

**Sec. 21a-235-4. License requirements**

(a) **Annual license.** No person shall sell or offer for sale or manufacture for sale, in the state of Connecticut, any article of bedding or upholstered furniture or filling material unless such person is licensed with the department and has been assigned a registry number and such license is valid at the time such article is sold or offered for sale in Connecticut. A license shall be valid, unless suspended or revoked in the interim, for a period of twelve months beginning on October first of one year and ending on September thirtieth of the following year. In the instance of a new licensee or licensees who are changing to a different classification or type of license, a license may be issued and registry number assigned during any quarterly period beginning on January first, April first or July first, and such license shall be valid, unless suspended or revoked, until the thirtieth day of September next following date of issue, and in such cases the fee for the license shall be prorated from the first day of the quarter in which it is issued to September thirtieth next following. All licenses expire on September thirtieth next following the date of issue, and the assigned registry number shall be withdrawn unless the license has been renewed prior to the expiration date. Except as otherwise provided in these regulations, all articles offered for sale by the licensee or in behalf of the licensee subsequent to the expiration date of a license shall be ordered "off sale" and the vendor shall be considered in violation. A license shall be valid only for the period specified on the license certificate and in no case shall a license become effective prior to the date upon which the application is approved by the department. Annual license fees shall be payable in advance with the application for the full year's period. In the cases of prorated licenses, the fee shall be payable in advance from the beginning of the quarter in which the license is effective to September thirtieth next following the date of issue. License fees cannot be prorated if the licensee has been issued a license for any part of the previous license year. No rebate of license fees shall be made in the event a license is revoked, suspended or voluntarily returned subsequent to its issue, and only in instances of error on the part of the department shall a licensee be entitled to refund of a license fee. The annual fees for licenses shall be as follows: Manufacturer, fifty dollars; supply dealer, fifty dollars; renovator, twenty-five dollars; and second-hand dealer, twenty-five dollars.

(b) **Transferability.** Each license and the registry number assigned thereto by the commissioner is valid for use only by the person to whom it is issued and is not transferable. The misuse of any license or any registration number or the use of such license or registry number by anyone other than the person to whom it was issued shall be considered a violation and, after a hearing, the license may be cancelled and the registry number revoked. It shall be the responsibility of each person to take adequate precautions against the misuse of any license or registry number issued in his behalf.

(c) **Application for license.** Each person who intends to sell or manufacture for sale in Connecticut any article of bedding, upholstered furniture or filling material shall apply to the commissioner for a license on application forms to be provided by the commissioner. The applicant may request that the registry number issued by a cooperating state be issued to him as a Connecticut registry number, for use as a uniform registry number, but the granting of such request shall be at the discretion of the commissioner. Each application for a license shall be complete and shall be signed and the accuracy of the statements in the application attested by the person to whom the license is to be issued, or the principal

executive when the license is to be issued in the name of a firm, partnership, corporation, organization or association. The application, when forwarded to the department, shall be accompanied by cash, check or money order, payable to the Connecticut labor department, for the established fee for one full license year, or for the prorated fee, if applicable. Inaccurate or misleading statements on any application shall be sufficient cause to refuse a license, or, if such license has been issued, shall be sufficient cause to suspend such license and withdraw the registry number. If it is determined after a hearing that the misstatements were deliberate, the license and registry number may be revoked for the balance of the license period. The commissioner may refuse to license and issue a registry number to any person when, in his opinion and after a hearing, such license and the issue of a registry number could result in danger to the life, health, comfort or economic well-being of the people with whom such person may have contact.

(d) **Registry number.** Upon approval of any application for a license the commissioner shall assign a Connecticut registry number and such number shall appear on all tags required under the provisions of sections 21a-231 to 21a-236, inclusive, of the general statutes and regulations issued under authority thereof. The commissioner may issue, as a Connecticut registry number, the number which has been assigned to the person by any other state having similar standards for the inspection, manufacture and sale of bedding and upholstered furniture and filling material where such number is to be used as a uniform registry number, if such state grants to Connecticut manufacturers the same privilege reciprocally. A Connecticut registry number is not transferable and its use by any unauthorized person shall be deemed a violation of statute, and such person shall be liable for prosecution. Licensees who intend to continue operations in Connecticut shall apply for a license in advance of the expiration date of each annual license if they desire the same Connecticut registry number.

(e) **Manufacturer's license.** Each person who manufactures for sale in Connecticut or for consignment or delivery in consignment any article of bedding or upholstered furniture or filling material shall first secure a license with the department as a manufacturer and shall have issued to him a manufacturer's license certificate and registry number. The person so licensed may manufacture for sale, at wholesale or retail, articles of bedding and upholstered furniture or filling materials subject to the laws and regulations relating to such manufacture and to such sale during the period for which the license is valid, and shall affix to such articles a tag upon which shall appear the registry number assigned by the commissioner and such other information as may be required. A licensed manufacturer may also sell, at wholesale or retail, articles manufactured by others than himself, including filling material, and may remake or renovate such articles provided each such article shall be properly tagged and such tags shall bear a valid registry number and otherwise conform with the laws and regulations governing the sale of bedding and upholstered furniture and filling materials in Connecticut.

