for in this chapter.

19122. A person shall not engage in the business of sanitizing any article of bedding or filling material, provided for in this chapter, without first having his or her sanitization equipment tested and approved by the bureau.

19122.5. Periodic tests and inspections shall be made by an authorized representative of the bureau, to determine whether or not the equipment and procedures used, comply with the requirements of the sanitization regulations.

19123. The provisions of this article apply only to persons subject to the license provisions of this chapter.

19123.4. Newly manufactured articles of bedding that contain any secondhand filling material shall be sanitized before they are offered or exposed for sale.

19123.5. Every article of bedding and all filling material, repaired or renovated for resale or repaired or renovated for an owner but subsequently offered for sale shall be sanitized before being offered or exposed for sale.

19123.6. Every article of bedding to which any secondhand material has been added in the process of repairing, shall be sanitized in accordance with the provisions of the sanitization regulations.

19124. Every person who receives for sanitization any bedding filling material shall sanitize all those articles and material in accordance with the sanitization regulations.

19124.5. Every person who sanitizes any bedding or filling material shall affix a sanitization label to the article or material in the manner prescribed by the bureau.

19127. The form, size and color of sanitization labels, and the material of which they are made shall be approved by the chief and as provided in the Label Regulations.

19127.5. Sanitization labels shall be sold only to sanitizers licensed under this chapter. Illegal possession of any sanitization label is a violation of this chapter. Void or mutilated labels shall be returned to the bureau.

19127.6. The sanitizer shall keep a record of all data and show the disposition of every label as required in the sanitization regulations. The records shall be accessible at all reasonable times to the chief and the inspectors.

19129. Secondhand or used bedding and any secondhand or used article that can be used for sleeping purposes shall be sanitized under the provisions of this chapter before being sold.

19131. Every article of bedding from any private or public hospital, jail or other institution, or which has been used by any person, suffering from an infectious or contagious disease, shall be sanitized before it is repaired or renovated.

19132. New or sanitized articles of bedding or materials shall at all times be kept separate from any secondhand or used articles or materials that are unsanitized.

Article 7.
Regulations

19150. Every person who falsely advertises or misrepresents in any way any merchandise coming under the provisions of this chapter either directly or indirectly by any medium of advertising, including false statements made on the recognized California State labels or any other label or tag attached to the merchandise in question, is guilty of a violation of this chapter.

19151. No person licensed under this chapter shall advertise an article of upholstered furniture or bedding, or any part thereof, including, but not limited to, headboards, footboards, or frames of beds, using in such advertisement an illustration of an article that is not the article advertised unless the illustration is coupled with a statement that the article advertised is not as illustrated, the statement to be printed in type of at least nine-point bold caps or the equivalent thereto.

19152. No unconditional guaranty or replacement without charge relating to the quality of an article of upholstered furniture or bedding given by a person licensed under this chapter to a purchaser of such upholstered furniture or bedding shall exceed a period of five years from the date of sale.

This section does not preclude the offering of a warranty which would allow for a schedule of replacement charges based on period of use.

19158. Every person, upon receiving upholstered furniture or bedding for repairing or renovating shall securely affix, immediately, a tag of identification showing the owner's or dealer's name, address and the date upon which it was received. The tag shall remain affixed until the article is in the process of repair or renovation.

19160. The premises, delivery equipment, machinery, appliances and devices of all persons licensed under this chapter shall at all times be kept free from refuse, dirt contamination, insects or vermin.

19161. (a) All mattresses and mattress sets manufactured for sale in this state shall be fire retardant. “Fire retardant,” as used in this section, means a product that meets the standards for resistance to open-flame test adopted by the United States Consumer Product Safety Commission and set forth in Section 1633 and following of Title 16 of the Code of Federal Regulations. The bureau may adopt regulations it deems necessary to implement those standards.
(b) All other bedding products that the bureau determines contribute to mattress bedding fires shall comply with regulations adopted by the bureau specifying that those products be resistant to open-flame ignition.
(c) All seating furniture sold or offered for sale by an importer, manufacturer, or wholesaler for use in this state, including any seating furniture sold to or offered for sale for use in a hotel, motel, or other place of public accommodation in this state, and reupholstered furniture to which filling materials are added, shall be fire retardant and shall be labeled in a manner specified by the bureau. This does not include furniture used exclusively for the purpose of physical fitness and exercise.
(d) Regulations adopted by the bureau for other bedding products shall not apply to any hotel, motel, bed and breakfast, inn, or similar transient lodging establishment that has an automatic fire extinguishing system that conforms to the specifications established in Section 904.1 of Title 24 of the California Code of Regulations.
(e) This section shall become operative on July 1, 2007.

19161.3. All flexible polyurethane foam in the form of slabs, blocks, or sheets, or which is shredded (loose or packaged), except polyurethane foam sold for use as carpet underlayment and polyurethane foam which cannot reasonably be expected to be used in or as an article of furniture or a mattress, that is offered for sale to the general public at retail outlets in this state for noncommercial or nonmanufacturing purposes, shall be fire retardant. "Fire retardant" as used in this section, means a product that meets the regulations adopted by the bureau.

19161.5. The chief of the bureau, subject to the approval of the Director of Consumer Affairs, may in his or her discretion exempt items of upholstered furniture which are deemed not to pose a serious fire hazard from the fire retardant requirements of Section 19161.

19162. A custom upholsterer shall give to his or her customer a written estimate of the price of the labor and materials necessary for a specific job. No work shall be performed and no charges shall accrue before authorization to proceed is obtained from the customer, and no charge shall be made for work performed or materials supplied in excess of the estimated price without the oral or written consent of the customer obtained after it is determined that the estimated price is insufficient and before the work not estimated is performed or the materials not estimated are supplied. Nothing in this section shall be construed as requiring a custom upholsterer to give an estimate if he or she does not agree to perform the requested work. As used in this section, "materials" includes structural units, filling materials, containers, and coverings.

19163. All work to be performed by a custom upholsterer shall be recorded on a work order containing information required by rules and regulations adopted by the bureau and shall describe all work to be performed, all materials to be supplied, and the period within which the estimate shall remain effective. If any secondhand materials are to be supplied, the work order shall clearly identify them as secondhand. No work shall be performed and no charges shall accrue before authorization for the work and materials is obtained from the customer, and no charge shall be made for work performed or materials supplied different from those specified in the work order without the oral or written consent of the customer. One copy of the work order shall be given to the customer before any work is performed and

one copy shall be retained by the custom upholsterer for at least one year. As used in this section, "materials" includes structural units, filling materials, containers, and coverings.

19164. The bureau may, by regulation, establish insulation material standards governing the quality of all insulation material sold or installed within this state, including those properties that affect the safety and thermal performance of insulation material during application and in the use intended. The standards shall specify the initial performance of the insulation material and the performance expected during the design life of the insulation material. Until the bureau has adopted these regulations, the regulations of the State Energy Resources Conservation and Development Commission in effect on the effective date of this section relating to those standards shall remain in full force and effect. However, wherever those regulations specify that the commission shall perform an act, the bureau instead shall perform the act.

Prior to establishing the standards and procedures required by this chapter, the bureau shall conduct at least two public hearings, and shall invite the State Energy Resources Conservation and Development Commission, the State Fire Marshal, manufacturers, distributors, and licensed installers of insulation materials, and appropriate members of the public to participate in the hearings. Immediately upon adoption of the standards and procedures, the bureau shall provide a copy of the standards to the State Energy Resources Conservation and Development Commission, and the Contractors' State License Board. Within 30 days after receipt of the bureau's standards, the Contractors' State License Board shall notify all state licensed contractors who install insulation of the standards.

Insulation standards adopted by the bureau, pursuant to this section, and by the State Energy Resources Conservation and Development Commission, pursuant to Section 25402 of the Public Resources Code, which are building standards, as defined in Section 25488.5 of the Public Resources Code, shall be submitted to the California Building Standards Commission for approval pursuant to, and are governed by, the California Building Standards Law, (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code). The building standards adopted by the bureau and published in the California Building Standards Code shall comply with, and be enforced as provided in, this section.

19165. Insulation material may only be sold or installed in the state which has been certified by the manufacturer to have been tested in accordance with standards adopted by the bureau and which bears a visible bureau approved statement by the manufacturer certifying that the insulation material meets those standards and has been tested and approved by an approved testing laboratory. The testing criteria shall be designed to determine whether insulation materials have met or exceeded minimum established standards. The bureau shall publish and periodically update a directory of certified insulation, including the R-value. The bureau shall charge a fee of fifty dollars ($50) annually, for each certified product listed in the directory up to a maximum of five thousand dollars ($5,000) per manufacturer.

Within 180 days after the date of adoption of those standards, each manufacturer of insulation material shall develop and implement a quality assurance program. Each manufacturer shall keep a record of any testing performed pursuant to the program for a period of three years after it is performed.

Article 8.
Fees

19170. (a) The fee imposed for the issuance and for the biennial renewal of each license granted under this chapter shall be set by the chief, with the approval of the director, at a sum not more nor less than that shown in the following table:

	Maximum fee	**Minimum fee**
Importer's license	$940	$120
Furniture and bedding manufacturer's license	$940	$120
Wholesale furniture and bedding dealer's license	$675	$120
Supply dealer's license	$675	$120
Custom upholsterer's license	$450	$80
Sanitizer's license	$450	$80
Retail furniture and bedding dealer's license	$300	$40
Retail furniture dealer's license	$150	$20
Retail bedding dealer's license	$150	$20

(b) Individuals who, in their own homes and without the employment of any other person, make, sell, advertise, or contract to make pillows, quilts, quilted pads, or comforters are exempt from the fee requirements imposed by subdivision (a). However, these individuals shall comply with all other provisions of this chapter.
(c) Retailers who only sell "used" and "antique" furniture as defined in Sections 19008.1 and 19008.2 are exempt from the fee requirements imposed by subdivision (a). Those retailers are also exempt from the other provisions of this chapter.
(d) A person who makes, sells, or advertises upholstered furniture and bedding as defined in Sections 19006 and 19007, and who also makes, sells, or advertises furniture used exclusively for the purpose of physical fitness and exercise, shall comply with the fee requirements imposed by subdivision (a).
(e) A person who has paid the required fee and who is licensed either as an upholstered furniture and bedding manufacturer or a custom upholsterer under this chapter shall not be required to additionally pay the fee for a sanitizer's license.

19170.3. The annual fee for an insulation manufacturing license shall be fixed by the bureau in an amount not less than one thousand eight hundred fifty dollars ($1,850) but not more than two thousand five hundred dollars ($2,500).

19170.5. (a) Except as provided in Section 19170.3, licenses issued under this chapter expire two years from the date of issuance. To renew his or her license, a licensee shall, on or before the date on which it would otherwise expire, apply for renewal on a form prescribed by the chief, and pay the fees prescribed by Sections 19170 and Section 19213.1. If a licensee fails to renew his or her license before its expiration, a delinquency fee of 20 percent, but not more than one hundred dollars ($100), notwithstanding the provisions of Section 163.5, shall be added to the renewal fee. If the renewal fee and delinquency fee are not paid within 90 days after expiration of a license, the licensee shall be assessed an additional penalty fee of 30 percent of the renewal fee.
(b) Except as otherwise provided in this chapter, a licensee may renew an expired license within six years after expiration of the license by filing an application for renewal on a form prescribed by the bureau, and paying all accrued renewal, delinquent, and penalty fees.
(c) A license that is not renewed within six years of its expiration shall not be renewed, restored, reinstated, or reissued, but the holder of the license may apply for and obtain a new license if both of the following requirements are satisfied:
(1) No fact, circumstance, or condition exists which would justify denial of licensure under Section 480.
(2) The licensee pays all renewal, delinquency, and penalty fees that have accrued since the date on which the license was last renewed.
(d) The bureau may impose conditions on any license issued pursuant to subdivision (c).

19172. A person may not obtain a new license of the same class as the license held during the last preceding license period, but may renew the license previously held by him or her on payment of the renewal fee and delinquency fee in effect on the last regular renewal date before the date on which he or she applies for renewal provided the license has not been canceled in accordance with Section 19170.5.

19173.5. Section 11002 of the Government Code authorizes the use of the United States postal cancellation on the envelope in which the fee is mailed, as the date of payment.

19174. All fees collected under this chapter shall be reported to the Controller and paid to the Treasurer and credited to the Home Furnishings and Thermal Insulation Fund, to be expended only for the purposes of the bureau and in carrying out this chapter.

Article 9.
Enforcement

19200. The chief or any inspector shall have access to the premises, equipment, materials, partly finished and finished articles and records of any person subject to the provisions of this chapter.

19200.5. (a) The chief or any inspector may open any articles of upholstered furniture or bedding, including pillows or cushions belonging to or forming a part thereof, or insulation for the purpose of inspecting concealed filling material and may take either the entire article, or samples of filling material or insulation in such quantities as may be necessary for analysis.
(b) The bureau shall reimburse the manufacturer, distributor, or retailer for the actual cost of any article or sample of filling material or insulation taken for analysis under subdivision (a) unless the article or sample is found to be in violation of this chapter or any regulation adopted by the bureau.

19201. The chief or any inspector may determine the fitness of any secondhand or damaged article of bedding or filling material, for sanitization and sale.

19202. The bureau may condemn, withhold from sale, seize, or destroy any upholstered furniture or bedding or any filling material or insulation which is found to be in violation of this chapter.

19203. The tag to be affixed to any article of condemned upholstered furniture or bedding, or any material or insulation, by an inspector shall be a red tag and shall contain such information as may be required by the chief.

19204. Every person who removes, or causes to be removed, any tag or device placed upon any upholstered furniture or bedding or any material or insulation, by an inspector is guilty of a violation of this chapter.

19205. The failure of any person to produce upon demand of an inspector any article that has been condemned and ordered held on a notice of violation signed by such person, or a notice of violation that the person has refused to sign, is a violation of this chapter.

19206. No person shall interfere with, obstruct or otherwise hinder any inspector of the bureau or of the department's Division of Investigation in the performance of his or her duties.

19207. Any inspector having knowledge of a violation of any of the provisions of this chapter shall notify the chief of the violation.

19208. The chief or his or her authorized designee may cite any person licensed under and subject to the provisions of this chapter to participate in an office conference before the chief to show cause why he or she should not be subject to any or a range of disciplinary actions or to prosecution for any violation of this chapter.

19209. Except as otherwise required to comply with the provisions of Article 9.5 of this chapter, the proceedings in any hearing or disciplinary action under this chapter shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code.

19210. After a hearing, a license may be suspended, revoked, reprimanded, or placed on probation for a violation of any of the provisions of this chapter or of the rules and regulations of the bureau, or for a violation of Article 1 (commencing with Section 17500) of Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, relating to false or misleading advertising; provided, however, that the license of a wholesaler or retailer shall not be suspended in the absence of a finding that the wholesaler or retailer knowingly offered for sale or sold articles not conforming to the requirements of this chapter or the rules and regulations of the bureau.

In any order of suspension or revocation, the bureau may impose conditions relative to the disposition of articles not conforming to the requirements of this chapter or the rules and regulations of the bureau, or may impose conditions relative to the completion or fulfillment of any orders or contracts entered into prior to the date of the hearing.

19211. Any person who has been denied a license, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or any person who has been a member of any partnership, or an officer or director of any corporation, or an officer or person acting in a managerial capacity of any firm or association, whose license has been revoked, or whose license is under suspension, or who has failed to renew a license while it was under suspension, and while acting as a member, officer, director, or person acting in a managerial capacity, participated in any of the prohibited acts for which the license was suspended, or revoked, shall be prohibited from serving as a member of any licensed partnership, or as an officer or director of any licensed corporation, or as an officer or person acting in a managerial capacity of any licensed firm or association, and the employment, election, or association of a person in this capacity by a licensee shall constitute grounds for disciplinary action against the licensee.

19212. The performance by any partnership, corporation, firm, or association of any act or omission constituting a cause for disciplinary action, likewise constitutes a cause for disciplinary action against any licensee who is a member of any such partnership, or an officer or director of any such corporation, or an officer or person acting in a managerial capacity of any such firm or association, if such licensee participated in such prohibited act or omission.

