

House Study Bill 183

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON PAULSEN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to consumer frauds and the advertisement of
2 pressure-treated wood products and making penalties
3 applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2428HC 81
6 rh/gg/14

PAG LIN

1 1 Section 1. Section 714.16, subsection 2, paragraph m, Code
1 2 2005, is amended to read as follows:
1 3 m. It is an unlawful practice for a person to advertise
1 4 the sale of wood products without disclosing information which
1 5 may affect the price of the product.
1 6 (1) An advertisement for all plywood and dimension lumber
1 7 products shall include the grade and species, in accordance
1 8 with federal products standards 1 and 20, and the measure. An
1 9 advertisement for all pressure-treated wood products shall
1 10 include the American wood preservers association standards,
1 11 the application, and the measure. The products advertised
1 12 shall also be labeled according to the federal products
1 13 standards.
1 14 (2) An advertisement for any other wood product, except a
1 15 pressure-treated wood product, shall include the grade and
1 16 species, according to the applicable federal product
1 17 standards, and the measure. These products need not be
1 18 labeled.
1 19 (3) An advertisement for any wood products must also
1 20 include the following:
1 21 ~~(1)~~ (a) The condition of the wood product, including but
1 22 not limited to the following designations:
1 23 ~~(a)~~ (i) Green.
1 24 ~~(b)~~ (ii) Kiln-dried.
1 25 ~~(c)~~ (iii) Air-dried or partially air-dried.
1 26 ~~(2)~~ (b) Whether the wood product consists of seconds,
1 27 culls, shop grade, or ungraded material.
1 28 (4) Use of any contrived or unrecognized grading standard
1 29 is prohibited, and any factors affecting the final delivered
1 30 price of the products shall be disclosed and displayed in a
1 31 conspicuous place.
1 32 (5) This paragraph "m" applies only to persons who offer
1 33 wood products for sale in the ordinary course of business,
1 34 except that this paragraph "m" does not apply to any person
1 35 who produces rough-sawed lumber, commonly referred to as
2 1 native lumber, in this state. For purposes of this paragraph
2 2 "m":
2 3 (a) "Dimension lumber" means softwood lumber nominally
2 4 referred to as "two inch by four inch" or greater.
2 5 (b) "Labeling" means all labels and other written,
2 6 printed, branded, or graphic matter upon any building
2 7 material.
2 8 (c) "Plywood" means a structural material consisting of
2 9 sheets or chips of wood glued or cemented together.
2 10 (d) "Pressure-treated wood" means a process by which
2 11 chemical preservatives are forced deep into the cellular
2 12 structure of the wood in a closed cylinder under pressure.
2 13 (e) "Wood products" means any wood products derived from
2 14 trees as a result of any work or manufacturing process upon
2 15 the wood, and intended primarily for use as a building
2 16 material.
2 17

EXPLANATION

2 18 This bill relates to consumer frauds and the advertisement
2 19 of pressure-treated wood products.
2 20 The bill provides that an advertisement for any pressure=
2 21 treated wood product shall include the American wood
2 22 preservers association standards, the application, and the
2 23 measure. The bill defines "pressure-treated wood" to mean a
2 24 process by which chemical preservatives are forced deep into
2 25 the cellular structure of the wood in a closed cylinder under
2 26 pressure. A person who unlawfully advertises a pressure=
2 27 treated wood product may be subject to a temporary restraining
2 28 order, preliminary injunction, or permanent injunction
2 29 prohibiting the person from continuing the practice or
2 30 engaging in the practice or doing an act in furtherance of the
2 31 practice. In addition, the person may be subject to civil
2 32 penalties.
2 33 LSB 2428HC 81
2 34 rh:nh/gg/14