

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 pursuant to subsection (a)  
19 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, online at the center's website that  
22 the contract was entered into, if the contract was entered  
23 into online, or by the email address provided in the contract,  
24 if an email address was provided. All refunds to which a  
25 customer or his estate is entitled shall be made within 30 days  
26 of receipt by the center of the cancellation notice.

1       (c) Every contract for physical fitness services that  
2       automatically renews must comply with the requirements of the  
3       Automatic Contract Renewal Act.

4       (Source: P.A. 84-850.)