19213. The bureau may monitor compliance with all insulation standards, including those adopted by the Energy Resources Conservation and Development Commission, pursuant to Section 25402 of the Public Resources Code, by conducting periodic inspections with its own personnel, or by requiring inspections conducted by an approved independent third party laboratory, of manufacturers, distributors, or retailers of insulation material sold within the state in order to determine their compliance with this article. The bureau shall annually test all categories of insulation products for which standards have been adopted. The bureau may require those manufacturers, distributors, or retailers that are inspected and found not in compliance with this article, or any regulation implementing it, to pay such reasonable fees as are necessary to cover the costs of inspections and testing necessary to investigate and enforce compliance by those manufacturers, distributors, and retailers. Fees shall be fixed in an amount not more than the cost of testing and inspection with a minimum fee of two hundred dollars ($200) for each test or inspection. The bureau may also conduct, or contract with approved independent third party laboratories to conduct, independent performance tests of insulation materials sold in the state, in order to determine compliance with its adopted standards. Where a fee is not paid, the full amount of the assessed fee shall be added to the fee for the renewal of a license. A license shall not be renewed without payment of the renewal fee and all fees for testing and inspection.

19213.1. The bureau may require a licensee who sells or manufactures furniture and bedding products that are inspected and found not to be in compliance with this chapter, or any regulation implementing it, to pay those reasonable fees as are necessary to cover the costs of inspections and testing necessary to investigate and enforce compliance by those licenses. Fees shall be fixed in an amount not more than the cost of testing and inspection except that the minimum fee shall be two hundred dollars ($200) for each test or inspection. The range of fees for testing or inspection shall be fixed by the bureau in an amount not less than two hundred dollars ($200) and not more than five hundred dollars ($500) for each test or inspection. Where a fee is not paid, the full amount of the assessed fee shall be added to the fee for the renewal of a license. A license shall not be renewed without payment of the renewal fee and all fees for testing and inspection.

19214. Any person who violates or proposes to violate any provision of this chapter relating to insulation standards may be enjoined by any court of competent jurisdiction. The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use or employment by any person of any practices which violate this chapter, or which may be necessary to restore to any person in interest any money or property, real

or personal, which may have been acquired by means of any practice which violates any provision of this chapter.

Actions for injunction under this section may be prosecuted by the Attorney General or any district attorney, county counsel, city attorney, or city prosecutor in this state in the name of the people of the State of California upon his or her own motion or upon the complaint of any board, officer, person, corporation, association, or by any person acting for the interests of itself, its members, or the general public.
(a) A person who violates any provision of this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney, county counsel, city attorney, or city prosecutor in any court of competent jurisdiction. The unit for a separate and distinct offense regarding insulation in violation of this chapter is each and every bag, bale, package, roll, or other container sold, offered for sale, or possessed with intent to sell or install contrary to the provisions of this chapter.
(b) If the action is brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the Treasurer. If brought by a district attorney or county counsel, the entire amount of penalty collected shall be paid to the treasurer of the county in which the judgment was entered. If brought by a city attorney or city prosecutor, one-half of the penalty shall be paid to the treasurer of the county and one-half to the city.
(c) If the action is brought at the request of the bureau, the court shall determine the reasonable expenses incurred by the bureau in the investigation and prosecution of the action.

Before any penalty collected is paid out pursuant to subdivision (b), the amount of the reasonable expenses incurred by the bureau shall be paid to the Treasurer.

Article 9.5.
Disciplinary Proceedings Against Nonresidents

19215. As used in this article, unless otherwise indicated, "director" means the Director of the Office of Administrative Hearings.

19215.1. The acceptance by a nonresident licensee of any of the rights and privileges conferred upon him or her by this chapter, as evidenced by his or her engaging within this state, either personally or through an agent or employee, in a business subject to license under this chapter, is equivalent to the appointment by the licensee of the director as his or her true and lawful attorney upon whom may be served all lawful process in any disciplinary proceeding conducted against him or her under this chapter.

19215.2. The acceptance of such rights and privileges as so evidenced shall signify the agreement of the licensee that any such process which is served against him or her in the manner provided in this article shall be of the same legal force and validity as if served upon him or her personally in this state.

19215.3. Service shall be made by leaving a copy of the accusation, together with a notice of defense and statement to respondent as described in Section 11505 of the Government Code, with a fee of two dollars ($2) for each licensee to be served, in the hands of the director or in his or her office in Sacramento. This service shall be sufficient service on the licensee subject to compliance with Section 19215.4 of this code.

19215.4. A notice of such service and a copy of the accusation, together with the notice of defense and statement to respondent, shall forthwith be sent by registered mail by the director to the licensee at his or her last known address as furnished by the bureau. Personal service of this notice, copy of the accusation, notice of defense, and statement to respondent upon the licensee wherever found outside this state shall be the equivalent of this mailing.

19215.5. Proof of compliance with Section 19215.4 shall be made in the event of service by mail by affidavit of the director or his or her authorized employee showing this service by mailing, together with the return receipt of the United States post office bearing the signature of the licensee or his or her agent. The affidavit and receipt shall be appended to the original accusation on file with the bureau. In the event of personal service outside this state, compliance may be proved by the return of any duly constituted public officer qualified to serve process in civil actions in the state or jurisdiction where the licensee is found, showing such service to have been made. This return shall be appended to the original accusation on file with the bureau.

19215.6. The bureau, or if the proceeding has been assigned to a hearing officer of the Office of Administrative Hearings, the hearing officer, may order postponements or continuances and grant extensions of time that may be necessary to afford the licensee reasonable opportunity to defend the proceeding. In no event shall the licensee have less than 30 days after the date of mailing or delivery to him or her of the copy of the accusation in which to file a notice of defense, nor shall the notice of hearing provided for in Section 11509 of the Government Code or the notice and copy of affidavit referred to in Section 11514 of the Government Code be mailed or delivered less than 20 days prior to the date of hearing, and the time for making a request to cross-examine under Section 11514 of the Government Code shall be not less than 15 days.

19215.7. The director shall keep a record of all process served upon him or her pursuant to this article that shall show the day and hour of service.

19215.8. As used in this article "nonresident" means a person who is not a resident of this State at the time he or she engages in business in the State as described in Section 19215.1.

Article 10.
Penalties

19220. Every person who violates any of the provisions of this chapter is guilty of a misdemeanor and punishable for each offense by a fine of not less than five hundred dollars ($500) nor more than one thousand five hundred dollars ($1,500) or by imprisonment for not less than three nor more than six months or by both such fine and imprisonment.

19221. The unit for a separate and distinct offense in violation of this chapter is each and every article of improperly labeled, or not labeled, upholstered furniture or bedding or filling material made, repaired, recovered, renovated, sanitized, sold, exposed or offered for sale, delivered, consigned, rented, or possessed with intent to sell contrary to the provisions of this chapter.

Additional References

SELECTED PROVISIONS OF THE BUSINESS AND PROFESSIONS CODE
False or Misleading Advertising

17500. It is unlawful for any person, firm, corporation or association, or any employee thereof with intent directly or indirectly to dispose of real or personal property or to perform services, professional or otherwise, or anything of any nature whatsoever or to induce the public to enter into any obligation relating thereto, to make or disseminate or cause to be made or disseminated before the public in this state, or to make or disseminate or cause to be made or disseminated from this state before the public in any state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, including over the Internet, any statement, concerning that real or personal property or those services, professional or otherwise, or concerning any circumstance or matter of fact connected with the proposed performance or disposition thereof, which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading, or for any person, firm, or corporation to so make or disseminate or cause to be so made or disseminated any such statement as part of a plan or scheme with the intent not to sell that personal property or those services, professional or otherwise, so advertised at the price stated therein, or as so advertised. Any violation of the provisions of this section is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars ($2,500), or by both that imprisonment and fine.

17500.1. Notwithstanding any other provision of law, no trade or professional association, or state agency, state board, or state commission within the Department of Consumer Affairs shall enact any rule, regulation, or code of professional ethics which shall restrict or prohibit advertising by any commercial or professional person, firm, partnership or corporation which does not violate the provisions of Section 17500 of the Business and Professions Code, or which is not prohibited by other provisions of law. The provisions of this section shall not apply to any rules or regulations heretofore or hereafter formulated pursuant to Section 6076.

17500.3. (a) It is unlawful for any person to solicit a sale or order for sale of goods or services at the residence of a prospective buyer, in person or by means of telephone, without clearly, affirmatively and expressly revealing at the time the person initially contacts the prospective buyer, and before making any other statement, except a greeting, or asking the prospective buyer any other questions, that the purpose of the contact is to effect a sale, by doing all of the following:

(1) Stating the identity of the person making the solicitation.

(2) Stating the trade name of the person represented by the person making the solicitation.

(3) Stating the kind of goods or services being offered for sale.

(4) And, in the case of an "in person" contact, the person making the solicitation shall, in addition to meeting the requirements of paragraphs (1), (2) and (3), show or display identification which states the information required by paragraphs (1) and (2) as well as the address of the place of business of one of such persons so identified.

(b) It is unlawful for any person, in soliciting a sale or order for the sale of goods or services at the residence of a prospective buyer, in person or by telephone, to use any plan, scheme, or ruse which misrepresents his true status or mission for the purpose of making such sale or order for the sale of goods or services.

(c) In addition to any other penalties or remedies applicable to violations of this section, the intentional violation of this section shall entitle persons bound to a contract, when there was a sales approach or presentation or both in which such intentional violation of this section took place, to damages of two times the amount of the sale price or up to two hundred fifty dollars ($250), whichever is greater, but in no case shall such damages be less than fifty dollars ($50); provided, however, that as a condition precedent to instituting such action hereunder against the person represented by the person making the solicitation, the aggrieved party shall, in writing, demand that the person represented by the solicitor terminate such contract and return any and all payments made thereunder, and that the person represented by the solicitor shall have refused within a reasonable time, such termination and return. If the person represented by the person making the solicitation elects to terminate, he shall return to the aggrieved party payments received for any and all goods, and for services not rendered, and upon return of such payments, the aggrieved party shall return any and all goods received under the contract. For the purposes of this section, a reasonable time shall mean 20 business days from the date of demand. This subdivision shall not apply to a cause of action commenced under any other provision of law, including, but not limited to, a cause of action commenced pursuant to Section 382 of the Code of Civil Procedure or Section 1781 of the Civil Code.

Any rights under this subdivision shall be waived if subsequent to the signing of the contract the party bound by the contract states that identification, as required by this section, was given.

(d) Persons represented by the person making the solicitation shall keep and maintain copies of all demands for termination for violation of this section for a period of one year from date of receipt. Failure to maintain such records shall create a presumption affecting the burden of proof that demand for termination had been properly made.

(e) Where any provision of law provides a penalty for the violation of any offense specified in this section, it shall be a defense to the imposition of such penalty as to any defendant who did not commit the act or acts constituting the offense that such defendant did not know, and with the exercise of reasonable care could not have known, that the act was committed, which constitutes the violation of this section.

(f) As used in this section "person" includes any individual, firm, partnership, corporation, association or other organization, but does not include any nonprofit charitable organization, or any person selling any intangibles, or any items defined in Section 1590(a)(1), of Title 18 of the California Administrative Code as it read on July 15, 1972.

(g) This section shall not prohibit nor authorize the enactment by the governing body of any city, county, or city and county, of ordinances relating to home solicitations which are more restrictive of such solicitation than the provisions of this section.

17500.5. (a) It is unlawful for any person, firm, corporation or association to falsely represent by advertisement the quantity of any article so advertised that will be sold to any one customer on his demand in a single transaction, and willfully or negligently to fail to include in such advertisement a statement that any restriction that is in fact put upon the quantity of any article so advertised that is sold or offered for sale to any one customer on his demand in a single transaction.

(b) Any person, firm, corporation, or association who, by means of such false or negligent advertisement or publicity, induces any individual retail purchaser and consumer to enter any place of business designated therein seeking to buy any article so advertised or publicized, and then refuses to sell to such person the article at the price advertised in any quantity then available for sale on said premises, shall be liable to each person so induced and refused, for the losses and expenses thereby incurred, and the sum of fifty dollars ($50) in addition thereto.

(c) Nothing in this section shall affect any right a seller may have to refuse to extend credit to a customer, and this section shall not be applicable to a customer purchasing for resale.

(d) The provisions of subdivision (b) are applicable only to actions brought in the name of, and on behalf of, a single plaintiff and shall not be applicable in multiple plaintiff or class actions.

17501. For the purpose of this article the worth or value of anything advertised is the prevailing market price, wholesale if the offer is at wholesale, retail if the offer is at retail, at the time of publication of such advertisement in the locality wherein the advertisement is published. No price shall be advertised as a former price of any advertised thing, unless the alleged former price was the prevailing market price as above defined within three months next immediately preceding the publication of the advertisement or unless the date when the alleged former price did prevail is clearly, exactly and conspicuously stated in the advertisement.

17502. This article does not apply to any visual or sound radio broadcasting station, to any internet service provider or commercial online service, or to any publisher of a newspaper, magazine, or other publication, who broadcasts or publishes, including over the Internet, an advertisement in good faith, without knowledge of its false, deceptive, or misleading character.

17504. (a) Any person, partnership, corporation, firm, joint stock company, association, or organization engaged in business in this state as a retail seller who sells any consumer good or service which is sold only in multiple units and which is advertised by price shall advertise those goods or services at the price of the minimum multiple unit in which they are offered.
(b) Nothing contained in subdivision (a) shall prohibit a retail seller from advertising any consumer good or service for sale at a single unit price where the goods or services are sold only in multiple units and not in single units as long as the advertisement also discloses, at least as prominently, the price of the minimum multiple unit in which they are offered.
(c) For purposes of subdivisions (a) and (b), "consumer good" means any article which is used or bought for use primarily for personal, family, or household purposes, but does not include any food item.
(d) For the purposes of subdivisions (a) and (b), “consumer service" means any service which is obtained for use primarily for personal, family, or household purposes.
(e) For purposes of subdivisions (a) and (b), "retail seller" means an individual, firm, partnership, corporation, joint stock company, association, organization, or other legal relationship which engages in the business of selling consumer goods or services to retail buyers.

17505. No person shall state, in an advertisement of his goods, that he is a producer, manufacturer, processor, wholesaler, or importer, or that he owns or controls a factory or other source or supply of goods when such is not the fact, and no person shall in any other manner misrepresent the character, extent, volume, or type of his business.

17506. As used in this chapter, "person" includes any individual, partnership, firm, association, or corporation.

17506.5. As used in this chapter:
(a) "Board within the Department of Consumer Affairs" includes any commission, bureau, division, or other similarly constituted agency within the Department of Consumer Affairs.
(b) "Local consumer affairs agency" means and includes any city or county body which primarily provides consumer protection services.

17507. It is unlawful for any person, firm, corporation or association to make an advertising claim or representation pertaining to more than one article of merchandise or type of service, within the same class of merchandise or service, if any price set forth in such claim or representation does not clearly and conspicuously identify the article of merchandise or type of service to which it relates. Disclosure of the relationship between the price and particular article of merchandise or type of service by means of an asterisk or other symbol, and corresponding footnote, does not meet the requirement of clear and conspicuous identification when the particular article of merchandise or type of service is not represented pictorially.

17508. (a) It shall be unlawful for any person doing business in California and advertising to consumers in California to make any false or misleading advertising claim, including claims that (1) purport to be based on factual, objective, or clinical evidence, (2) compare the product's effectiveness or safety to that of other brands or products, or (3) purport to be based on any fact.
(b) Upon written request of the Director of Consumer Affairs, the Attorney General, any city attorney, or any district

attorney, any person doing business in California and in whose behalf advertising claims are made to consumers in California, including claims that (1) purport to be based on factual, objective, or clinical evidence, (2) compare the product's effectiveness or safety to that of other brands or products, or (3) purport to be based on any fact, shall provide to the department or official making the request evidence of the facts on which the advertising claims are based. The request shall be made within one year of the last day on which the advertising claims were made.
Any city attorney or district attorney who makes a request pursuant to this subdivision shall give prior notice of the request to the Attorney General.
(c) The Director of Consumer Affairs, Attorney General, any city attorney, or any district attorney may, upon failure of an advertiser to respond by adequately substantiating the claim within a reasonable time, or if the Director of Consumer Affairs, Attorney General, city attorney, or district attorney shall have reason to believe that the advertising claim is false or misleading, do either or both of the following:
(1) Seek an immediate termination or modification of the claim by the person in accordance with Section 17535.
(2) Disseminate information, taking due care to protect legitimate trade secrets, concerning the veracity of the claims or why the claims are misleading to the consumers of this state.
(d) The relief provided for in subdivision (c) is in addition to any other relief that may be sought for a violation of this chapter. Section 17534 shall not apply to violations of this section.
(e) Nothing in this section shall be construed to hold any newspaper publisher or radio or television broadcaster liable for publishing or broadcasting any advertising claims referred to in subdivision (a), unless the publisher or broadcaster is the person making the claims.
(f) The plaintiff shall have the burden of proof in establishing any violation of this section.
(g) If an advertisement is in violation of subdivision (a) and Section 17500, the court shall not impose a separate civil penalty pursuant to Section 17536 for the violation of subdivision (a) and the violation of Section 17500 but shall impose a civil penalty for the violation of either subdivision (a) or Section 17500.

