



Sen. Don Harmon

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09400SB2072sam001

LRB094 10585 RXD 44805 a

1 AMENDMENT TO SENATE BILL 2072

2 AMENDMENT NO. _____. Amend Senate Bill 2072 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Physical Fitness Services Act is amended by
5 changing Sections 2, 8, and 9 as follows:

6 (815 ILCS 645/2) (from Ch. 29, par. 52)

7 Sec. 2. Definitions. (a) "Physical fitness center" or
8 "center" means any person or business entity offering physical
9 fitness services to the public.

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

17 (c) "Basic physical fitness services" means access or
18 membership to the physical fitness center and the use of the
19 equipment and facilities as well as any classes, programs or
20 physical fitness services offered by the physical fitness
21 center as provided under subsection (b) of this Section, which
22 are allowed for or provided as part of the membership fee or
23 package, and excluding optional physical fitness services and
24 any non-physical fitness services which may be offered by the

1 physical fitness center.

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

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

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

27 (Source: P.A. 84-850.)

28 (815 ILCS 645/8) (from Ch. 29, par. 58)

29 Sec. 8. Prohibited contract provisions. (a) No contract for
30 physical fitness services shall require payment of a total
31 amount in excess of \$2500 per year, and every such contract
32 must so provide in writing; except that this limit shall not
33 apply to any contract for: (1) family or couple memberships, or

1 (2) group memberships, ~~membership, other than family~~
2 ~~membership,~~ where the purchaser is a corporation or other
3 business entity or any social, fraternal or charitable
4 organization not created for the purpose of encouraging this
5 contractual arrangement.

6 (b) No contract for family or couple memberships for basic
7 physical fitness services shall require payment in excess of
8 \$2000 per year per person for the first 2 people covered under
9 the membership and \$1000 per year per person for each
10 additional person covered under the membership.

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

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

32 (Source: P.A. 84-1463.)

33 (815 ILCS 645/9) (from Ch. 29, par. 59)

1 Sec. 9. General provisions. (a) All contracts for basic
2 physical fitness services which may be in effect between the
3 same center and the same customer, the terms of which overlap
4 for any period, shall be considered as one contract for the
5 purposes of this Act. No physical fitness center may sell,
6 induce, or permit any purchaser of basic physical fitness
7 services to become obligated directly or contingently under
8 more than one contract for services at the same time for
9 purposes of avoiding the provisions of this Act.

10 (b) Any waiver by the customer of the provisions of this
11 Act shall be void and unenforceable.

12 (c) Any contract for physical fitness services which does
13 not comply with the applicable provisions of this Act shall be
14 void and unenforceable.

15 (d) If any court finds, as a matter of law, that a contract
16 or any provision thereof was unconscionable when made, the
17 court may refuse to enforce the contract, enforce the remainder
18 of the contract without the unconscionable provision, or limit
19 the application of any unconscionable provision to avoid an
20 unconscionable result.

21 (Source: P.A. 84-850.)".