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Rule Adoptions

Law and Public Safety

DIVISION OF CONSUMER AFFAIRS

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Adopted New Rule: *N.J.A.C. 13:45A-25.6*

Health Club Contracts

Proposed: October 6, 2008 at *40 N.J.R. 5530(a)*.

Adopted: January 12, 2009 by David M. Szuchman, Director, Division of Consumer Affairs.

Filed: February 3, 2009 as R.2009 d.76, **without change**.

Authority: *N.J.S.A. 56:8-48*.

Effective Date: March 2, 2009.

Expiration Date: March 21, 2011

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted new rule.

Full text of the adopted new rule follows:

13:45A-25.6 Health club contracts

(a) For the purpose of this section, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

"Affiliated health club" means a health club located within 25 miles of a member's new permanent residence that will provide the same or similar services and facilities to the member as the originating health club.

[page=1083]"Member" means a buyer of a health club services contract from the originating health club.

"Originating health club" means the health club that is party to a contract sought to be cancelled.

"Originating health club's facility" means the facility identified in the contract between a member and the originating health club by name and street address as the health club that the member joined.

(b) A health club services contract subject to cancellation pursuant to N.J.S.A. 56:8-42g shall not be cancelled if, after receipt of a notice of cancellation from a member, which notice shall be sent or delivered to the originating health club's facility, the originating health club reaffirms the contract in writing to the member guarantying that there is an affiliated health club or clubs that will provide to that member the use of the same or similar services and facilities as the originating health club at no additional expense for the remaining term of the contract, giving the name and address of the affiliated club or clubs.

(c) If, during the remaining term of a health club services contract that is subject to cancellation but for (b) above, the services and facilities contracted for become unavailable from the affiliated health club without additional expense and the originating health club receives notice from the member to that effect, the originating health club shall refund to the member, within 20 days of receipt of notice, the pro rata portion of the contract price paid to the originating health club that relates to the portion of the contract term for which the services and facilities are unavailable and the member shall have no further obligation under the contract.

(d) The obligation to make the refund provided for in (c) above, is an obligation of the originating health club under the health club services contract secured by any bond or other security it maintains under *N.J.S.A. 56:8-41*.

Recodify existing *N.J.A.C. 13:45A-25.6* as 25.7 (No change in text.)