17509. (a) Any advertisement, including any advertisement over the Internet, soliciting the purchase or lease of a product or service, or any combination thereof, that requires, as a condition of sale, the purchase or lease of a different product or service, or any combination thereof, shall conspicuously disclose in the advertisement the price of all those products or services. This requirement shall not in any way affect the provisions of Sections16726 and 16727, with respect to unlawful buying arrangements.
(b) Subdivision (a) does not apply to any of the following:
(1) Contractual plans or arrangements complying with this paragraph under which the seller periodically provides the consumer with a form or announcement card which the consumer may use to instruct the seller not to ship the offered merchandise. Any instructions not to ship merchandise included on the form or card shall be printed in type as large as all other instructions and terms stated on the form or card. The form or card shall specify a date by which it shall be mailed by the consumer (the "mailing date") or received by the seller (the "return date") to prevent shipment of the offered merchandise. The seller shall mail the form or card either at least 25 days prior to the return date or at least 20 days prior to the mailing date, or provide a mailing date of at least 10 days after receipt by the consumer, except that whichever system the seller chooses for mailing the form or card, shall be calculated to afford the consumer at least 10 days in which to mail his or her form or card. The form or card shall be preaddressed to the seller so that it may serve as a postal reply card or, alternatively, the form or card shall be accompanied by a return envelope addressed to seller. Upon the membership contract or application form or on the same page and immediately adjacent to the contract or form, and in clear and conspicuous language, there shall be disclosed the material terms of the plan or arrangement including all of the following:
(A) That aspect of the plan under which the subscriber shall notify the seller, in the manner provided for by the seller, if seller does not wish to purchase or receive the selection.
(B) Any obligation assumed by the subscriber to purchase a minimum quantity of merchandise.
(C) The right of a contract-complete subscriber to cancel his or her membership at any time.
(D) Whether billing charges will include an amount for postage and handling.
(2) Other contractual plans or arrangements not covered under subdivision (a), such as continuity plans, subscription arrangements, standing order arrangements, supplements, and series arrangements under which the seller periodically ships merchandise to a consumer who has consented in advance to receive that merchandise on a periodic basis.
(c) This section shall not apply to the publisher of any newspaper, periodical, or other publication, or any radio or television broadcaster, or the owner or operator of any cable, satellite, or other medium of communication who broadcasts or publishes, including over the Internet, an advertisement or offer in good faith, without knowledge of its violation of subdivision (a).

CARPET INSTALLERS

(Contractors' Further Defined)
Contractor's State License Law
Business and Professions Code,
Division 3, Chapter 9

7026.3 For the purpose of this chapter, "contractor" includes any person who installs or contracts for the installation of carpet wherein the carpet is attached to the structure by any conventional method as determined by custom and usage in the trade; except that a seller of installed carpet who holds a retail furniture dealer's license under Chapter 3 (commencing with Section 19000) of Division 8 shall not be required to have a contractor's license if the installation of the carpet is performed by a licensed contractor and the seller so certifies in writing to the buyer prior to the performance of the installation, which certification shall include the name, business address, and contractor's license number of the licensed contractor by whom the installation will be performed.

Title 4, California Code of Regulations, Sections 1101 – 1383.6
Article 1
General Provisions

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.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19000 and 19004, Business and Professions Code.

1102. Scope.
It is hereby declared to be the purpose of these regulations and the policy, intent and direction of the Bureau to employ the terms, definitions and nomenclature as are commonly used, and as recognized in the manufacture, sale and distribution of furniture and bedding products. Classifications of materials in these regulations are intended to have understandable meaning to the ultimate consumer.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19034, Business and Professions Code.

1103. "Separate Service to the Trade."
As used in Section 19014 of the act, includes any of the following services by the parent house, when rendered by a subsidiary establishment:
(a) Sale of Goods. Except for the display and sale of goods in an established furniture mart or exchange when the subsidiary establishment is the principal place of business of the wholesaler maintaining the display and service.
(b) Delivery of goods sold in the subsidiary establishment with local stock and independent of the parent house.
(c) Entire or partial billing for goods sold and delivered.
(d) Entire or partial billing and collection for goods sold and delivered.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19014, Business and Professions Code.

1104. The Term "On His or Her Own Account."
As used in Sections 19060.5 and 19060.6 of the act, the term "on his or her own account" is intended to limit the requirement for a license to the person who is obligated as a principal in contracts to sell or contracts to render services. The requirement for a license does not extend to salesmen, factors, agents, solicitors, factory representatives or those who act only in a representative capacity for others.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19060.5 and 19060.6, Business and Professions Code.

1105. Exemptions.
Articles which are not clearly upholstered furniture or bedding, as described in the act, may be declared exempt from the provisions of the act and these regulations, except that when exempted articles are labeled they become subject to the act and the regulations and must be labeled in conformity therewith. No questionable articles shall be considered as exempt, however, until the articles or photographs thereof, have been submitted to the Bureau for inspection and final authority for exemption has been granted.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19006, 19007 and 19034, Business and Professions Code.

1107. License Fees.

(a) Except as provided in subsection (c) herein, the fees for the issuance and biennial renewal of the following licensing categories shall be fixed as follows:

(1) Importer's license	$750
(2) Furniture and bedding manufacturer's license	$750
(3) Wholesale furniture and bedding dealer's license	$625
(4) Supply dealer's license	$625
(5) Custom upholsterer's license	$420
(6) Sanitizer's license	$420
(7) Retail furniture dealer's license	$140
(8) Retail bedding dealer's license	$140
(9) Retail furniture and bedding dealer's license	$280

(b) Except as provided in subsection (c) herein, the fee for the issuance and annual renewal of the insulation manufacturing license shall be $2,000.

(c) The reduction or waiver of any license fee shall be made only in accordance with subsections (b) and (c) of Section 19170 of the Business and Professions Code.

(d) The delinquency fee and additional penalty fees for subsection (a), herein, are those specified in Section 19170.5 of the Business and Professions Code.

Note: Authority cited: Sections 19034, 19170, and 19170.3, Business and Professions Code. Reference: Sections 19170 and 19170.5, Business and Professions Code.

1108. Procedure Re License.

(a) A new license must be secured when there is change of ownership.

(b) Licensees must notify the Bureau within thirty (30) days of a change of name and/or address when the ownership remains the same.

(c) All furniture and bedding manufacturers whose products are offered for sale in California, regardless of the point of manufacture, must hold a valid license with the Bureau.

(d) Importer as defined in Business & Professions Code Section 19011.1 includes, but is not limited to, "brokers" and "traders".

(e) Manufacturers located outside of the United States who do not hold an Importer's license, must obtain a Furniture and Bedding Manufacturer's license if their products are imported into California.

(f) A licensed importer in the United States may co-hold a license with a manufacturer located outside the United States. A co-holder license can only be held by one importer in the United States on behalf of one manufacturer outside the United States.

(g) If an importer chooses to hold a co-holder license with more than one manufacturer outside the United States, he/she shall obtain a separate co-holder license with each manufacturer. There is no limit on the number of co-holder licenses an importer may hold, but only one manufacturer may appear on each co-holder license; licenses may not be pooled.

Note: Authority cited: Section 19034 and 19061.5, Business and Professions Code. Reference: Sections 19053.1, 19054, 19060, 19061 and 19061.5, Business and Professions Code.

1109. Registry Numbers.

(a) The location of every manufacturer, custom upholsterer, sanitizer, supply dealer or importer who manufactures shall bear a separate registry number. The registry number uniquely identifies each location (branch) of a licensed manufacturer, custom upholsterer, sanitizer, supply dealer, or importer.

(b) No registry number shall be issued or recognized without the required license fee.

(c) The registry number must appear on the law label that is attached to all upholstered furniture, bedding or filling materials.

(d) Every registry number issued by the Bureau shall be exclusively for the person to whom it is issued and the number shall not hereafter be reissued to, or used by, any other person.

Note: Authority cited: Sections 19034 and 19061.5, Business and Professions Code. Reference: Sections 19060, 19061 and 19061.5, Business and Professions Code.

1110. ''Withhold from Sale'' Tag.
A “Withhold from Sale” tag attached by the Bureau to the material or article of upholstered furniture and bedding withheld from sale shall not be concealed or obstructed from view in any manner. The licensee shall not remove or allow the removal of the withhold from sale tag without the express approval of the Bureau.

Note: Authority cited: Sections 19034 and 19081, Business and Professions Code. Reference: Sections 19081, 19202, 19203 and 19204, Business and Professions Code.

1111. Names of Filling Materials.
The kinds and types of filling materials shall be stated on the law label. Any kinds and types of filling materials that are not named or defined in these regulations will be assigned names for labeling purposes when samples are submitted to the Bureau.

Note: Authority cited: Sections 19034, and 19089, Business and Professions Code. Reference: Sections 19080, 19081 and 19089, Business and Professions Code.

1112. Additional Terms Not Prohibited.
These regulations shall not be construed as prohibiting the use in conjunction with the prescribed names or descriptive terms, of additional words or phrases that correctly designate and more fully describe any filling material, when such additional words or phrases are required or approved by the Bureau.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19080, 19081 and 19089, Business and Professions Code.

1113. Deviations from Percentages Stated.
Any deviation from percentages stated of a blend of types or kinds of filling materials shall not exceed 10% of the smaller component, i.e., a product labeled as 50% polyester fiber/50% polyurethane must contain no less than 45% polyester fiber.

Note: Authority cited: Sections 19034 and 19081, Business and Professions Code. Reference: Sections 19081, 19088, 19089 and 19150, Business and Professions Code.

1114. Water Repellent, Water Resistant.
Articles and materials labeled as "water repellent," "water resistant" and words of similar import shall conform to a minimum rating of 90 when tested in accordance with the American Association of Textile Chemists and Colorists' Designation 22-1980 "Water Repellence: Spray Test."

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19088, 19089 and 19150, Business and Professions Code.

1116. Mildew Proof, Mildew Resistant.
Articles and materials labeled as mildew proof, mildew resistant and words of similar import shall show no visual growth when examined by the unaided eye when tested by the American Association of Textile Chemists and Colorists' Designation 30-1979, Section 9, Aspergillus Niger-glucose Mineral Salts Agar Test.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19088, 19089 and 19150, Business and Professions Code.

1118. Moth Proof, Moth Resistant.
Articles and materials labeled as moth proof, moth resistant and words of similar import shall show no damage when tested in accordance with the American Association of Textile Chemists and Colorists' Designation 24-1980 "Resistance of Textiles to Insects," using the fabric weight loss method.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19088, 19089 and 19150, Business and Professions Code.

1119. Bacteria Resistant, Odor Resistant.
Articles and materials labeled as bacteria resistant, odor resistant or words of similar import shall demonstrate clear areas of no growth adjacent to the fabric when tested in accordance with the American Association of Textile Chemists and Colorists' Designation 147-1977 "Detection of Antibacterial Activity of Fabrics: Parallel Streak Method."

Note: Authority Cited: Section 19034, Business and Professions Code. Reference: Sections 19088, 19089 and 19150, Business and Professions Code.

1120. Stain Resistant, Stain Repellent.
Articles labeled as "stain resistant," "stain repellent" and words of similar import shall not allow an oil or water based staining material to penetrate or wick into the textile product when tested in accordance with Bureau of Home Furnishings Technical Bulletin No. 107 dated July, 1973.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19088, 19089 and 19150, Business and Professions Code.

1121. Soil Resistant, Soil Repellent.
Articles labeled as "soil resistant," "soil repellent" and words of similar import shall permit the textile product to release household type dirt or dry soil when tested in accordance with Bureau of Home Furnishings Technical Bulletin No. 108 dated July, 1973.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19088, 19089 and 19150, Business and Professions Code.

Article 2
Official Law Labels for Upholstered Furniture and Bedding and for Bulk Filling Material

1125. Labeling Requirements.
The kinds, types and percentage of filling materials used in articles of upholstered furniture and bedding and in bulk form concealed or not concealed shall be stated on the law label. Percentages shall be computed on the basis of avoirdupois weight of the filling material present and shall be designated on the law label in order of predominance, the largest component first.

Note: Authority cited: Sections 19034 and 19081, Business and Professions Code. Reference: Sections 19080, 19081 and 19089, Business and Professions Code.

1126. Official Law Label Requirements.
This section operative until December 31, 2014. This section inoperative as of January 1, 2015. See following Section 1126, operative on and after January 1, 2015.

(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.

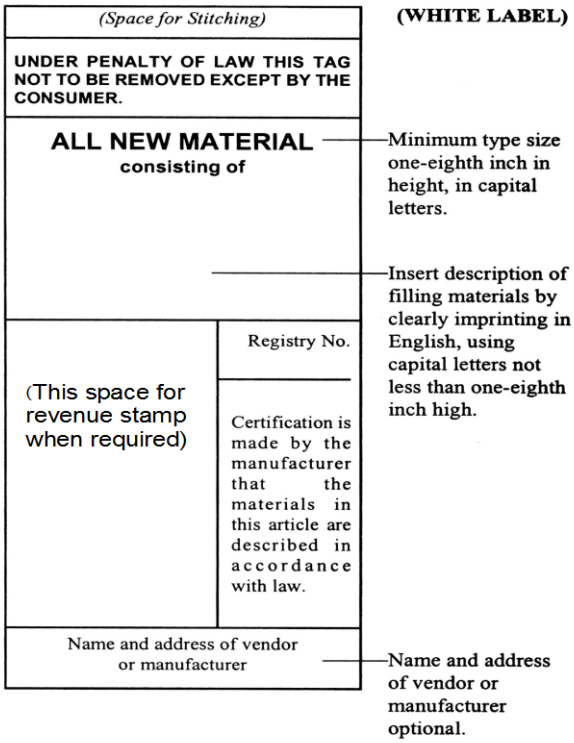
(c) Color of Label and Color of Ink:
  (1) A white law label printed in black ink shall be used for new materials.
  (2) A red law label printed in black ink shall be used for materials which are in whole or in part secondhand (used).
  (3) A green label printed in black ink shall be used for "Owner's 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, dated March 2000 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 NO. 117."
  (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, dated March 2000 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.

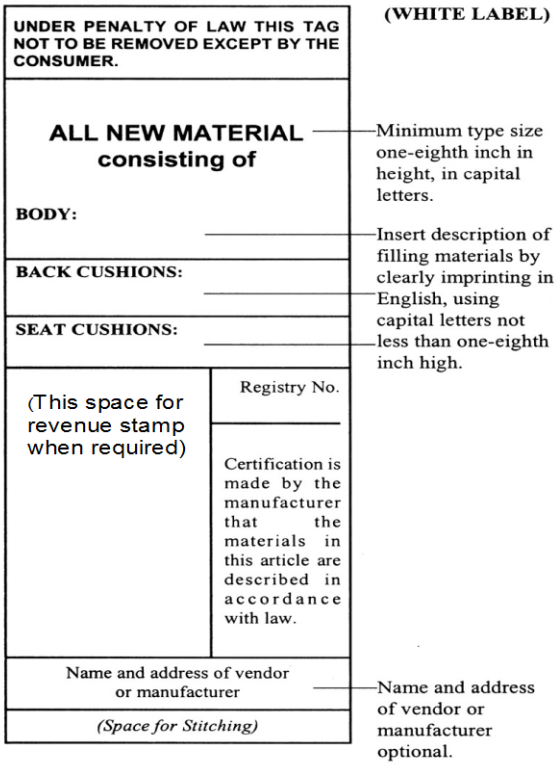
(e) Size of Law Labels and Type of Printing:
  (1) The minimum size of labels shall be 2 x 3 inches. Labels shall be larger when the required size of type and statements make it necessary.
  (2) The minimum size of type shall be one-eighth inch in height, in capital letters.
  (3) All printing shall be in English.

