OAHU VETERANS COUNCIL



"a gathering place for veterans"
OAHU VETERANS CENTER

OAHU VETERANS CENTER EXECUTIVE DIRECTOR Sandy Ballard

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Dept. of Hawaii

Waves National - Unit 131 Women Veterans of America #26 February 16, 2010

TESTIMONY IN FAVOR OF HOUSE BILL 1944 RELATING TO HEALTH CLUBS

HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

HEARING WEDNESDAY, FEBRUARY 17, 2010, 2:00 PM, ROOM 325

Aloha Representatives Robert N. Herkes, Chair, Glenn Wakai, Vice Chair, and members of the Committee. My name is Fred Ballard, President Oahu Veterans Council. The Oahu Veterans Council is comprised of over 35 Oahu veteran organizations that in turn represent over 80,000 veterans and their families. The Council's legislative committee voted unanimously to communicate our complete support of House Bill 1944.

The preparation for a military deployment is often extensive and time consuming and can require training away from Hawaii for some weeks prior to the actual deployment. It would be conceivable that a military person might overlook cancelling his or her health club membership prior to departure. HB 1944 would certainly alleviate this problem and save the deployed service member some money at the same time.

The Oahu Veterans Council strongly supports the passage of House Bill 1944.

Mahalo for allowing us the opportunity to testify in support of this very important bill.

Fred Ballard

Fred Ballard President Oahu Veterans Council











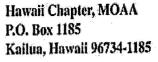
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Testimony of

Thomas Smyth, President

Military Officers Association of America, Hawaii Chapter

Before the Committee on Consumer Protection & Commerce

Wednesday, February 17, 2010, 2:00pm, Room 325

On HB 1944 Relating to Health Clubs

Chair Herkes, Vice Chair Wakai and Members of the Committee:

Our association of 500 retired and currently serving officers of the seven Uniformed Services strongly supports HB 1944, which allows a deploying military member to cancel or suspend a health club membership.

With the increase in unit deployments since the beginning of military operations in Iraq, Afghanistan and other places around the world, there has been a corresponding increase in the difficulty of clearing contracts and other agreements that either cannot be used or cannot easily be paid for.

The federal Servicemembers Civil Relief Act (50 U.S.C. App. § 501 *et seq.*) of 2003 (SCRA), among other things, allows for temporary suspension of transactions that may materially affect the servicemember who agreed to a contract before being notified of a deployment. It is particularly applicable to a reservist or member of the National Guard, not on active duty when executing the contract or agreement.

Unfortunately the SCRA, as currently interpreted, does not specifically cover a health club membership contract, even though it could be construed to be an "installment contract" which is covered. Thus it is necessary to clearly include health clubs, in the cancellation or suspension provisions of Ch. 486N, HRS.

Health club memberships are usually different than membership in social clubs, country clubs or similar entities that usually charge an initiation fee and then a periodic fee or are governed by their members. These types of clubs are not as formally regulated as are health clubs which have long term contracts.

There clearly have been problems as deploying servicemembers are being denied the ability to cancel or suspend payment and membership in health clubs. **HB 1944 will correct that problem**.

Thank you for the opportunity to provide this testimony.

February 10, 2010

Rose Greco 7508 Olowalu Place Honolulu, Hawai'i 96825

HB1944

Measure

Title:

RELATING TO HEALTH CLUBS.

Report

Health Clubs; Cancel or Suspend Membership; Deployed

Title:

Description:

Military

Allows 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.

Companion:

SB2137

Package:

Military

Current

Referral:

EBM, CPC

Introducer(s):

TAKAI, MCKELVEY

I am writing to give my full support for this bill allowing any member of the armed forces deployed outside the State of Hawai'i to cancel or suspend his or her health club membership at any time under the conditions laid out in the proposed amendment to HRS § 486N-6 and 486N-7. Members of our armed forces often sacrifice their lives so that all of us can enjoy the freedoms granted to us under the Constitution and the Bill of Rights. This is just a small token of our gratitude to the men and women who serve honorably by allowing them to cancel or suspend their health club membership when called upon to deploy into a war zone.

Very respectfully, Rose Greco