

**PUBLIC CHAPTER NO. 35**

**SENATE BILL NO. 280**

**By Haynes**

**Substituted for: House Bill No. 288**

**By Moore**

AN ACT to amend Tennessee Code Annotated, Section 47-18-104 and Title 68, Chapter 15, Part 2, relative to mattresses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-104(b), is amended by deleting subdivision (41) in its entirety and substituting instead the following:

(41)(A) Selling or offering to sell a secondhand mattress in this state or importing secondhand mattresses into this state for the purpose of resale in violation of Section 2 of this act, or offering a comfort exchange policy to a mattress buyer pursuant to the sale of the mattress in violation of Title 68, Chapter 15, Part 2;

(B) The provisions of subdivision (b)(41)(A) shall apply to a mattress manufacturer, wholesaler or retailer. The provisions of subdivision (b)(41)(A) shall not apply to an institution or organization that has received a determination of exemption from the Internal Revenue Service under 26 U.S.C. § 501(c)(3), and as described in § 67-6-348. The exemption provided in this subdivision (b)(41)(B) shall be limited to institutions or organizations that are not organized or operated for profit, and no part of the net earnings of which inures to the benefit of any private shareholder or individual;

SECTION 2. Tennessee Code Annotated, Section 68-15-203, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection (b):

(b) The provisions of subsection (a) shall also apply to all secondhand mattresses sold in this state.

SECTION 3. Tennessee Code Annotated, Section 68-15-206, is amended by adding the following as a new, appropriately designated subsection:

( ) Notwithstanding any provision of this section to the contrary, a first offense for selling a secondhand mattress in violation of Section 2 of this act is a Class C misdemeanor, punishable by a fine only of fifty dollars (\$50.00); a second offense is a Class B misdemeanor, punishable by a fine only of five hundred dollars (\$500); and a third or subsequent offense is a Class A

misdemeanor, punishable by a fine only of two thousand five hundred dollars (\$2,500).

SECTION 4. Tennessee Code Annotated, Section 68-15-208, is amended by deleting subsection (a) and by substituting instead the following:

(a) It is unlawful for a mattress manufacturer, wholesaler or retailer to offer a comfort exchange policy to a mattress buyer pursuant to the sale of a mattress. The provisions of this subsection shall not prevent a mattress buyer from returning a defective mattress in accordance with any warranty issued pursuant to the sale of a mattress if the mattress is not appropriately designated and tagged as "used" or "secondhand".

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: April 5, 2007**

  
RON RAMSEY  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 19th day of April 2007**

  
PHIL BREDESEN, GOVERNOR