(f) **Supply dealer.** Each person who sells, or offers for sale in Connecticut, or consigns or delivers in consignment for such purpose, filling material, whether processed or unprocessed, or who prepares or processes filling material in bulk intended for sale in the manufacture of articles of bedding and upholstered furniture, shall first apply for a license as a supply dealer and shall have issued to him a supply dealer's license certificate and registry number, provided such person is not actively licensed as a manufacturer. The person

issued a supply dealer's license may, while such license is valid, sell, offer for sale or consign for the purpose of sale filling materials for the use in the manufacture of articles of bedding and upholstered furniture subject to the provisions of statutes relating to the sale of bedding and upholstered furniture and filling materials and regulations issued under the authority thereof, and shall affix thereto a tag bearing the registry number assigned to such license. The provisions of this regulation apply to jobbers and agents, unless the principal for whom they act is properly licensed and the material sold or offered for sale is properly tagged and otherwise conforms to all of the provisions of appropriate statutes and regulations.

(g) **Renovator.** Each person who remakes, renovates or repairs any article of bedding or upholstered furniture or a part thereof, unless he holds an active manufacturer's license, shall first apply for a license with the department and have issued to him a renovator's license certificate and a registry number. The person so licensed may then remake, renovate or repair articles of bedding and upholstered furniture for customers requiring such work to be done, provided he shall affix thereto a yellow tag bearing the assigned registry number and such other information as may be required by law or regulation. Licensed renovators may offer for sale secondhand articles of bedding, upholstered furniture or filling materials, provided they shall affix thereto a yellow tag bearing the assigned registry number and other such information as is required by law or regulation relating to the sale of second-hand articles. The registry number assigned to a renovator may not be used on any but yellow tags nor shall such licensed renovator manufacture or offer for sale any article as new unless such article bears an approved tag upon which shall appear the registry number of a properly licensed manufacturer or supply dealer.

(h) **Second-hand dealer.** Each person who sells or offers for sale any secondhand article of bedding, upholstered furniture or filling material or part thereof shall first apply for a license with the department and have issued to him a second-hand dealer's license certificate and registry number unless such person is actively licensed as a manufacturer or renovator. A person so licensed shall affix to second-hand articles of bedding and upholstered furniture, a yellow tag on which shall appear the words "second-hand" and on which shall also appear the registry number assigned to the licensee and such other information as may be required and may offer such articles for sale, provided each shall conform to the laws and regulations relating to the sale of second-hand articles of bedding and upholstered furniture in Connecticut. A second-hand dealer's license shall not authorize the manufacture, renovation or repair of any article of bedding and upholstered furniture nor shall such licensee offer for sale as new any such article unless the articles shall be tagged with a proper tag bearing the registry number of the manufacturer or supply dealer. The registry number assigned to a second-hand dealer shall not be used on any except a yellow tag upon which shall also appear the words "second-hand." This section shall not apply to articles sold at public auction, to the sale of antique furniture as herein defined or to the private sale from the home of the owner direct to the purchaser.

(i) **Suspension or revocation of license.** When, in the opinion of the commissioner, any licensee is in violation of any provision of sections 21a-231 to 21a-236, inclusive, of the general statutes, or any regulations issued under the authority thereof, he may summon the licensee to a hearing at which such licensee shall show cause why his license shall not be revoked for the balance of the license period. The failure of a licensee to appear at a hearing,

after receiving notice of such hearing, shall be considered sufficient cause for revocation of his license and the licensee shall be immediately notified of this action. In any case where a license is suspended or revoked, all articles of bedding or upholstered furniture or filling materials bearing the registry number of such licensee shall be ordered "off sale" pending determination by the commissioner as to which, if any, of such articles may be legally sold and permission given to offer such articles for sale.

(j) **Exceptions.** The foregoing rules regarding licensing shall not apply to retail dealers in articles of bedding and upholstered furniture or to persons acting as agents in the sale of such articles, provided every article sold or offered for sale by such dealer or such agent shall be otherwise in full compliance with the statutes relating to the sale of bedding and upholstered furniture and the regulations issued under the authority thereof. Any dealer or agent offering for sale any articles not properly tagged by a licensed manufacturer, supply dealer, renovator or second-hand dealer shall be deemed in violation of the provisions of statute and subject to prosecution as provided in section 21a-236 of the general statutes, except that articles in the hands of dealers or in transit to them before the date on which the license of the manufacturer or supply dealer becomes invalid for any reason may be legally offered for sale after that date, provided evidence can be furnished and verified to substantiate the date of delivery or shipment.

(See G.S. § 21a-234.)

(Effective July 27, 1984)