

STATE OF NEW YORK

4667--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 21, 2023

Introduced by M. of A. DINOWITZ, ZINERMAN, OTIS, SEAWRIGHT, GALLAGHER, STECK, DICKENS, JEAN-PIERRE, RAGA, HYNDMAN -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to the cancellation of a health club contract

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 2 of section 624 of the general business law,
2 as added by chapter 630 of the laws of 1978, is amended and a new subdivision 4 is added to read as follows:
3
4 2. Every contract for services shall provide that such contract may be
5 cancelled within three business days after the date of receipt by the
6 buyer of a copy of the written contract. Notice of cancellation shall be
7 delivered by [~~certified or registered~~] United States mail or electronic
8 mail at the address or e-mail address specified in the contract. Such
9 contract shall contain the following written notice in at least ten
10 point bold type: CONSUMERS RIGHT TO CANCELLATION. YOU MAY CANCEL THIS
11 CONTRACT WITHOUT ANY PENALTY OR FURTHER OBLIGATION WITHIN THREE (3) DAYS
12 FROM THIS DATE Notice of cancellation shall be in writing
13 subscribed by the buyer and mailed by [~~registered or certified~~] United
14 States mail or electronic mail to the seller at the address or e-mail
15 address specified in such form. Such notice shall be accompanied by the
16 contract forms, membership cards and any other documents or evidence of
17 membership previously delivered to the buyer. All moneys paid pursuant
18 to such contract shall be refunded within fifteen business days of
19 receipt of such notice of cancellation. If the buyer has executed any
20 credit or loan agreement to pay for all or part of health club services,
21 any such negotiable instrument executed by the buyer shall also be
22 returned within fifteen days.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [~~-~~] is old law to be omitted.

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1 4. Every contract for services shall provide that such health club
2 shall accept cancellation of a membership by the buyer or the buyer's
3 estate within twenty-four hours of receiving notice of the cancellation.
4 For such cancellation of a membership to be accepted by the health club
5 within twenty-four hours of receiving notice of cancellation under this
6 subdivision, the cancellation shall be submitted either (a) within the
7 first thirty-six hours of the purchase of a membership, or (b) after the
8 full term of the membership is completed. Such health clubs shall
9 accept notice of cancellation of a membership through methods including,
10 but not limited to, the internet, telephone, mail, or in person.

11 § 2. This act shall take effect immediately.