



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4911

Introduced 2/7/2024, by Rep. Matt Hanson

SYNOPSIS AS INTRODUCED:

815 ILCS 645/6

from Ch. 29, par. 56

Amends the Physical Fitness Services Act. Provides that every contract for physical fitness services shall provide that notice of cancellation may be made in writing and delivered by mail to the physical fitness center at the address specified in the contract, by a telephone call to the physical fitness center, or online at the website the contract was entered into, if the contract was entered into online (rather than notice of cancellation shall be made in writing and delivered by certified or registered mail). Provides that every contract for physical fitness services that automatically renews must comply with the requirements of the Automatic Contract Renewal Act.

LRB103 36652 SPS 66761 b

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Physical Fitness Services Act is amended by
5 changing Section 6 as follows:

6 (815 ILCS 645/6) (from Ch. 29, par. 56)

7 Sec. 6. Contract requirements: cancellation and refund.

8 (a) Every contract for physical fitness services shall provide
9 that: (1) the contract may be cancelled by the customer within
10 3 business days after the first business day after the
11 contract is signed by the customer, and that all monies paid
12 pursuant to said contract shall be refunded to the customer.
13 For the purposes of this Section, business day shall mean any
14 day on which the facility is open for business. A customer
15 purchasing a plan at a facility which has not yet opened for
16 business at the time the contract is signed, or who does not
17 purchase a contract at an existing facility, shall have seven
18 calendar days in which to cancel the contract and receive a
19 full refund of all monies paid. The customer's rights to
20 cancel described herein are in addition to any other contract
21 rights or remedies provided by law; (2) in the event of the
22 relocation of a customer's residence to farther than 25 miles
23 from the center's facilities, and upon the failure of the

1 original center to designate a center, with comparable
2 facilities and services within 25 miles of the customer's new
3 residence, which agrees to accept the original center's
4 obligations under the contract, the customer may cancel the
5 contract and shall be liable for only that portion of the
6 charges allocable to the time before reasonable evidence of
7 such relocation is presented to the center, plus a reasonable
8 fee if so provided in the contract, but such fee shall not
9 exceed 10% of the unused balance, or \$50, whichever is less;
10 and (3) if the customer, because of death or disability, is
11 unable to use or receive all services contracted for, the
12 customer, or his estate as the case may be, shall be liable for
13 only that portion of the charges allocable to the time prior to
14 death or the onset of disability. The center shall in such
15 event have the right to require and verify reasonable evidence
16 of such death or disability.

17 (b) Every contract for physical fitness services shall
18 provide that notice of cancellation may ~~pursuant to subsection~~
19 ~~(a) of this Section shall~~ be made in writing and delivered by
20 ~~certified or registered~~ mail to the center at the address
21 specified in the contract, by a telephone call to the center,
22 or online at the website the contract was entered into, if the
23 contract was entered into online. All refunds to which a
24 customer or his estate is entitled shall be made within 30 days
25 of receipt by the center of the cancellation notice.

26 (c) Every contract for physical fitness services that

1 automatically renews must comply with the requirements of the

2 Automatic Contract Renewal Act.

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