

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. If and only if the provisions of House Bill 2525  
5 of the 94th General Assembly changing Sections 2 and 8 of the  
6 Physical Fitness Services Act become law, the Physical Fitness  
7 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  
25 are allowed for or provided as part of the membership fee or  
26 package, and excluding optional physical fitness services and  
27 any non-physical fitness services which may be offered by the  
28 physical fitness center.

29 (d) "Optional physical fitness services" means additional  
30 goods or physical fitness services offered by the physical  
31 fitness center which are not part of the membership package or  
32 contract but are available for additional cost and includes,

1 but are not limited to, personal training services, physical  
2 fitness, wellness or exercise classes, nutritional counseling,  
3 weight reduction, court time, privileges to use other physical  
4 fitness centers, and use of specialized physical fitness  
5 equipment or facilities such as rock climbing walls or aquatic  
6 facilities.

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

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

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

24 (815 ILCS 645/8) (from Ch. 29, par. 58)

25 Sec. 8. Prohibited contract provisions. (a) No contract for  
26 basic physical fitness services shall require payment of a  
27 total amount in excess of \$2500 per year, and every such  
28 contract must so provide in writing; except that this limit  
29 shall not apply to any contract for: (1) family or couple  
30 memberships, or (2) group memberships, where the purchaser is a  
31 corporation or other business entity or any social, fraternal  
32 or charitable organization not created for the purpose of  
33 encouraging this contractual arrangement.

34 (b) No contract for family or couple memberships for basic  
35 physical fitness services shall require payment in excess of

1 \$2,500 per year per person covered under the membership.

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

13 (d) No contract for physical fitness services shall require  
14 or entail the execution of any note by the customer which, when  
15 separately negotiated, will cut off as to third parties any  
16 right of action or defense which the customer may have against  
17 the physical fitness center. No right of action or defense  
18 arising out of a contract for physical fitness services which  
19 the customer has against the center shall be cut off by  
20 assignment of the contract whether or not the assignee acquires  
21 the contract in good faith and for value. Such an assignee is  
22 not a holder in due course.

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