

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1639

By: Jordan

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Section 2001, which relates to
9 the Oklahoma Health Spa Act; modifying definition;
10 adding exception for certain facility; and providing
11 an effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 59 O.S. 2011, Section 2001, is
14 amended to read as follows:

15 Section 2001. As used in the Oklahoma Health Spa Act:

16 1. "Administrator" means the Administrator of Consumer Credit
17 as defined in Section 6-501 of Title 14A of the Oklahoma Statutes;

18 2. "Business day" means any day except a Sunday or a legal
19 holiday;

20 3. "Buyer/Member" means a natural person who enters into a
21 health spa contract or membership;

22 4. "Membership agreement" means any agreement between a member
23 and a health spa for use of health spa services;

1 5. "Health spa" means and includes any person, firm,
2 corporation, organization, club or association engaged in a program
3 of physical exercise, which includes the use of one or more of a
4 sauna, whirlpool, weight-lifting room, massage, steam room, or
5 exercising machine or device, or exercise rooms, or engaged in the
6 sale of the right or privilege to use exercise equipment or
7 facilities, such as a sauna, whirlpool, weight-lifting room,
8 massage, steam room or exercising machine or device or exercise
9 rooms. The term "health spa" shall not include the following:

- 10 a. bona fide nonprofit organizations, including, but not
11 limited to, the Young Men's Christian Association,
12 Young Women's Christian Association, or similar
13 organizations whose functions as health spas are only
14 incidental to their overall functions and purposes,
- 15 b. any private club owned and operated by its members,
- 16 c. any organization solely operated for the purpose of
17 teaching a particular form of self-defense such as
18 judo or karate,
- 19 d. any facility owned or operated by the United States,
- 20 e. any facility owned or operated by this state or any of
21 its political subdivisions,
- 22 f. any nonprofit public or private school, college or
23 university, and

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1 g. any facility operated solely for aerobics or toning,
2 and

3 h. any facility that only offers month-to-month
4 memberships or prepay, interest-free memberships of
5 six (6) months or less, and does not charge any
6 application, process, cancellation, or other service
7 fees;

8 6. "Health spa services" means and includes services,
9 privileges, or rights offered for sale or provided by a health spa;

10 7. "Initiation fee" means a nonrecurring fee charged at or near
11 the beginning of a health spa membership;

12 8. "Monthly fee" means the total consideration, including but
13 not limited to, equipment or locker rental, credit check, finance,
14 medical and dietary evaluation, class and training fees, and all
15 other similar fees or charges and interest, but excluding any
16 initiation fee, to be paid by a buyer, divided by the total number
17 of months of health spa service use allowed by the buyer's contract
18 or membership, including months or time periods called "free" or
19 "bonus" months or time periods and such months or time periods which
20 are described in any other terms suggesting that they are provided
21 free of charge, which months or time periods are given or
22 contemplated when the contract or membership is initially executed;

23 9. "Prepayment" means any amount paid in advance of the
24 maturity of the health spa membership, to include payment in part or

1 in full, accelerated monthly fees or any required down payment or
2 initiation fee;

3 10. "Program" means any use of a health spa facility for the
4 purpose of physical exercise in a structured or nonstructured
5 environment; and

6 11. "Presale" means payment of any consideration for services
7 or the use of facilities made prior to the day on which the services
8 or facilities of the health spa are fully open and available for
9 regular use by the members.

10 SECTION 2. This act shall become effective November 1, 2013.

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12 54-1-6094 LRB 12/26/12

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