

LABOR DEPARTMENT: License ~~not~~ required of furniture manufacturers making, remaking or renovating bedding when designed for sleeping or reclining purposes.

March 4, 1938



Mrs. Mary Edna Cruzen
Commissioner of Labor
Jefferson City, Missouri

Dear Mrs. Cruzen:

We wish to acknowledge your request for an opinion under date of February 17th, as follows:

"Please advise if overstuffed furniture, upholstered springs for overstuffed furniture and pillows used for overstuffed furniture by furniture manufacturing establishments require a license from the State Labor Department or if such industries remake or renovate upholstered springs, pads, cushions or pillows as provided for under Section 13308 R. S. Missouri."

Chapter 95, Article 12, Section 13308 R. S. Missouri 1929, to which you refer, provides that persons making, remaking or renovating bedding, except for their own use, must secure a permit from the State Commissioner of Labor and Industrial Inspection, as follows:

"No person shall make, remake or renovate bedding, except a person making, remaking or renovating bedding for his own use, until he has secured a permit from the state commissioner of labor and industrial inspection and has paid to the state commissioner of labor and industrial inspection an inspection and permit fee of twenty dollars, which such payment or charge shall constitute a factory inspection charge for the purpose of enforcing this article.

The permit so issued by the state commissioner of labor and industrial inspection shall remain in force and effect until the end of the calendar year in which it was issued or until voided by the state commissioner of labor and industrial inspection for failure to maintain the required sanitary conditions in and around a factory in which bedding is made, remade or renovated or for failure to sterilize and disinfect properly all previously used materials used in making, remaking or renovating bedding."

The term "bedding" as used in the above article is defined in Section 13300, Subsection 1, R. S. Missouri 1929, as follows:

"(1) The term, "bedding," as used in this article shall be construed to mean any mattress, upholstered spring, comforter, pad, cushion or pillow designed and made for use in sleeping or reclining purposes, except where the filling consists exclusively of sterilized feathers."

Under the above definition the articles must be such as are "designed and made for sleeping or reclining purposes".

Funk & Wagnalls New Standard Dictionary of the English language defines the word "recline" as follows:

"To cause to assume a leaning or recumbent position; as to recline the head on a pillow, to assume or be in a leaning or recumbent attitude; lie down; as to recline in a hammock."

Sleeping is such a common word that we feel that it is not necessary to define same.

The meaning and intent of the Legislature is clear and unambiguous and cannot be construed to include overstuffed furniture, upholstered springs for overstuffed furniture and pillows used for overstuffed furniture unless they are specifically designed for sleeping or reclining purposes.

As a matter of public policy it might be wise to construe the statute so as to include overstuffed furniture etc., inasmuch as there is the same need for sanitary fillings whether the articles be for sitting and resting purposes or for sleeping and reclining purposes. However, as stated by the Court in the case of Betz vs. Kansas City Southern Ry. Co. 284 S.W. 455, 314 Mo. 309, we are not justified in departing from the natural meaning of the statutes by any consideration of concensus or public policy:

"And in 36 Cyc. 1114, it is furthermore said:

'In the interpretation of statutes, words in common use are to be construed in their natural plain and ordinary signification. It is a very well settled rule that so long as the language used is unambiguous, a departure from its natural meaning is not justified by any consideration of its consequences, or of public policy, and it is the plain duty of the court to give it force and effect.'

And in the case of Sleyster vs. Eugene Donzelot & Son, 25 S. W. (2) 147, 223 Mo. App. 1166, the Court in holding that where the meaning of the statute is plain and must be given effect regardless of the results or wisdom of the law, said:

"Where the meaning of the language used is plain, it must be given effect by the courts (Betz vs. Kansas City Southern Ry. Co. 314 Mo. 390, 284 S.W. 455, loc. cit. 534, 228 S.W. 454, loc. cit. 457) without regard to results of the construction or the wisdom of the law as thus construed. (State ex rel. v. Wilder, 206 Mo. 541, 105 S.W. 272."

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From the foregoing we are of the opinion that a license is required by furniture manufacturing establishments under Section 13308 R. S. Missouri 1929, from the State Labor Department for making, remaking or renovating overstuffed furniture, upholstering springs for overstuffed furniture and pillows used for overstuffed furniture, when same are made or designed for sleeping or reclining purposes.

Respectfully submitted,

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APPROVED:

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