

SENATE BILL 1114

I3

6lr3774

By: **Senator Ramirez**

Introduced and read first time: February 24, 2016

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Sale of Bedding by Merchants – Limitations**

3 FOR the purpose of prohibiting a merchant from selling or offering to sell certain bedding
4 to a consumer in the State unless a certain label is attached to the bedding; requiring
5 a merchant who sells certain new bedding to a consumer in the State to indicate on
6 a certain receipt that the bedding is new; prohibiting a merchant from selling certain
7 bedding as new unless the bedding is made entirely from new material; prohibiting
8 a merchant from using any false or misleading statement on a certain label;
9 establishing a certain penalty; defining certain terms; and generally relating to the
10 sale of bedding by merchants.

11 BY adding to

12 Article – Commercial Law

13 Section 14–1316

14 Annotated Code of Maryland

15 (2013 Replacement Volume and 2015 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Commercial Law**

19 **14–1316.**

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (2) “BEDDING” MEANS A MATTRESS OR BOX SPRING THAT:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (I) IS STUFFED OR FILLED WHOLLY OR PARTLY WITH
2 CONCEALED MATTER; AND

3 (II) CAN BE USED BY AN INDIVIDUAL FOR SLEEPING OR
4 RECLINING.

5 (3) "CONSUMER" MEANS AN ACTUAL OR PROSPECTIVE PURCHASER
6 OF GOODS THAT ARE PRIMARILY FOR PERSONAL, HOUSEHOLD, OR FAMILY
7 PURPOSES.

8 (4) "MERCHANT" HAS THE MEANING STATED IN § 13-101 OF THIS
9 ARTICLE.

10 (5) "NEW" MEANS NOT USED PREVIOUSLY FOR ANY PURPOSE.

11 (6) "USED" MEANS PREOWNED OR HAVING A COMPONENT THAT WAS
12 USED PREVIOUSLY FOR ANY PURPOSE.

13 (B) A MERCHANT MAY NOT SELL OR OFFER TO SELL BEDDING TO A
14 CONSUMER IN THE STATE UNLESS:

15 (1) IF NEW, THE BEDDING HAS ATTACHED TO IT, IN A PROMINENT
16 LOCATION THAT MAY BE SEEN BY THE CONSUMER BEFORE PURCHASE, A WHITE
17 LABEL THAT CONTAINS THE WORDS "ALL NEW MATERIAL"; OR

18 (2) IF USED, THE BEDDING HAS ATTACHED TO IT, IN A PROMINENT
19 LOCATION THAT MAY BE SEEN BY THE CONSUMER BEFORE PURCHASE, A YELLOW
20 LABEL THAT CONTAINS THE WORDS "USED BEDDING" OR "USED MATERIAL".

21 (C) A MERCHANT WHO SELLS NEW BEDDING TO A CONSUMER IN THE STATE
22 SHALL INDICATE ON THE RECEIPT PROVIDED TO THE CONSUMER THAT THE
23 BEDDING IS NEW.

24 (D) A MERCHANT MAY NOT:

25 (1) SELL AS NEW ANY BEDDING UNLESS THE BEDDING IS MADE
26 ENTIRELY FROM NEW MATERIAL; OR

27 (2) USE ANY FALSE OR MISLEADING STATEMENT ON A LABEL
28 REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

1 **(E) A MERCHANT WHO VIOLATES ANY PROVISION OF THIS SECTION IS**
2 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
3 **EXCEEDING \$500.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2016.