

House Bill 25 (COMMITTEE SUBSTITUTE)

By: Representatives Belton of the 112th, Hitchens of the 161st, Williams of the 168th, Blackmon of the 146th, Glanton of the 75th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 4 of Title 10 and Chapter 1 of Title 13 of the Official Code
2 of Georgia Annotated, relating to self-service storage facilities and general provisions
3 regarding contracts, respectively, so as to provide military service members civil relief
4 concerning certain contractual obligations due to circumstances of active duty; to update a
5 cross-reference; to provide for definitions; to enhance service member consumer protections
6 under the law to include certain television, video, and audio programming services, internet
7 access services, and health spa services; to provide for conditions; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 5 of Chapter 4 of Title 10 of the Official Code of Georgia Annotated, relating to
12 self-service storage facilities, is amended by revising Code Section 10-4-214, relating to
13 compliance with Servicemembers Civil Relief Act, additional rights, duties, and obligations
14 not impaired, and rights under article additional, as follows:

15 "10-4-214.

16 If the rental agreement is with a service member, the owner shall comply with all terms of
17 the Servicemembers Civil Relief Act, 50 U.S.C. Section ~~501~~ 3901 et seq. Nothing in this
18 article shall be construed as in any manner impairing or affecting the right of the parties to
19 create additional rights, duties, and obligations in and by virtue of the rental agreement.
20 The rights provided by this article shall be in addition to all other rights allowed by law to
21 a creditor against his or her debtor."

22 **SECTION 2.**

23 Chapter 1 of Title 13 of the Official Code of Georgia Annotated, relating to general
24 provisions regarding contracts, is amended by adding a new Code section to read as follows:

H. B. 25 (SUB)

25 "13-1-16.

26 (a) As used in this Code section, the term:

27 (1) 'Health spa' means an establishment which provides, as one of its primary purposes,
 28 services or facilities which are purported to assist patrons to improve their physical
 29 condition or appearance through change in weight, weight control, treatment, dieting, or
 30 exercise. Such term includes an establishment designated as a 'reducing salon,' 'health
 31 spa,' 'spa,' 'exercise gym,' 'health studio,' or 'health club,' or by other terms of similar
 32 import.

33 (2) 'Service member' means an active duty member of the regular or reserve component
 34 of the armed forces of the United States, the Georgia National Guard, or the Georgia Air
 35 National Guard on ordered federal duty for a period of 90 days or longer.

36 (b) In addition to the contractual relief provided for under Code Sections 10-4-214,
 37 44-7-22, and 46-5-8, and in furtherance of the Servicemembers Civil Relief Act, 50 U.S.C.
 38 Section 3901 et seq., any service member may terminate a contract pursuant to this Code
 39 section if such contract is for:

40 (1) The provision of television, video, or audio programming or internet access; or

41 (2) Membership or provision of services by a health spa, notwithstanding any provisions
 42 of Code Section 10-1-393.2.

43 (c) Termination of a contract pursuant to subsection (b) of this Code section shall be
 44 effective only if the service member receives military orders to relocate for a period of
 45 service of at least 90 days to a location that does not support the ability of the service
 46 member to receive identical contracted services under the contract.

47 (d) In terminating a contract pursuant to subsection (b) of this Code section, the service
 48 member shall provide the other contractual party with a written notice of termination to be
 49 effective on the date stated in the notice that is at least 30 days after the other contractual
 50 party's receipt of the notice. Such notice shall be accompanied by either a copy of the
 51 official military orders or a written verification signed by the service member's
 52 commanding officer indicating the relocation.

53 (e) The provisions of this Code section shall apply to all contracts, and a renewal,
 54 modification, or extension of any contract, provided for under subsection (b) of this Code
 55 section and entered into on or after July 1, 2019. The provisions of this Code section may
 56 not be waived or modified by the agreement of the parties under any circumstances."

57 **SECTION 3.**

58 All laws and parts of laws in conflict with this Act are repealed.