(f) Forms of Law Labels.

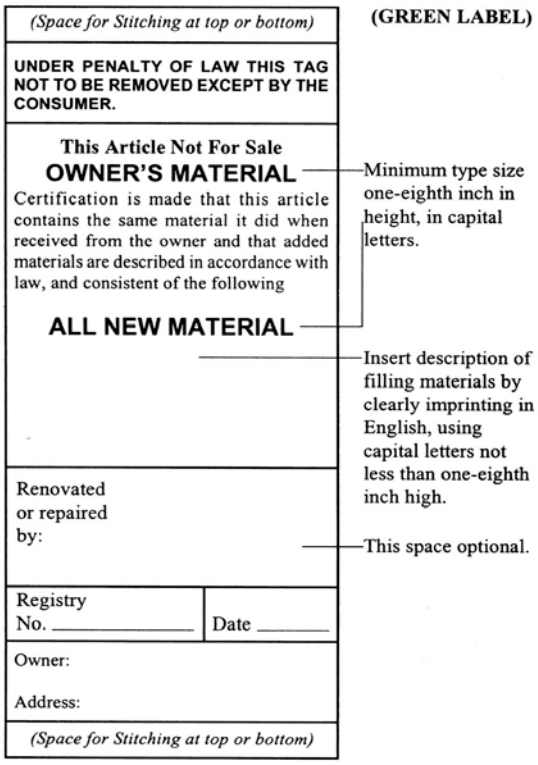
Type No. 1 For articles of upholstered furniture without loose cushions, also for decorator pillows, chair cushions, quilted bedspreads, headboards, hassocks, and similar items.



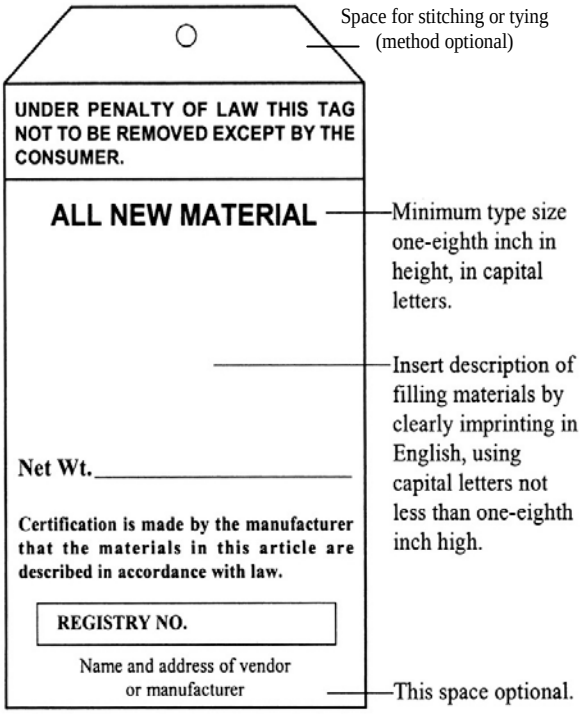
Type No. 2 For articles of furniture with loose cushions.



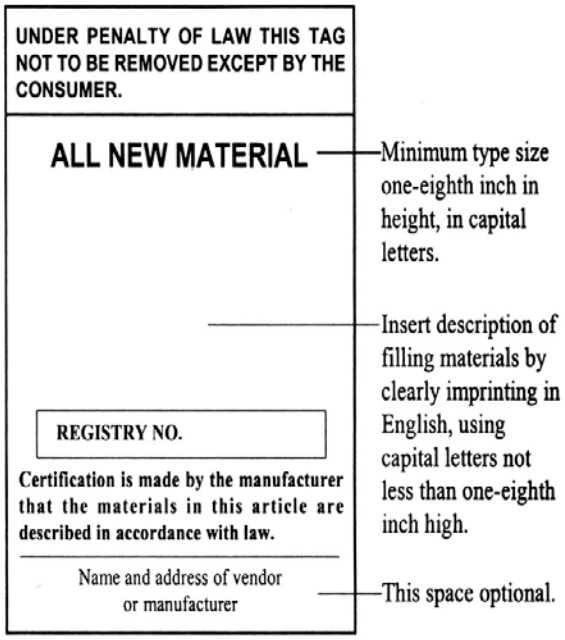
Type No. 3 For owner's own materials.



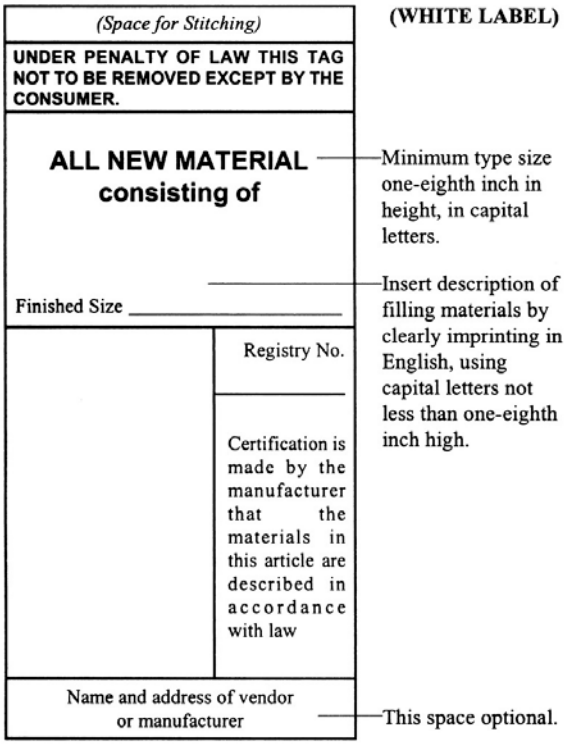
Type No. 4 For bulk filling materials such as batting and pads.



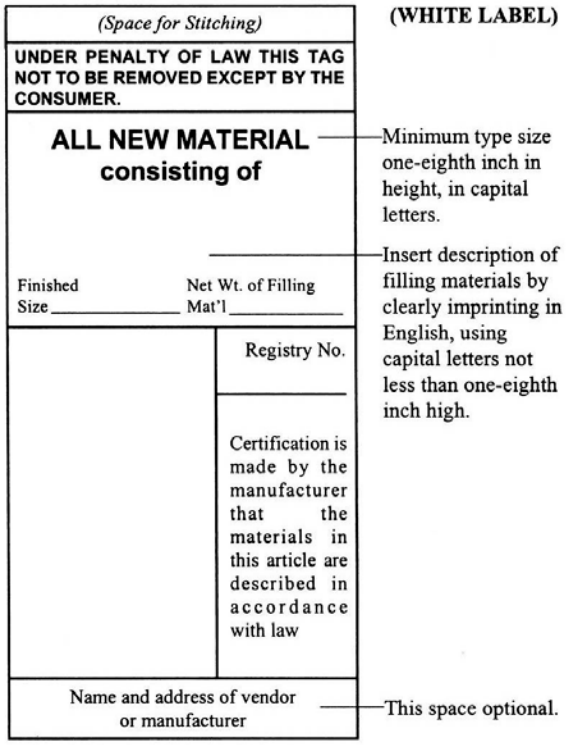
Type No. 5 For packaged filling materials ready for use by the ultimate customer.



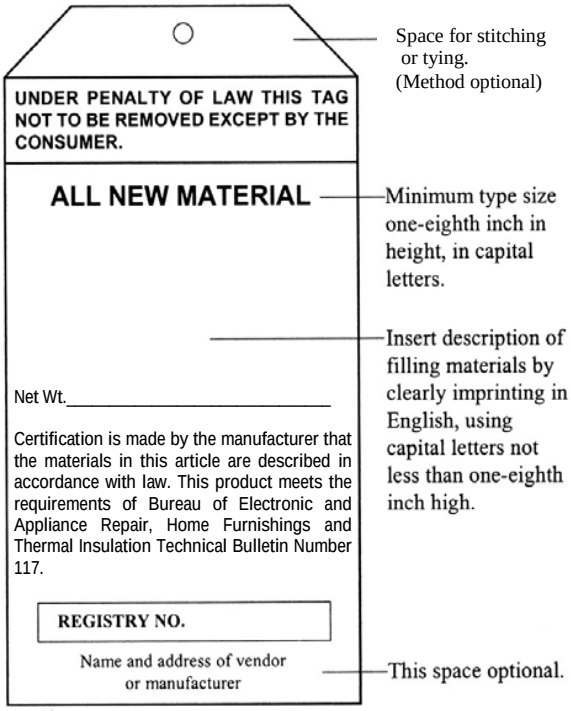
Type No. 6 For articles of bedding, such as bed pillows, comforters, mattress pads and similar items.



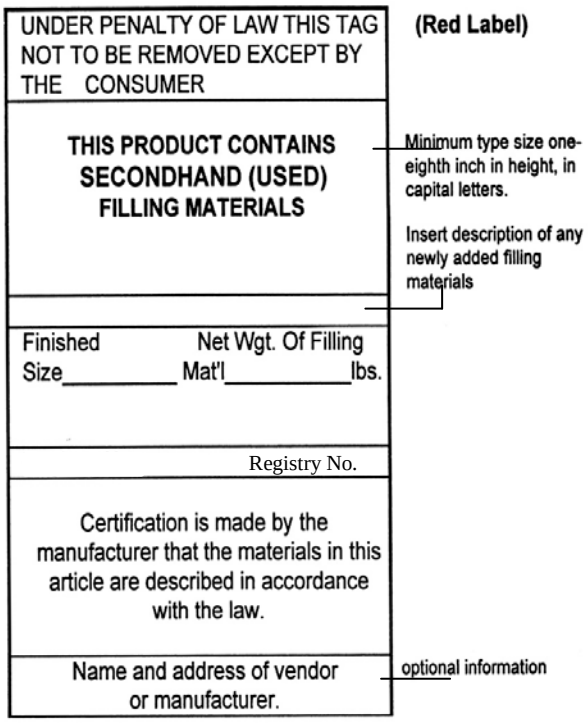
Type No.7 For sleeping bags, pads, mattresses, including a hybrid flotation sleep system containing a quilted fabric cover over a traditional water filled bladder, box springs and similar items.



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.

1126. Official Law Label Requirements.

This section operative on and after January 1, 2015. See preceding Section 1126, operative until December 31, 2014 and inoperative as of January 1, 2015.

(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."

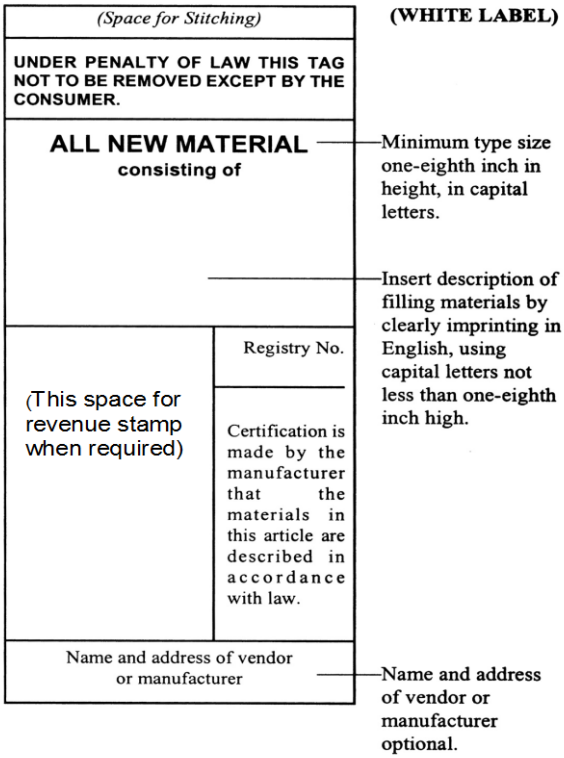
(d) Statements and Headings to be Shown on Law Labels:
  (1) "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" shall appear at the top of the label.
  (2) Headings shall read "All New Material" when the material is wholly new; "Secondhand (Used) Material" when the material is in 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 June 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 NO. 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 June 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.

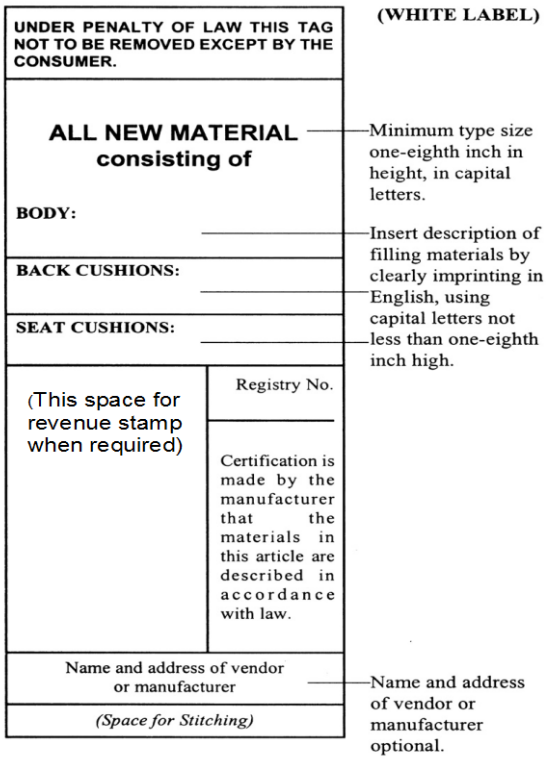
(e) Size of Law Labels and Type of Printing:
(1) The minimum size of labels shall be 2 x 3 inches. Labels shall be larger when the required size of type and statements make it necessary.
(2) The minimum size of type shall be one-eighth inch in height, in capital letters.
(3) All printing shall be in English.

(f) Forms of Law Labels.

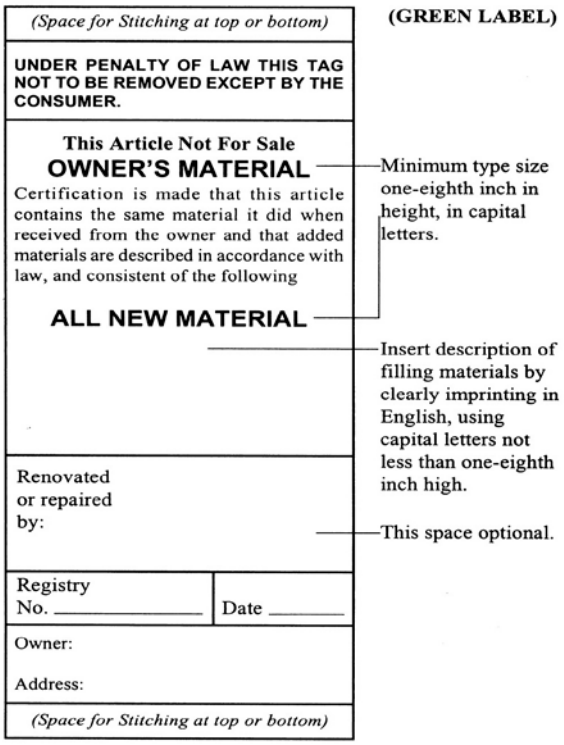
Type No. 1 For articles of upholstered furniture without loose cushions, also for decorator pillows, chair cushions, quilted bedspreads, headboards, hassocks, and similar items.



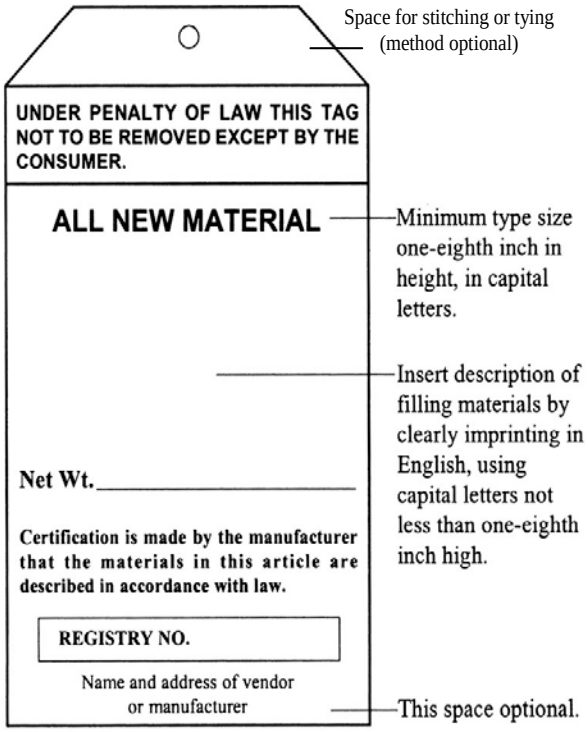
Type No. 2 For articles of furniture with loose cushions.



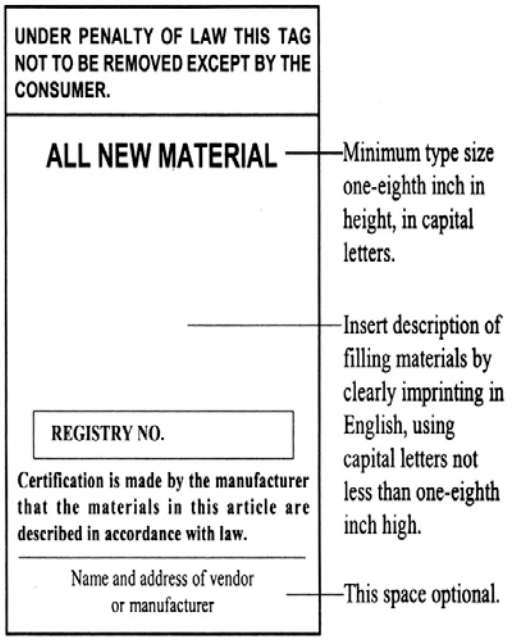
Type No. 3 For owner's own materials.



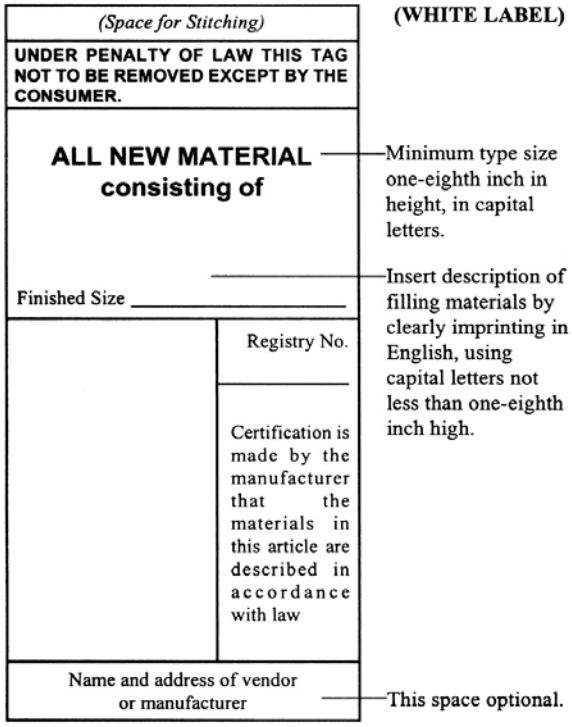
Type No. 4 For bulk filling materials such as batting and pads.



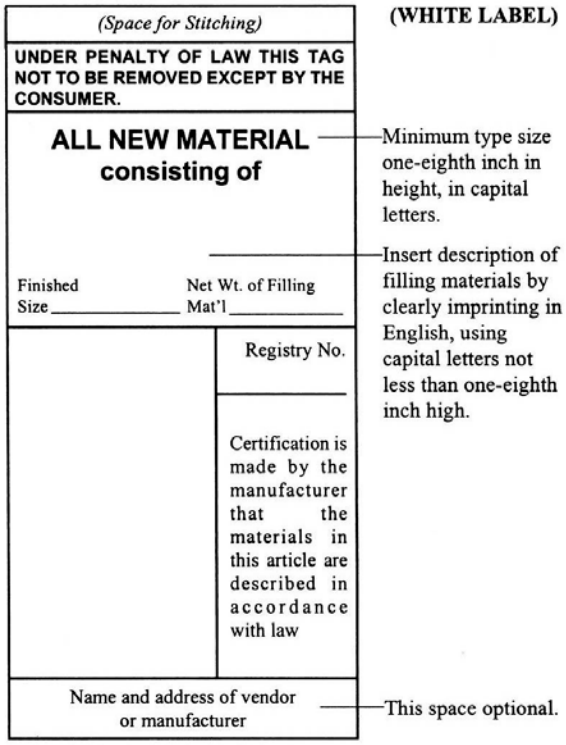
Type No. 5 For packaged filling materials ready for use by the ultimate customer.



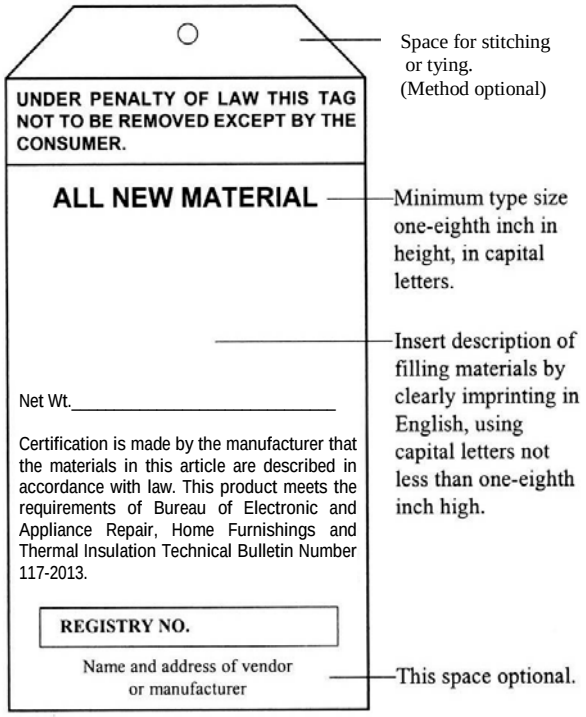
Type No. 6 For articles of bedding, such as bed pillows, comforters, mattress pads and similar items.



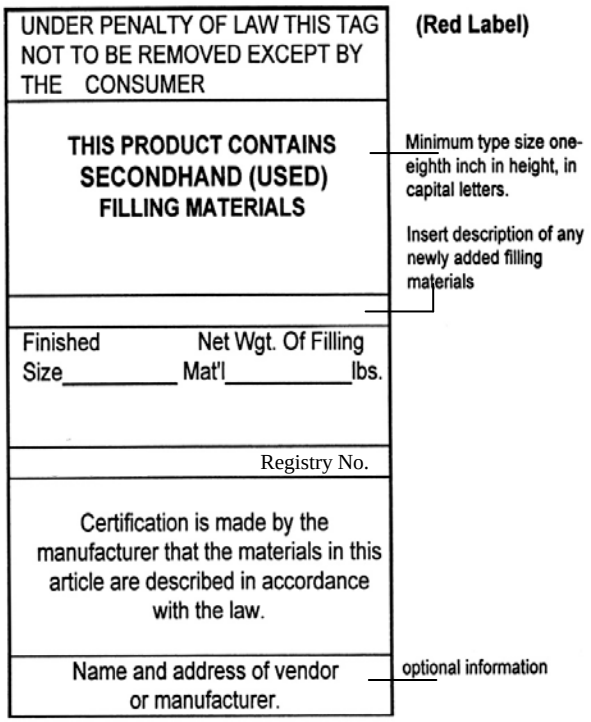
Type No.7 For sleeping bags, pads, mattresses, including a hybrid flotation sleep system containing a quilted fabric cover over a traditional water filled bladder, box springs and similar items.



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.

Article 2.5
Universal Filling Material Requirements

1130. Cleanliness.
All filling materials shall be reasonable clean and free from trash, pith, pulp, extraneous materials, sludge, oil, grease, fat, filth, excreta, skin, epidermis, disagreeable odors and contamination.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19089, 19121, 19160 and 19202, Business and Professions Code.

1131. Oil and Grease Limitations.
When any filling material contains more than 5.0% of oil, grease or fat or a combination thereof the material is not permissible for sale in California.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19089, 19121, 19160 and 19202, Business and Professions Code.

1132. Trash Limitation-Vegetable Fibers.
When any filling material of vegetable origin contains more than 15% of trash or pulp and undecorticated fiber the material is not permissible for sale in California.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19089, 19121, 19160 and 19202, Business and Professions Code.

1133. Sludge Limitation.
When any filling material contains more than 0.3 milliliters of sludge the material is not permissible for sale in California. Sludge shall mean any material from a 20 gram sample of filling material which will settle out of a solution which has passed through a 40 mesh sieve.

Note: Authority cited: Sections 19034, Business and Professions Code. Reference: Section 19089, 19121, 19160 and 19202, Business and Professions Code.

1134. Residue Limitation.
When any filling material contains more than 5.0% of residue the material is not permissible for sale in California.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19089, 19121, 19160 and 19202, Business and Professions Code.

Article 3
Universal Definitions and Labeling

1135. Terms of Definitions and Label Requirements.
The following terms shall be stated on the law label when applicable in addition to other labeling nomenclature required by these regulations.

(a) "Batting" shall mean fibers which have been carded or garnetted into layer form.
(b) "Bleached" shall mean any product whose intrinsic color had been removed and whiteness improved by treating with a chemical compound.
(c) "Colored" or "Dyed" shall mean any filling material which has been treated and impregnated with coloring material.
(d) "Damaged" shall mean any filling material or article, which has been adversely affected by machine processing or by exposure to fire, water or other elements or source.
(e) "Fibers of Unknown Kind" shall mean miscellaneous new textile materials of unknown origin, and for practical purposes, unknown fiber content.
(f) "Gel" is any filing material of a semi-solid form, typically encased in a leak proof fabric cover and consisting of a mixture of water or other liquid base, dissolved chemicals and/or a suspension of other chemicals, which provides special ergonomic and resiliency properties.
(g) "Pad" shall mean any filling material which is interwoven, punched, pressed, shaped, or otherwise fabricated into pad form.
(h) "Resinated" or "Resin Treated" shall mean any filling material treated with a combination of synthetic resin or a combination of synthetic resin and latex.
(i) "Rubberized" shall mean any filling material which had been treated with a latex compound.
(j) "Shredded" shall mean any filling material which has been cut or torn into pieces.
(k) "Trash" shall mean shell, shale, stick, stem, leaf, boll, seed and foreign matter.
(l) "Waste" shall mean filling material with any of the following characteristics:
    (1) Trash content in excess of 7.0%.
    (2) Grease and oil content in excess of 2.0%.
    (3) Bits or scraps of cellulose wadding, paper, or other foreign matter.
    (4) Variable diameter fiber.
    (5) Pulp and undecorticated fiber in excess of 10.0%.
    (6) Bits or scraps of fabric.
(m) "Recycled Fibers" shall mean new fibers which are the by-product resulting from a textile processing method. Such recycled fibers shall not have a thread content in excess of 5.0%.

Note: Authority cited: Sections 19034, 19088 and 19150, Business and Professions Code. Reference: Sections 19080, 19081, 19088 and 19089, Business and Professions Code.

1136. Definitions of Types of Bedding.

(a) Box Springs shall mean an article designated to support a mattress, consisting of coiled springs on a wood, metal, plastic, or any such combination thereof, frame upholstered on top with filling material and covered on top and sides with fabric.
(b) Matching Box Springs shall mean an article designated to support a mattress, consisting of coiled springs on a wood, metal, plastic, or any such combination thereof, frame, upholstered on top with filling material and covered on top and sides with the same fabric as the mattress.
(c) Foundation shall mean any structure designed to support a mattress.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19007, Business and Professions Code.

1137. Care Instructions.

Effective October 1, 1977, all sleeping bags, mattress pads, comforters, bedspreads, coverlets, quilts and similar articles shall have a label sewn onto the article stating instructions for laundering and cleaning.

Note: Authority cited: Section 19034 and 19081, Business and Professions Code. Reference: Sections 19080 and 19081, Business and Professions Code.

Article 4
Cotton Regulations

1181. Optional Labeling.

In lieu of the requirement set forth in Section 1125 of these regulations, any cotton filling material may be designated on the law label as "Blended Cotton" without stating the types of cotton present.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19080. 19081, 19088, 19089 and 19150, Business and Professions Code.

1182. Definitions of Types of Cotton.

(a) "Cotton" shall mean a vegetable seed fiber consisting of unicellular hairs attached to the seed of several species of the genus Gossypium of the family Malvaceae.
(b) "Staple" shall mean the staple fibrous growth as removed from cottonseed in the usual process of ginning (first cut from seed).
(c) "Comber" shall mean the cotton waste resulting from running card sliver through a combing machine.
(d) "Fly" shall mean the cotton waste resulting when cotton is introduced to the carding machine.
(e) "Gin Flues" shall mean the cotton waste resulting from staple cotton in the ginning mill.
(f) "Picker" shall mean the cotton waste remaining after cotton has been run through the picker in the cotton mill.
(g) "Strips" shall mean the cotton waste produced by or removed from the carding cloth following the carding process.
(h) "Linters" shall mean the fibrous growth resulting from the first cut of the cottonseed (subsequent to the usual first process of ginning) in the cotton oil mill.
(i) "Second Cut Linters" shall mean the fibrous growth resulting from the second cut of cottonseed in the cotton oil mill.

Note: Authority cited: Section 19034 and 19089, Business and Professions Code. Reference: Section 19080, 19081, 19088, 19089 and 19150, Business and Professions Code.

Article 5
Plumage Regulations

1192. Definitions of Types and Kinds of Plumage.

(a) “Crushed Feathers” shall mean feathers which have been processed by a curling, crushing or chopping machine

and includes the fiber resulting from such processing and which has changed the original form of the feather without removing the quill.

(b) "Damaged Feathers" shall mean feathers which have been broken, injured by insects or depreciated from the original value in any manner.

(c) "Down" shall mean the undercoating of waterfowl, consisting of the light fluffy filaments "barb" growing from one quill point but without any quill shaft.

(d) "Down Fiber" shall mean the detached barbs from down and plumules and detached barbs from the basal end of the waterfowl quill shaft which are indistinguishable from the barbs of down.

(e) "Feathers" shall mean the plumage or out-growth forming the contour and external covering of fowl which are whole in structure and which have not been processed in any manner other than dusting and washing.

(f) "Feather Fiber" shall mean the detached barbs of feathers which are not joined or attached to each other.

(g) "Landfowl" shall mean plumage derived from chickens and turkeys.

(h) "Plumage" shall mean the outercovering of fowl.

(i) "Plumules" shall mean waterfowl plumage with underdeveloped soft and flaccid quill with barbs indistinguishable from those of down.

(j) "Quill Feathers" shall mean feathers exceeding four inches in length or having a quill point exceeding 6/16ths of an inch in length.

(k) "Residue" shall mean quill pith, quill fragments, trash or foreign matter.

(l) "Waterfowl" shall mean plumage derived from ducks or geese.

(m) "Duck" shall mean plumage derived from ducks.

(n) "Goose" shall mean plumage derived from geese.

(o) "Turkey" shall mean plumage derived from turkeys.

(p) "Chicken" shall mean plumage derived from chickens.

Note: Authority cited: Sections 19034 and 19089, Business and Professions Code. Reference: Sections 19080, 19081, 19088 and 19150. Business and Professions Code.

1193. Compositional Requirements.

(a) Down Products. Any industry product labeled as "down," "duck down," or "goose down" shall contain a minimum of 75% down and plumules. The "DOWN" label is a qualified general label and shall include in parentheses the minimum percentage of down in the product. The minimum percentage stated on the label must be at least 75%. The remainder normally consists of waterfowl feathers and small amounts of other components. If these other components exceed the following maximums, the percentage of such components must be labeled.

Down Fiber	maximum	10%
Feather Fiber	maximum	10%
Chopped, Damaged & Crushed Feathers	maximum	2%
Landfowl Feathers	maximum	2%
Residue	maximum	2%

Quill Feathers are not permitted.

(b) Down and Feather Blended Products. These products require qualified general labels that shall include in parentheses the actual percentage of components.

(1) The term "DOWN AND FEATHERS" may be used to designate any plumage product containing between 50% and 74% down and plumules. The actual percentages must be stated on the label.

(2) The term "FEATHERS AND DOWN" may be used to designate any plumage product containing between 5% and 49% down and plumules. The actual percentages must be stated on the label.

(3) The remainder of components in down and feather blended products normally consists of waterfowl feathers or down and small amounts of other components. If these other components exceed the following maximums, the percentage of such components must be labeled.

