

STAND. COM. REP. NO.

2736

Honolulu, Hawaii

MAR 17 2010

RE: H.B. No. 1944
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committees on Public Safety and Military Affairs and
Commerce and Consumer Protection, to which was referred H.B.
No. 1944 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH CLUBS,"

beg leave to report as follows:

The purpose of this measure is to allow military personnel
deployed outside the State on federal active duty to cancel or
suspend health club membership at any time during the contract
term under certain conditions.

Your Committees received testimony in support of this measure
from one private entity, one business association, and one
individual. Written testimony presented to the Committees may be
reviewed on the Legislature's website.

Your Committees find that military personnel who by reason of
the deployment on active duty are unable to use health club
facilities and services, should be entitled to cancel or suspend
the health club contract.

Your Committees further find that military personnel enter
into agreements with health clubs in good faith and have no
control over deployment orders. Moreover, while the federal
Servicemembers Civil Relief Act provides benefits to military
personnel who are deployed on active duty in the context of rental
agreements, credit card interest rates, income tax payment, and
other terms, it is unclear whether its provisions would also allow

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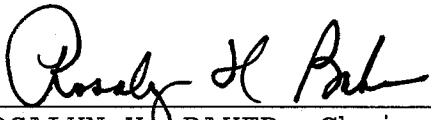
military personnel to cancel or suspend a health club contract. This measure provides needed clarification and also provides for a partial refund of consideration paid by military personnel under the contract.

Your Committees have amended this measure by replacing its contents with a substantively similar measure, S.B. No. 2137, S.D. 1, which:

- (1) Deletes the provision that allows the health club to retain a portion of the contract price plus a reimbursement for expenses;
- (2) Adds a provision to require a pro rata refund to the member; and
- (3) Clarifies that proof of deployment is required to cancel or suspend the contract.

As affirmed by the records of votes of the members of your Committees on Public Safety and Military Affairs and Commerce and Consumer Protection that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1944, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1944, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety and
Military Affairs and Commerce
and Consumer Protection,



ROSALYN H. BAKER, Chair

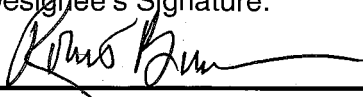


WILL ESPERO, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

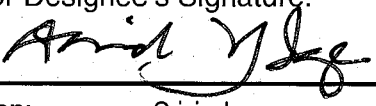
Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:* HB 1944	Committee Referral: PSM/CPN, J90	Date: 3/11/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312				
<input checked="" type="checkbox"/> Pass, with amendments 2311				
<input type="checkbox"/> Hold 2310				
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
BUNDA, Robert (VC)	✓			
ENGLISH, J. Kalani				X
GABBARD, Mike				X
GALUTERIA, Brickwood	✓			
KIDANI, Michelle N.	✓			
HEMMINGS, Fred				X
TOTAL	4			3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* HB 1944	Committee Referral: PSM/CPN, J90	Date: 3/11/2010		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
GREEN, M.D., Josh	✓			
IHARA, Jr., Les				✓
SAKAMOTO, Norman				✓
HEMMINGS, Fred				✓
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes