



Adopted in House Comm. on Mar 04, 2004

09300HB5875ham001

LRB093 19957 RXD 47854 a

1 AMENDMENT TO HOUSE BILL 5875

2 AMENDMENT NO. _____. Amend House Bill 5875 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Physical Fitness Services Act is amended by
5 changing Section 8 as follows:

6 (815 ILCS 645/8) (from Ch. 29, par. 58)

7 Sec. 8. Prohibited contract provisions. (a) No contract for
8 physical fitness services shall require payment of a total
9 amount in excess of \$4500 ~~\$2500~~ per year, and every such
10 contract must so provide in writing; except that this limit
11 shall not apply to any contract for group membership, other
12 than family membership, where the purchaser is a corporation or
13 other business entity or any social, fraternal or charitable
14 organization not created for the purpose of encouraging this
15 contractual arrangement.

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

1 consideration not less than 10% of the cash price of the
2 original membership.

3 (c) No contract for physical fitness services shall require
4 or entail the execution of any note by the customer which, when
5 separately negotiated, will cut off as to third parties any
6 right of action or defense which the customer may have against
7 the physical fitness center. No right of action or defense
8 arising out of a contract for physical fitness services which
9 the customer has against the center shall be cut off by
10 assignment of the contract whether or not the assignee acquires
11 the contract in good faith and for value. Such an assignee is
12 not a holder in due course.

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.".