Down Fiber	maximum	10%
Feather Fiber	maximum	10%
Chopped, Damaged & Crushed Feathers	maximum	2%
Landfowl Feathers	maximum	2%
Residue	maximum	2%

Quill Feathers are not permitted

(c) Waterfowl Feather Products. Any industry product labeled as “waterfowl feathers”, “duck feathers”, “goose feathers” shall contain a minimum of 80% waterfowl feathers.
The remainder normally consists of waterfowl feathers and small amounts of other components. If these other components exceed the following maximums, the percentage of such components must be labeled.

Down	maximum	20%
Down Fiber	maximum	10%
Chopped, Damaged & Crushed Feathers	maximum	7%
Feather Fiber	maximum	5%
Landfowl Feathers	maximum	5%
Residue	maximum	2%
Quill Feathers are not permitted		

(d) Other Plumage Products. Plumage products which do not meet requirements for any of the above categories must be labeled accurately with each component listed separately.
(e) Percentage Claims. A plumage product should not be designated as “100% Down,” “All Down,” “Pure Down” or by other similar terms unless, it in fact, contains 100% down.
(f) Tolerances. No tolerance is allowed for the minimum percentage of down as stated in the above listed categories.
(g) Species. The specie of waterfowl plumage need not be designated, but when designated, the product shall contain a minimum of 90% of such plumage.
(h) Cleanliness. All plumage products must have an oxygen number not exceeding 20 grams of oxygen per 100,000 grams of sample.
(i) Adulteration. The maximum content for certain components listed above are not to be construed to permit intentional adulteration of plumage products.
(j) Labels. Every plumage filled product must contain a law label in accordance with Article 2, Section 1125 & 1126 of the California Code of Regulations.

Note: Authority cited: Sections 19034 and 19089, Business and Professions Code. Reference: Sections 19080, 19081, 19088 and 19150, Business and Professions Code.

Article 6
Wool and Hair Regulations

1209. ''Wool.''
Shall mean the fleece of sheep which has been scoured and carbonized. It shall be free of kemp and vegetable matter.

Note: Authority cited: Section 19034 and 19089, Business and Professions Code. Reference: Section 19080, 19081, 19088, 19089 and 19150, Business and Professions Code.

1210. ''Hair.''
Shall mean the coarse filamentous epidermal outgrowth of such mammals as horses, cattle, hogs and goats.

Note: Authority cited: Section 19034 and 19089, Business and Professions Code. Reference: Section 19080, 19081, 19088, 19089 and 19150, Business and Professions Code.

1211. Classification of Hair.
Hair shall be classified and labeled as follows:
"Horse Tail Hair"
"Horse Mane Hair"
"Hog Hair"
"Cattle Tail Hair"
"Cattle Hide Hair"
"Goat Hair"

Note: Authority cited: Section 19034 and 19089, Business and Professions Code. Reference: Section 19080, 19081, 19088, 19089 and 19150, Business and Professions Code.

Article 7
Man-Made Fiber Regulations

1238. Kinds of Man-Made Fibers.

The following terms shall be stated on the law label when applicable in addition to other labeling nomenclature required by these regulations for defining the chemical composition of manufactured fibers.

(a) "Acetate": a manufactured fiber in which the fiber-forming substance is cellulose acetate. Where not less than 92% of the hydroxyl groups are acetylated, the term triacetate may be used as a generic description of the fiber.

(b) "Acrylic": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of acrylonitrile units

$$\left(-CH_2-\underset{\underset{CN}{|}}{CH}-\right)$$

(c) "Azlon": a manufactured fiber in which the fiber-forming substance is composed of any regenerated naturally occurring proteins.

(d) "Glass": a manufactured fiber in which the fiber-forming substance is glass.

(e) "Metallic": a manufactured fiber composed of metal, plastic-coated metal, metal coated plastic or a core completely covered by metal.

(f) "Modacrylic": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of less than 85% but at least 35% by weight of acrylonitrile units

$$\left(-CH_2-\underset{\underset{CN}{|}}{CH}-\right)$$

(g) "Nylon": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polyamide having recurring amide groups $\left(-\underset{\underset{O}{\|}}{C}-NH-\right)$ as any integral part of the polymer chain.

(h) "Nitrile": a manufactured fiber containing at least 85% of a long chain polymer of vinylidene dinitrile ($CH_2-C(CN)_2-$) where the vinylidene dinitrile content is no less than every other unit in the polymer chain.

(i) "Olefin": a manufactured fiber in which the fiber-forming substance in any long chain synthetic polymer composed of at least 85% by weight of ethylene, propylene or other olefin units.

(j) "Polyester": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of any ester of a dihydric alcohol and terephathalic acid ($p\text{-}HOOC\text{-}C_6H_4\text{-}COOH\text{-}$).

(k) "Rayon": a manufactured fiber composed of regenerated cellulose, as well as manufactured fibers composed of regenerated cellulose in which substituents have replaced not more than 15% of the hydrogen of the hydroxyl groups.

(l) "Saran": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer comprised of at least 80% by weight of vinylidene chloride units ($-CH_2CCL_2-$).

(m) "Spandex": a manufactured fiber in which the fiber-forming substance is a long chain synthetic polymer composed of at least 85% of segmented polyurethane.

(n) "Vinyl": a manufactured finer in which the fiber-forming substance is any long chain synthetic polymer composed of at least 50% by weight of vinyl alcohol units ($-CH_2-CHOH-$), and in which the total of the vinyl alcohol units and any one or more of the various acetal units is at least 85% by weight of the fiber.

(o) "Vinyon": a manufactured fiber in which the fiber-forming substance is any long chain synthetic polymer composed of at least 85% by weight of vinyl chloride units ($-CH_2-CHCL-$).

(p) "Rubber": a manufactured fiber in which the fiber-forming substance is comprised of natural or synthetic rubber, including the following categories:

(1) A manufactured fiber in which the fiber-forming substance is a hydrocarbon such as natural rubber, polyisoprene, polybutadiene, copolymers of dienes and hydrocarbons, or amorphous (non-crystalline) polyolefins.

(2) A manufactured fiber in which the fiber-forming substance is a copolymer of acrylonitrile and diene (such as butadiene) composed of not more than 50% but at least 10% by weight of acrylonitrile units

$$(-CH_2-\underset{\underset{CN}{|}}{CH}-).$$

The term "laetrile" may be used as a generic description for fibers falling within this category.

(3) A manufactured fiber in which the fiber-forming substance is a polychloroprene or a copolymer of chloroprene in which at least 35% by weight of the fiber-forming substance in composed of chloroprene units

$$(-CH_2-\underset{\underset{Cl}{|}}{C}-CH-CH_2-)$$

Note: Authority cited: Section 19034 and 19089, Business and Professions Code. Reference: Section 19080, 19081, 19088, 19089 and 19150, Business and Professions Code.

Article 8
Miscellaneous Vegetable Fiber Regulations

1247. Terms and Definitions.

The following terms shall be stated on the law label when applicable in addition to other labeling nomenclature required by these regulations for defining the chemical composition of natural fibers.

(a) "Buckwheat hulls" shall mean the outer shell covering of the buckwheat seed (fagopyrum).
(b) "Cellulose Fiber" shall mean wood or other vegetable growth reduced to a fibrous state.
(c) "Coco Fiber or Coir Fiber" shall mean the stiff elastic fiber obtained from the outer husk of the coconut.
(d) "Corrugated Fiber Board" shall mean the thick coarse paper, corrugated to give it elasticity.
(e) "Excelsior" shall mean shredded threadlike wood fibers, but shall not include waste products such as shavings, sawdust, or similar waste.
(f) "Flax Fiber" shall mean the fiber derived from the plant of the genus Lignum Usitatissimum raised primarily for fiber.
(g) "Jute Fiber" shall mean the fiber derived from several species of the Corchorus plant.
(h) "Kapok" shall mean the mass of fibers investing the seed of the kapok tree (Ceiba Pentandra).
(i) "Milkweed Fiber" shall mean the surface fiber from the inside of the seed pods of milkweed plants (Asclepias).
(j) "Moss" shall mean the processed fibers of epephytic plants forming pendant tufts from trees.
(k) "Palm Fiber" shall mean the fibrous material obtained from the leaf of a palm, palmetto, or palmyra tree.
(l) "Sisal Fiber" shall mean the leaf fiber derived from the Agave Sisalana and similar species of Agaves.
(m) "Tula Fiber" shall mean the fiber derived from the Tula Istle and similar species of Agaves.

Note: Authority cited: Section 19034 and 19089, Business and Professions Code. Reference: Section 19080, 19081, 19088, 19089 and 19150, Business and Professions Code.

Article 9
Sanitization Regulations

1251. Methods of Sanitization.

(a) Any method of sanitization not provided for herein shall be submitted to the Bureau for testing and consultation with the State Department of Health Services before adoption or use.
(b) Unless otherwise specifically provided for, the chief of the bureau shall determine the method to be employed in the sanitization of any article or material subject to the provisions of the act and these regulations.
(c) Secondhand (used) fabrics shall not contain any of the following adulterants: visible soiling or stains, extraneous materials, sludge, oil, grease, fat, filth, excreta, skin, epidermis, blood, urine, feces, disagreeable odors or other contamination.
(d) Secondhand (used) materials which are contaminated shall be sanitized as set forth in Sections 1252 or 1253 of these regulations.

(e) Mattresses containing a porous material or fabric may be sanitized by using the dry heat method in Section 1252 or the chemical disinfectant, Steri-fab, as set forth in Section 1253.
(f) Baled filling materials shall not be sanitized while still in the bale.
(g) Detachable mattresses and pads within hide-a-beds shall be removed from such articles and sanitized.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19120, 19121, 19123.6 and 19124, Business and Professions Code.

1252. Dry Heat Method.

(a) The dry heat method may be used to sanitize mattresses, box springs, or similar items covered in whole by a porous material or fabric.
(b) In sanitizing by the dry heat method a temperature of 230 degrees F. shall be maintained in all parts of an approved chamber for such a period of time as may be necessary for sanitization, which shall in no case be less than one hour and 15 minutes. All chambers shall be equipped with racks or devices and the articles to be sanitized shall be so placed therein so that complete circulation of heat and gases around every article being sanitized shall be attained. All chambers shall be insulated sufficiently to insure maintenance of temperature and shall be tightly sealed to prevent any leakage of gases. A thermostat shall be connected with the heating device to provide and maintain a reasonably uniform temperature at 230 degrees F. + (plus or minus) 5 degrees.
(c) The sanitization conditions of 230 degrees F. for not less than 1 hour and 15 minutes may be changed to conditions of 205 degrees F. for not less than 1 hour and 30 minutes for foam products which suffer physical degradation at the 230 degrees F. temperature.
(d) A suitable recording device approved by the bureau shall be installed and maintained to record the time and temperature prevailing during the entire operation.
(e) Each chamber in which the dry heat method of sanitization is performed shall be equipped with a fresh air inlet and an exhaust fan and duct discharging to the outside air. To clear the chamber of gases and fumes upon completion of the sanitization cycle, the fresh air inlet to the chamber shall be opened and the exhaust fan operated for 30 minutes or until all fumes have been exhausted through the discharge duct. The sanitized articles may then be removed from the chamber.
(f) When more than one sanitization chamber is operated on any premises by the same person, each chamber shall be permanently identified by a letter, beginning with "A" and proceeding in alphabetical order.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19122, 19124 and 19127.6, Business and Professions Code.

1253. Chemical Disinfection Method.

(a) In sanitizing by the chemical method only those products registered with the State of California, Environmental Protection Agency, Department of Pesticide Regulation, which are specified for use as disinfectants of articles of bedding shall be used. The product shall clearly state, on the label or on printed matter included in each container or package, detailed instructions for its use in disinfecting articles of bedding.
(b) Mattresses, box springs or similar articles covered in whole by an impervious material, such as plastic, may be sanitized by damp cleaning with a chemical disinfectant registered with the State of California, Environmental Protection Agency, Department of Pesticide Regulation, which is specified for use as a disinfectant of articles of bedding.
(c) Mattresses, box springs or similar articles covered by a porous material or fabric may be sanitized with the chemical disinfectant, Steri-fab registered with the State of California, Environmental Protection Agency, Department of Pesticide Regulation for use as a disinfectant.
    (1) Application of Steri-fab shall be in accordance with the chemical disinfectant manufacturer’s specification in order to provide adequate coverage by thoroughly spraying over all surfaces so that complete disinfection is achieved.
    (2) The Steri-fab disinfectant shall be well mixed throughout the application to ensure adequate dispersion of the tracer chemical which can be detected on the mattress cover in the dry state by use of a hand held ultraviolet (black) light under magnification.
    (3) A continuous action pressure sprayer shall be used to apply the disinfectant.

(4) Appropriate and effective safety precautions shall be followed in the use, storage, application and disposal of the disinfectant.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19124, Business and Professions Code.

1254. Lot.
A "lot" consists of all of the articles sanitized in (1) one chamber during one operation, or (2) by the chemical disinfection method during one (1) calendar day. Lots shall be numbered consecutively.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19124 and 19127.6, Business and Professions Code.

1255. Records.
(a) Records shall be kept in a bound log book and shall include:
  (1) the date of sanitization;
  (2) the chamber letter, if any;
  (3) the lot numbers in consecutive order;
  (4) the name of the person and or company for whom sanitized.
(b) The numbers and types of items sanitized must be recorded.
(c) Damaged labels shall be entered into the bound log book as "Damaged" and maintained for inspection.
(d) Records kept in the bound log book must be retained on the business premises for not less than 5 years.
(e) The following is a sample format for recording required information.

Dry Heat Sanitation Record Log (example)					
Date	Oven No.	Lot No.	Label Nos.	Articles	Person/Company Name
01/07/1998	A	1	1000-1011	5 mattresses	Salvation Army
				5 boxsprings	
01/07/1998	A	2	1012-1022	5 mattresses	ABC Thrift
				5 boxsprings	
01/07/1998	A	1	1010	VOID	VOID

Chemical Sanitation Record Log (example)					
Date	Chemical	Lot No.	Label Nos.	Articles	Person/Company Name
01/07/1998	Steri-Fab	2	1023-1034	5 mattresses	Salvation Army
				5 boxsprings	
01/07/1998	Steri-Fab	3	1034-1040	3 mattresses	Salvation Army
				3 boxsprings	
01/07/1998			1033	VOID	VOID

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19124 and 19127.6, Business and Professions Code.

1256. Official Sanitization Label Requirements.

(a) All articles of bedding or bulk filling materials which have undergone an approved method of sanitization shall have a sanitization label firmly attached to the item in such an area so as to be easily and readily discernable. Sanitization labels shall be affixed to the item sanitized with silicate of soda or any type of adhesive approved by the Bureau.

(b) Sanitization labels shall be constructed of erasure-proof paper and shall be of a grade that will not change color on application of adhesive.

(c) Color of label shall be yellow and the printing shall be in black ink.

(d) Statements and headings on a sanitization label shall be as follows:

(1) "Under penalty of law this tag shall not be removed except by the consumer."

(2) "Certification is made that this secondhand article has been sanitized by a process approved pursuant to Division 8, Chapter 3, Article 6, of the Business and Professions Code" (The Home Furnishings and Thermal Insulation Act).

(3) Lot number in which the article was sanitized.

(4) Sanitization label number. (Every label shall be numbered, the numbers shall run consecutively, and no duplicate numbers shall be used).

(5) Name of the article or filling material sanitized.

(6) Method must be printed or stamped: dry heat or chemical disinfectant

(7) Date sanitized.

(8) Name and address of sanitizing plant.

(9) Registry number assigned to the sanitizing plant by the Bureau.

(e) Size of sanitization label and type of printing.

(1) The minimum size of labels shall be 3 x 3 inches.

(2) The words "Secondhand Article" and "Sanitized" shall be a minimum of 3/8" in height in capital letters.

(3) All printing shall be in English.

(f) Form of Label.

(Yellow Label)

The words "SECONDHAND (USED) ARTICLE" and "SANITIZED' shall be a minimum of 3/8" in height in capital letters

Sanitization labels shall be affixed to the article sanitized with silicate of soda or any type of approved adhesives.

Note: Authority cited: Sections 19034 and 19127, Business and Professions Code. Reference: Sections 19124.5 and 19127, Business and Professions Code.

