



Sen. Don Harmon

Filed: 5/28/2005

09400SB1246sam001

LRB094 04917 RXD 47339 a

1 AMENDMENT TO SENATE BILL 1246

2 AMENDMENT NO. _____. Amend Senate Bill 1246 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. If and only if the provisions of House Bill
5 2525 of the 94th General Assembly changing Sections 2 and 8 of
6 the Physical Fitness Services Act become law, the Physical
7 Fitness Services Act is amended by changing Sections 2 and 8 as
8 follows:

9 (815 ILCS 645/2) (from Ch. 29, par. 52)

10 Sec. 2. Definitions. (a) "Physical fitness center" or
11 "center" means any person or business entity offering physical
12 fitness services to the public.

13 (b) "Physical fitness services" or "services" includes
14 instruction, training or assistance in physical culture,
15 bodybuilding, exercising, weight reducing, figure development,
16 judo, karate, self-defense training, or any similar activity;
17 use of the facilities of a physical fitness center for any of
18 the above activities; or membership in any group formed by a
19 physical fitness center for any of the above purposes.

20 (c) "Basic physical fitness services" means access or
21 membership to the physical fitness center and the use of the
22 equipment and facilities as well as any classes, programs or
23 physical fitness services offered by the physical fitness
24 center as provided under subsection (b) of this Section, which

1 are allowed for or provided as part of the membership fee or
2 package, and excluding optional physical fitness services and
3 any non-physical fitness services which may be offered by the
4 physical fitness center.

5 (d) "Optional physical fitness services" means additional
6 goods or physical fitness services offered by the physical
7 fitness center which are not part of the membership package or
8 contract but are available for additional cost and includes,
9 but are not limited to, personal training services, physical
10 fitness, wellness or exercise classes, nutritional counseling,
11 weight reduction, court time, privileges to use other physical
12 fitness centers, and use of specialized physical fitness
13 equipment or facilities such as rock climbing walls or aquatic
14 facilities.

15 (e) "Personal training services" means services performed
16 for a fee by a personal trainer or fitness instructor for
17 individuals or groups relating to developing, monitoring or
18 supervising physical training, exercise or fitness programs,
19 education and instruction regarding the use of exercise
20 equipment or techniques, or rendering advice relating to any of
21 the aforementioned subjects or related issues such as diet.

22 (f) "Non-physical fitness services" means services or
23 amenities offered by the physical fitness center which are not
24 directly related to physical fitness activities and which are
25 not included in the price of membership to the physical fitness
26 center and includes, but are not limited to, locker fees, spa
27 treatments, massage, tanning, personal grooming services,
28 laundry fees, room rental, parking, food and beverage,
29 vitamins, nutritional supplements, shoes, clothing, clothing
30 apparel, and sports or exercise equipment.

31 (Source: P.A. 84-850; 94HB2525enr.)

32 (815 ILCS 645/8) (from Ch. 29, par. 58)

33 Sec. 8. Prohibited contract provisions. (a) No contract for

1 basic physical fitness services shall require payment of a
2 total amount in excess of \$2500 per year, and every such
3 contract must so provide in writing; except that this limit
4 shall not apply to any contract for: (1) family or couple
5 memberships, or (2) group memberships, where the purchaser is a
6 corporation or other business entity or any social, fraternal
7 or charitable organization not created for the purpose of
8 encouraging this contractual arrangement.

9 (b) No contract for family or couple memberships for basic
10 physical fitness services shall require payment in excess of
11 \$2,500 per year per person covered under the membership.

12 (c) No contract for physical fitness services shall require
13 payments or financing over a period in excess of 3 years from
14 the date the contract is entered into, nor shall the term of
15 any such contract be measured by the life of the customer. The
16 initial term of services to be rendered under the contract may
17 not extend over a period of more than 2 years from the date the
18 parties enter into the contract; provided that the customer may
19 be given an option to renew the contract for consecutive
20 periods of not more than one year each for a reasonable
21 consideration not less than 10% of the cash price of the
22 original membership.

23 (d) No contract for physical fitness services shall require
24 or entail the execution of any note by the customer which, when
25 separately negotiated, will cut off as to third parties any
26 right of action or defense which the customer may have against
27 the physical fitness center. No right of action or defense
28 arising out of a contract for physical fitness services which
29 the customer has against the center shall be cut off by
30 assignment of the contract whether or not the assignee acquires
31 the contract in good faith and for value. Such an assignee is
32 not a holder in due course.

33 (Source: P.A. 84-1463; 94HB2525enr.)".