**Section 300.40 Furniture Granted Special Exemption**

A public occupancy may request a special exemption from the provisions of these rules when testing of the seating furniture is prohibitive due to the uniqueness of the seating furniture and its particular function. The procedure for requesting a special exemption shall be:

a) The public occupancy must submit documentation from the Manufacturer to the Office proving all of the following:

1) That the particular seating furniture is of a unique construction and design that is required for a particular function, and

2) That no other article of seating furniture will provide the same function, and

3) That the manufacturer of the furniture refuses to submit the item to testing, and

4) That no other manufacturer produces the item, or that all manufacturers have similarly refused, and

5) That the item is not customarily manufactured for and used in public occupancies or is a specialized design manufactured in only limited quantities.

b) The material covering the padding and filling material must be resistant to the spread of flame.

c) The Office shall grant a special exemption within 30 days when the requirements above have been met. The Office will issue an exemption number and date, which shall be included on the label required in Section 300.30(d).

d) A label as outlined in Section 300.30(d) shall be permanently attached by the Manufacturer giving the exemption number and date, as well as the Manufacturer's name and address. The public occupancy must also maintain records of the article and the exemption.