Article 10
False or Misleading Advertising

1300. Application of Article.
For the purposes of Sections 19150 and 19210 of the act, false or misleading advertising includes but is not limited to advertising, within the meaning of Section 17500 et seq. of the Business and Professions Code, which violates any provision of this article.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19088 and 19150, Business and Professions Code.

1300.1. Misleading, Defined.
In determining whether advertising is false or misleading it shall be considered in its entirety and as it would be read by the persons to whom it is designed to appeal. It shall be considered to be misleading if it tends to deceive the public or impose upon credulous or ignorant persons.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19150 and 19210, Business and Professions Code.

1301. Former Price, Defined.
The term "former price" as used in Section 17501 of the Business and Professions Code and in this article includes but is not limited to the following words and phrases when used in connection with advertised prices; "formerly-," "regularly-," "usually-," "originally-," "reduced from _____," "was _____now _____," "____% off."

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 17500, 17501, 19150 and 19210, Business and Professions Code.

1302. Former Price of Same Article.
(a) No price, whether expressed in words, phrases, price figures, symbols, fractions, percentages, or otherwise, shall be advertised as the former price of an article unless such advertised former price applies to the article advertised.
(b) Except as provided in subdivision (c) of this section, the advertised former price must be the prevailing market price of the article in the locality wherein the advertisement is published, within three months immediately preceding the publication of the advertisement.
(c) If the advertised former price exceeds the three months' period as set forth in subdivision (b) above, the date when such former price did prevail must be clearly, exactly and conspicuously stated in the advertisement.

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 17500, 17501, 19150 and 19210, Business and Professions Code.

1304.1. Bait and Switch Advertising.
The term "Bait and Switch Advertising" means an alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. The purpose thereof is to switch consumers from buying the advertised merchandise, in order to sell something else, usually at a higher price or on a basis more advantageous to the advertiser. Bait and switch advertising of any article subject to the provisions of the Home Furnishings Act shall be deemed to be false and misleading. Practices which shall be considered as evidence of unlawful bait and switch advertising include but are not limited to the following:
(a) Refusal to show the product advertised;
(b) Disparagement in any respect of the advertised product or the terms of sale;
(c) Failure to have available at all outlets listed in the advertisement sufficient quantities of the product to meet reasonable anticipated demands;
(d) Refusal to take orders for the advertised merchandise for delivery within a reasonable period;
(e) Showing or demonstrating a defective product unusable or impractical for the purposes implied in the advertisement;

(f) Accepting a deposit for the product and then switching the purchaser to a higher priced item;
(g) Failure to make deliveries within a reasonable time or to make a refund.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 17500, 19088, 19150 and 19210, Business and Professions Code.

1305. Special Sale.
No advertisement shall represent that because of an unusual business event in the course of business or unusual manner of doing business or for any other reason an article is offered for sale at a savings in price unless such advertisement is in all respects true and not misleading. If an advertisement represents that the sale is being held for reasons relating to transactions which have already occurred or orders which have already been placed, the articles offered at sale prices are restricted to those articles on the premises, in the warehouse or in process from previous orders the date the sale is announced. Sales of this type include, but are not limited to, liquidation sales, inventory sales and overstock sales.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 17500, 17501, 19088, 19150 and 19210, Business and Professions Code.

1306. Purchase of Additional Merchandise.
No advertisement shall represent that an article is offered for sale at a saving when the offer is conditioned upon the purchase of additional merchandise unless: (1) the terms and conditions imposed are clearly and correctly disclosed in immediate conjunction with the offer, and (2) the price charged for the additional merchandise required to be purchased is not more than the prevailing market price for the merchandise.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 17500, 17501, 19088, 19150 and 19210, Business and Professions Code.

1307. Pre-Ticketing.
No article shall be advertised by means of a "pre-ticketed" price, whether such price is used alone or in conjunction with descriptive terminology and whether such price appears on tags or labels affixed to the article, or in material such as display cards which are used with the article at the point of sale, or otherwise. A "pre-ticketed price," as used in this section, is a price which is in excess of the prevailing market price of the article to which it refers.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 17500, 17501, 19088, 19150 and 19210, Business and Professions Code.

1308. Imperfects, Irregulars, Seconds or Damaged.
No article which is imperfect, irregular, a second or damaged shall be advertised in any manner which represents, or implies that the article is free from defects or is of the same grade or quality of the article as usually and customarily offered for sale in the regular course of business.

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 17500, 17531, 19150 and 19210, Business and Professions Code.

1309. Factory Outlet.
"Factory Outlet," "Factory Store," "Factory Showroom," or terms of similar import mean an establishment other than the factory where articles manufactured by the factory are sold; such terms shall not be used in any advertisement, sign, or by any other device or printed material unless the establishment is owned in its entirety by the factory and the factory is responsible for its operation, function, and pay of the employees and unless a minimum of 51 percent in dollar volume of the articles of furniture and bedding sold or offered for sale are manufactured by the factory.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 17500, 17501, 17505, 19088, 19150 and 19210, Business and Professions Code.

1309.1. Factory Sales.
The term "Factory Sale" or terms of similar import shall not be used in any advertisement unless such advertisement is in connection with a sale of articles held in an establishment appropriated to the manufacture of those articles, or in connection with a sale conducted by an establishment as defined in Section 1309 of these regulations.

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 17500, 17501, 17505, 19150 and 19210, Business and Professions Code.

1309.2. Factory Direct.
"Factory Direct," "Factory to You," "Manufacturer to You," "Direct to You" and terms of similar import mean the sale of articles direct from the factory to the consumer; such terms shall not be used in any advertisement unless the transaction is between the two parties, billing of the articles is made by the factory direct to the consumer, and payment is made by the consumer direct to the factory.

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 17500, 17505, 19150 and 19210, Business and Professions Code.

1310. Custom Made.
No article shall be advertised by means of the terms "custom made," "custom-built," "custom-grade," "made-to-order," or any term of similar import, unless the article has been or will be made to the order and specifications of a particular ultimate user. An article does not meet the requirements of this section merely because the customer has a choice of coverings.

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 17500, 19010.1, 19150 and 19210, Business and Professions Code.

1311. Labor Free.
No advertisement shall represent or imply by means of the term "Labor Free" or any term of similar import that services with respect to an article will be performed without charge when a charge is made for such services in any manner whatever, including but not limited to an increase in the usual charge for the article or any of the material used.

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 17500, 19150 and 19210, Business and Professions Code.

1312. Liquidation.
No advertisement shall represent or imply, by means of the term "Going Out of Business," "Selling Out," "Closing Out," "Liquidating," or any term of similar import, that the advertiser is going out of business, or is disposing of all or a portion of a stock of merchandise, unless such representation is true and is not in any respect misleading as to the advertiser's discontinuing business or as to the types and quantity of merchandise intended to be included, and unless the articles offered for sale, and to be sold, during the sale are restricted to those articles on the premises or in transit from previous orders the date the sale is announced. A mere change of business location, business name or type of business entity does not constitute going out of business within the meaning of this section.

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 17500, 19150 and 19210, Business and Professions Code.

1313. Guarantees and Warranties.
For the purpose of the Home Furnishings Act and of these regulations, the terms "guarantee" and "warranty" have like meanings. No advertisement shall contain any false or misleading representation concerning the nature, extent, duration, terms or cost of a guarantee of an article subject to the provisions of the Home Furnishings Act.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 17500, 19088, 19150, 19152 and 19210, Business and Professions Code.

1314. Disclosure of Guarantee.
All guarantees shall be in writing and shall be displayed or a copy thereof delivered to the customer prior to the sale of any article of furniture or bedding represented to be covered by a guarantee. A guarantee shall be deemed false and misleading unless it conspicuously and clearly discloses in writing the following:
(a) The nature and extent of the guarantee including a description of all parts, characteristics or properties covered by or excluded from the guarantee, the duration of the guarantee, and what must be done by a claimant before the guarantor will fulfill his obligation (such as returning the product and paying service or labor charges).
(b) The manner in which the guarantor will perform. The guarantee shall state all conditions and limitations, and exactly what the guarantor will do under the guarantee, such as repair, replacement or refund. If the guarantor or recipient of the guarantee has an option as to what may satisfy the guarantee, this must be clearly stated.
(c) The guarantor's identity and address shall be clearly revealed in any documents evidencing the guarantee.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 17500, 19150, 19152 and 19210, Business and Professions Code.

1315. Pro-Rata Guarantee.
Any guarantee or any advertisement of a guarantee which provides for adjustment on a pro-rata basis shall be deemed false and misleading unless the guarantee and/or the advertisement conspicuously and clearly discloses this fact and the basis on which the guarantee will be prorated, e.g., the time the product has been used and in what manner the guarantor will perform. If adjustments are based on a price other than that paid by the purchaser, clear disclosure must be made of the amount.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 17500, 19150, 19152 and 19210, Business and Professions Code.

1316. Secondhand Merchandise.
No article which is secondhand, as defined in the act, shall be advertised in any manner which represents or implies that the article is new.

Note: Authority cited: Sections 19034 and 19088, Business and Professions Code. Reference: Sections 19008, 19008.5, 19008.6 and 19150, Business and Professions Code.

Article 11
Latex Foam Rubber and Filling Regulations

1329. Definitions and Grades of Latex Foam.
(a) Latex foam is used as a filling material in various bedding products including mattresses, futons, and bed pillows. The term "Latex Foam" or "Latex Foam Rubber" may be used interchangeably and shall mean filling material made from synthetic latex foam (polychloroprene), natural latex foam, reclaimed rubber or rubber-like materials or a mixture of the above. The cured foam shall consist of a network of open or inter-connecting cells uniform in size and character. Latex foam may be used as a molded fill containing an outer skin or as slabstock fill (sheets, strips or other specific shapes) cut to specific sizes and containing no skin. Latex foam rubbers may be either cored or solid.
(b) The term "first quality" may be used in conjunction with the terms latex foam or latex foam rubber provided the foam does not exceed a minor level of physical defects such as a surface or internal voids of up to one inch, loose

skin up to 16 square inches, foreign materials up to 1/8 inch in diameter, shrinkage marks up to 1/8 inch in depth, pock marks or pour patterns up to 1/8 inch in depth.

(c) Irregular Latex Foam or Irregular Latex Foam Rubber shall mean any foam which has a moderate level of physical defects, such as surface or internal voids 1 to 3 inches deep, 16 to 32 square inches of loose skin, foreign materials 1/8 to 1/4 inch in diameter, shrinkage marks between 1/8 and 1/4 inch in depth, pock marks or pour patterns 1/8 to 1/4 inch in depth.

Labeling example: Irregular Latex Foam Rubber

(d) Scrap Latex Foam or Scrap Latex Foam Rubber shall mean any foam which contains an excessive amount of physical defects such as surface or internal voids exceeding 3 inches, loose skin over 32 square inches, foreign materials over 1/4 inch in diameter, shrinkage marks over 1/4 inch in depth, pock marks or pour patterns over 1/4 inch in depth, and also means any latex foam product consisting of loose pieces of latex foam or assembled loose pieces of latex foam (excluding assembly of the molded half sections).

Note: Authority cited: Sections 19034, 19089 and 19150, Business and Professions Code. Reference: Sections 19081, 19085, 19088, 19089 and 19150, Business and Professions Code.

1330. Physical Requirements of Latex Foam.

Any latex foam which does not meet any one of the following minimum physical requirements shall be designated on the law label as "Scrap Latex Foam" or "Scrap Latex Foam Rubber."

(a) Adhesive Bond. The bond shall be stronger than the adjoining foam when separated by hand. The seam shall not be noticeably hard when felt with the palm of the hand.

(b) The latex foam shall be constructed of a single piece or, if used to construct a pillow insert, two molded half sections. Modifications which are designed to enhance a special feature of the product are acceptable when such modifications have been approved by the Bureau.

Note: Authority cited: Sections 19034, 19089 and 19150, Business and Professions Code. Reference: Sections 19081, 19085, 19088, 19089 and 19150, Business and Professions Code.

Article 13
Flammability Regulations

1370. Flame Resistant, Flame Retardant. [Repealed effective January 1, 2014.]

1371. Mattresses - Open-Flame Resistance.

(a) All mattresses and mattress sets manufactured for sale in California shall meet the open-flame resistance and flammability labeling requirements of all regulations set forth in Part 1633 of Title 16 of the Code of Federal Regulations, titled “Standard for the Flammability (Open Flame) of Mattress Sets”, effective July 1, 2007.

(b) In addition to the standards set forth in subdivision (a), every manufacturer or importer that is subject to the standards set forth in Part 1633 of Title 16 of the Code of Federal Regulations, shall meet all other applicable requirements of that part, including 16 CFR 1633.11.

(c) Exemptions
One-of-a-kind (custom made) mattress sets are exempt pursuant to 16 CFR Sections 1633.1 and 1633.13(c), if the criteria for exemption can be met.

(d) For the purpose of interpreting the requirements of this section, the terms “mattress” and “mattress set” shall have the meanings set forth in section 1633.2 of Title 16 of the Code of Federal Regulations, effective July 1, 2007.

(e) Failure to comply with subdivisions (a) and (b) shall constitute grounds for discipline per Section 19210 of the Business and Professions Code.

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Sections 19161, 19081, 19089.5 and 19210, Business and Professions Code; and Code of Federal Regulations, Title 16, Part 1633.

1373.2. Flammability; Flexible Polyurethane Foam.
This section operative until December 31, 2014. This section inoperative as of January 1, 2015. See following Section 1373.2, operative on and after January 1, 2015.
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 of the State of California, Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin No. 117, entitled "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance of Filling Materials Used in Upholstered Furniture," dated March 2000.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19161.3, Business and Professions Code.

1373.2. Flammability; Flexible Polyurethane Foam.
This section operative on and after January 1, 2015. See preceding Section 1373.2, operative until December 31, 2014 and inoperative as of January 1, 2015.
On and after January 1, 2015, 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 fire retardant requirements set forth in 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 Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture," dated June 2013 which is incorporated by reference. This section shall not apply to flexible polyurethane foam manufactured prior to January 1, 2015.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19161.3, Business and Professions Code.

1374. Flammability; Upholstered and Reupholstered Furniture.
This section operative until December 31, 2014. This section inoperative as of January 1, 2015. See following Section 1374, operative on and after January 1, 2015.

(a) All filling materials 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, entitled "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance of Filling Materials Used in Upholstered Furniture," dated March 2000.
(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 Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin Number 116 entitled "Test Procedures and Apparatus for Testing the Flame Retardance of Upholstered Furniture," dated January 1980.
(c) 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 Electronic and Appliance Repair, 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) 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.

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Section 19161, Business and Professions Code.

1374. Flammability; Upholstered and Reupholstered Furniture.

This section operative on and after January 1, 2015. See preceding Section 1374, operative until December 31, 2014 and inoperative as of January 1, 2015.

(a) On and after January 1, 2015, all filling materials and cover fabrics contained in any article of upholstered furniture and added to reupholstered furniture shall meet the fire retardant 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 Procedure and Apparatus for Testing the Smolder Resistance of Materials Used in Upholstered Furniture," dated June 2013 and be labeled in accordance with Section 1374.3. This section incorporates by reference Technical Bulletin 117-2013 and shall not apply to filling materials and cover fabric manufactured prior to January 1, 2015.

(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 Electronic and Appliance Repair, Home Furnishings and Thermal Insulation Technical Bulletin Number 116 entitled "Test Procedures and Apparatus for Testing the Flame Retardance of Upholstered Furniture," dated January 1980.

(c) 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 Electronic and Appliance Repair, 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) 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.

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Section 19161, Business and Professions Code.

1374.1. Exemptions. [Repealed effective January 1, 2014.]

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) Bassinets, booster seats, car seats, changing pads, floor play mats, highchairs, highchair pads, infant bouncers, infant carriers, infant seats, infant swings, infant walkers, nursing pads, nursing pillows, playpen side pads, playards, portable hook-on chairs, and strollers.
(d) Any article manufactured in accordance with a written prescription from any one of the health care professionals set forth in this subdivision, or manufactured in accordance with other comparable written medical therapeutic specification, to be used in connection with the treatment or management of a named individual's physical illness or injury. Any one of the following health care professionals may provide the written prescription required by this subdivision provided that the health care professional has a current and valid license to practice in California or any other state of the United States in which the prescription was written: physicians, chiropractors or osteopaths.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Section 19161.5, Business and Professions Code.

1374.3. Labeling.
This section operative until December 31, 2014. This section inoperative as of January 1, 2015. See following Section 1374.3, operative on and after January 1, 2015.
(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. 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. 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 ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION 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, and 1374.3 shall also comply with the labeling requirements of sections 1126(a) and (b).

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Sections 19080, 19081 and 19161, Business and Professions Code.

1374.3. Labeling.
This section operative on and after January 1, 2015. See preceding Section 1374.3, operative until December 31, 2014 and inoperative as of January 1, 2015.
(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 ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHINGS AND THERMAL INSULATION 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, and 1374.3 shall also comply with the labeling requirements of sections 1126(a) and (b).

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code. Reference: Sections 19080, 19081 and 19161, Business and Professions Code.

Article 14
Custom Upholsterers

1375. Oral Consent to Revision of Estimate and/or Work Order.

(a) Where a customer orally consents to work performed or materials supplied which exceed the estimated price, the date, time and name of the person receiving such consent and the conditions of such consent, if any, shall be set forth on the estimate and on the work order.

(b) Where a customer orally consents to work performed or materials supplied which differ from those specified in the work order, the date, time and name of the person receiving such consent, and the conditions of such consent, if any, shall be set forth on the work order.

Note: Authority cited: Section 19034, Business and Professions Code. Reference: Sections 19162 and 19163 Business and Professions Code.

1377. Estimate and Work Order Form Requirements.

(a) Minimum Requirements. The items of information required by this article are minimum requirements which must be included on estimates and work orders. Other information may be included if it does not detract from or obscure the information required in these regulations.

(b) Heading on Estimate and Work Order Forms. The following statement shall appear at the top of each estimate or work order form:

NOTICE
THIS FORM REQUIRED BY SECTIONS 19162 AND 19163 OF THE CALIFORNIA BUSINESS AND PROFESSIONS CODE

(c) Designation of Forms. The form shall provide a means by which the custom upholsterer can indicate whether the form constitutes an estimate, work order, or both. This shall appear immediately below the statement required in (b) above.

(d) Specific Information Required. The custom upholsterer shall include on each estimate or work order form:
- (1) The name, registry number, address and telephone number of the firm.
- (2) The customer's name, address and telephone number.
- (3) A reasonably detailed description of the article to be upholstered.
- (4) Description of work to be done as follows:
  - (A) Whether new cushions are to be provided and if so, specify type of cushion.
  - (B) Whether existing fabric(s) are to be completely removed.
  - (C) If springs are to be retied.
  - (D) If new filling material is to be used and if so, the form must state that a green law label specifying the contents of the article is to be attached.
  - (E) If frame is to be re-glued.
  - (F) Sufficient space to specify work to be done other than that shown above.
- (5) Fabric information as follows:
  - (A) Kind of fiber fabric is composed of (generic name).
  - (B) Amount of yards required.
  - (C) Width of fabric.
  - (D) Price of fabric per yard.
  - (E) If the fabric is stain repellant.
- (6) Estimated date of completion.

(7) Total cost delivered to the customer.
(8) Dated signature of the customer.
(9) Dated signature of the firm representative.
(10) A space for any additional information or conditions pertaining to the estimate or work order.
(11) The time period within which the estimate is valid.

(e) Additional Charges. The following statement shall appear at the bottom of each estimate or work order: "Sections 19162 and 19163 of the Business and Professions Code provide that no charge shall be made in excess of the estimated price without the oral or written consent of the customer."

Note: Authority cited: Sections 19034 and 19163, Business and Professions Code. Reference: Sections 19162 and 19163, Business and Professions Code.

1379. Disciplinary Guidelines.
In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the bureau shall consider the disciplinary guidelines entitled "Bureau of Home Furnishings and Thermal Insulation's Disciplinary Guidelines (August 1997)" which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the bureau in its sole discretion determines that the facts of the particular case warrant such a deviation -- for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Section 19034, Business and Professions Code, Sections 11400.20 and 11400.21, Government Code. Reference: Sections 11400.20, 11400.21 and 11425.50 (e), Government Code.

Article 15
Denial, Suspension and Revocation of Licenses

1380. Substantial Relation Criteria.
For the purposes of denial, suspension or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime shall be considered to be substantially related to the qualifications, functions or duties of a licensee under Division 8, Chapter 3 (commencing with Section 19000) of the Business and Professions Code, if to a substantial degree it evidences present or potential unfitness of such licensee to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare. Such crimes shall include but not be limited to:

(a) Those violations specifically enumerated in Articles 3 through 7, inclusive, and Article 9 of Chapter 3 of Division 8 of the Business and Professions Code. (Chapter 3 of Division 8 of the Business and Professions Code is commonly called the Home Furnishings Act.)
(b) Those violations specifically enumerated in Article 1 of Chapter 1 of Part 3 of Division 7 of the Business and Professions Code. (Article 1 of Chapter 1 of Part 3 of Division 7 of the Business and Professions Code is that portion of the Code which concerns general false and misleading advertising practices.)

Note: Authority cited: Sections 481 and 19034, Business and Professions Code. Reference: Sections 480 and 481, Business and Professions Code.

1381. Criteria for Rehabilitation.
When considering the denial, suspension or revocation of a license on the ground of conviction of a crime the Bureau will consider the following criteria:

(a) The nature and severity of the offense(s).
(b) Total criminal record.
(c) Extent of time that has elapsed since commission of the offense(s).
(d) Whether the licensee has complied with any or all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(e) Evidence, if any, of rehabilitation submitted by the licensee.
  (1) Include (if applicable) evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

Note: Authority cited: Sections 482 and 19034, Business and Professions Code. Reference: Sections 480 and 482, Business and Professions Code.

1382. Petition for Reinstatement.
When considering a petition for reinstatement of a license under the provisions of Section 11522 of the Government Code, the Bureau will evaluate evidence of rehabilitation submitted by the licensee, considering those criteria specified in Section 1381 of this article.

Note: Authority cited: Sections 475 and 19034, Business and Professions Code. Reference: Sections 475, 480 and 482, Business and Professions Code.

Article 15.5
Citation Regulations

1383. Citations.
The chief of the bureau is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and/or fines for violations by any person as defined by Section 19002 of the Business and Professions Code who holds a license for a violation of provisions of law referred to in Section 1383.2 of this article.

Note: Authority cited: Sections 125.9, 148 and 19034, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

1383.1. Citation Format.
Each citation shall:
(a) be in writing;
(b) describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated;
(c) contain assessment of an administrative fine and/or an order of abatement fixing a reasonable period of time for abatement;
(d) inform the cited person that if he or she desires a hearing to contest the finding of the violation, that hearing shall be requested by written notice to the bureau within 30 days of the issuance of the citation;
(e) be served upon the licensee personally or by certified mail.

Note: Authority cited: Sections 125.9, 148 and 19034, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

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.

Rule*	Description	Range of Fines
Article 1.	**General Provisions.**	
1108	Procedure Re License	$150 to 1,500
1109	"Withhold from Sale" Tag	100 to 1,000
1110	Names of Filling Materials	100 to 1,000
1113	Deviation from Percentages Stated	100 to 1,000
1114	Water Repellent, Water Resistant	100 to 1,000
1116	Mildew Proof, Mildew Resistant	100 to 1,000
1118	Moth Proof, Moth Resistant	100 to 1,000

1119	Bacteria Proof, Odor Resistant	100 to 1,000
1120	Stain Proof, Stain Resistant	100 to 1,000
1121	Soil Resistant, Soil Repellent	100 to 1,000

Article 2. Official Law Labels for Upholstered Furniture and Bedding and Bulk Filling Materials.

1125	Labelling Requirements	100 to 1,000
1126	Official Law Label Requirements	100 to 1,000

Article 2.5. Universal Filling Requirements.

1130	Cleanliness	100 to 1,000
1131	Oil and Grease Limitations	100 to 1,000
1132	Trash Limitation – Vegetable Fibers	100 to 1,000
1133	Sludge Limitations	100 to 1,000
1134	Residue Limitations	100 to 1,000

Article 3. Universal Definitions and Labeling.

1135	Terms of Definition and Label Requirements	100 to 1,000
1137	Care Instructions	100 to 1,000

Article 5. Plumage Regulations.

1192.1	Plumage Products - Comply with Federal Standards	100 to 1,000

Article 9. Sanitization Regulations.

1253	Chamber Identification	100 to 1,000
1254	Lot (sanitization)	100 to 1,000
1256	Records (sanitization)	100 to 1,000
1258	Method of Sanitization	100 to 1,000
1265	Disinfecting (sanitization)	100 to 1,000
1266	Official Sanitization Label (sanitization) Requirements	100 to 1,000

Article 10. False or Misleading Advertising.

1301	Former Price	200 to 2,000
1302	Former Price of Same Article	200 to 2,000
1304.1	Bait and Switch Advertising	200 to 2,000
1305	Special Sale	200 to 2,000
1306	Purchase of Additional Merchandise	200 to 2,000
1307	Pre-Ticketing	200 to 2,000
1308	Imperfects, Irregulars, Second or Damaged	200 to 2,000
1309	Factory Outlet	200 to 2,000
1309.1	Factory Sales	200 to 2,000
1309.2	Factory Direct	200 to 2,000
1310	Custom Made	200 to 2,000
1311	Labor Free	200 to 2,000
1312	Liquidation	200 to 2,000
1313	Guarantee and Warranty	200 to 2,000
1314	Disclosure of Guarantee	200 to 2,000
1315	Pro-rata Guarantee	200 to 2,000
1316	Secondhand Merchandise	200 to 2,000

Article 12. Liquid-Filled Bedding Regulations

1351	Official Law Labels (waterbeds)	100 to 1,000
1353	Information Label (waterbeds)	100 to 1,000
1354	Water Mattress (waterbeds)	100 to 1,000

1355	Waterbed Lines (waterbeds)	100 to 1,000
1356	Waterbed Frames (waterbeds)	100 to 1,000
1356.1	Waterbed Frame Addition (waterbeds)	100 to 1,000
1356.2	Waterbed Deck (waterbeds)	100 to 1,000
1356.3	Waterbed Riser (waterbeds)	100 to 1,000
1357	Waterbed Heaters (waterbeds)	100 to 1,000
1358	Quality Control (waterbeds)	100 to 1,000
1359	Manufacturing Facilities (waterbeds)	100 to 1,000
1360	Required Consumer Information (waterbeds)	100 to 1,000

Article 13. Flammability Regulations

1371	Mattresses	250 to 2,500
1373.1	Non-Flame Retardant Polyurethane Foam	250 to 2,500
1373.2	Flammability; Flexible Polyurethane Foam	250 to 2,500
1374	Flammability; Upholstered and Reupholstered Furniture	250 to 2,500
1374.3	Labeling	100 to 1,000

Article 14. Custom Upholsterers.

1375	Oral Consent to Revision of Estimate and/or Work Order	150 to 1,500
1377	Estimate and Work Order Form Requirements	150 to 1,500

Business and Professions Code Section

Article 3. Licensing.

19060	Separate license for each branch house	150 to 1,500
19060.5	On his own account	150 to 1,500
19060.6	Contracts for repair of furniture and bedding	150 to 1,500
19061	One address, multiple names	150 to 1,500
19062	Posting of license	100 to 1,000

Article 4. Application of Chapter.

19071	Sanitization	100 to 1,000
19072	Compliance with chapter defined	150 to 1,500
19072.5	Responsibility for labeling	100 to 1,000
19072.6	Labeling of slip seats	100 to 1,000

Article 5. Labeling.

19080	Law label	100 to 1,000
19083	Attaching labels	100 to 1,000
19084	Printing on one side	100 to 1,000
19085	Advertising on label	100 to 1,000
19086	Covering label	100 to 1,000
19087	Removal of labels	250 to 2,500
19088	Misleading information on labels	200 to 2,000
19089.3	Waterbed labels	100 to 1,000
19089.5	Non fire retardant material label	250 to 2,500
19092	Secondhand material label	100 to 1,000
19093	Custom Upholster label	100 to 1,000

Article 6. Sanitization.

19121	Resale of soiled bedding	100 to 1,000
19122	Testing of sanitization equipment	100 to 1,000
19123.4	Sanitization of secondhand filling	100 to 1,000
19123.5	Sanitization for resale	100 to 1,000

19123.6	Sanitization of secondhand bedding	100 to 1,000
19124	Sanitization in accordance with regulations	100 to 1,000
19124.5	Affixing sanitization label	100 to 1,000
19127.5	Illegal possession of sanitization label	100 to 1,000
19127.6	Sanitizer label records	100 to 1,000
19129	Sanitization of secondhand bedding	100 to 1,000
19131	Sanitization of bedding contagious disease	250 to 2,500
19132	Separation of sanitized items from unsanitized items	100 to 1,000

Article 7. Regulations.

19150	False advertising	200 to 2,000
19151	Misleading illustrations	200 to 2,000
19152	Unconditional warranties	200 to 2,000
19158	Custom upholsterer ID label	100 to 1,000
19160	Cleanliness of premises	100 to 1,000
19161	Fire retardant requirements	250 to 2,500
19161.3	Fire retardant polyurethane foam	250 to 2,500
19162	Custom upholsterer estimate	150 to 1,500
19163	Custom upholsterer work order	150 to 1,500
19165	Insulation product testing	250 to 2,500

Article 9. Enforcement.

19204	Removal of Withhold tag	250 to 2,500
19205	Failure to produce withheld products	250 to 2,500
19206	Interference with an inspector's duties	250 to 2,500

*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.

1383.3. Citation Factors.
In assessing an administrative fine and issuing an order of abatement, the chief shall give due consideration to the following factors:
(a) The nature and severity of the violation.
(b) The good or bad faith of the cited person.
(c) The history of previous violations.
(d) Evidence that the violation was willful.
(e) The extent to which the cited person or entity has cooperated with the bureau.
(f) The extent in which the cited person has mitigated or attempted to mitigate any loss caused by the violation.
(g) The extent of the consumer injury which is a direct and proximate result of the violation.
(h) Such other matters as justice may require.

Note: Authority cited: Sections 125.9, 148 and 19034, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

1383.4. Failure to Comply with Order.
(a) The time allowed for the abatement of a violation shall begin the first day after the order of abatement has been served or received. If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the person cited may request an extension of time from the chief in which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.
(b) An order of abatement shall either be personally served or mailed by certified mail, return receipt requested.

(c) When an order of abatement is not contested or if the order is appealed and the person or entity cited does not prevail, failure to abate the violation charged within the time specified in the citation shall constitute a violation and failure to comply with the order of abatement. Failure to timely comply with an order of abatement may result in disciplinary action being taken by the bureau or other appropriate judicial relief being taken against the person cited.

Note: Authority cited: Sections 125.9, 148 and 19034, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

1383.5. Contest of Citations.

(a) In addition to requesting a hearing provided for in subdivision (b)(4) of Section 125.9 of the Business and Professions Code, the person cited may, within ten (10) days after service of the citation, notify the chief in writing of his or her request for a citation review conference with the chief regarding the acts charged in the citation.

(b) The chief shall hold, within 30 days from the receipt of the request, a citation review conference with the person cited or his or her legal counsel or authorized representative. At the conclusion of the citation review conference the chief may affirm, modify or dismiss the citation, including any fine levied or order of abatement issued. The chief shall state in writing the reasons for his or her action and transmit a copy of his or her findings and decision to the person cited. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement.

(c) The person cited does not waive his or her right to request a hearing to contest the citation by requesting a citation review conference after which the citation is affirmed by the chief. If the citation, including any fine levied or order of abatement, is modified, the citation originally issued shall be considered withdrawn and the new citation issued. If a hearing is requested for the subsequent citation, it shall be requested within 30 days in accordance with the subdivision (b)(4) of Section 125.9 of the Business and Professions Code.

Note: Authority cited: Sections 125.9, 148 and 19034, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

1383.6. Unlicensed Practice.

The chief may issue citations, in accordance with Section 125.9 of the code, against any unlicensed person who is acting in the capacity of a licensee under the jurisdiction of the bureau and who is not otherwise exempt from licensure. Each citation shall contain an order of abatement fixing a reasonable period of time for abatement of a violation and may contain assessment of an administrative fine. Administrative fines shall be in a range from $100 to $2,500 for each investigation. Any sanction authorized for the activity under this section shall be separate from and in addition to any other civil or criminal remedies.

Note: Authority cited: Sections 148 and 19034, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code