House Bill 25 (AS PASSED HOUSE AND SENATE)
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

To amend Article 5 of Chapter 4 of Title 10 and Chapter 1 of Title 13 of the Official Code1 of Georgia Annotated, relating to self-service storage facilities and general provisions2 regarding contracts, respectively, so as to provide military service members civil relief3 concerning certain contractual obligations due to circumstances of active duty; to update a4 cross-reference; to provide for definitions; to enhance service member consumer protections5 under the law to include certain television, video, and audio programming services, internet6 access services, and health spa services; to provide for conditions; to provide for related7 matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"10-4-214. If the rental agreement is with a service member, the owner shall comply with all terms of the Servicemembers Civil Relief Act, 50 U.S.C. Section 5013901 et seq. Nothing in this article shall be construed as in any manner impairing or affecting the right of the parties to create additional rights, duties, and obligations in and by virtue of the rental agreement. The rights provided by this article shall be in addition to all other rights allowed by law to a creditor against his or her debtor."

SECTION 2.

Chapter 1 of Title 13 of the Official Code of Georgia Annotated, relating to general provisions regarding contracts, is amended by adding a new Code section to read as follows:
(a) As used in this Code section, the term:

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

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

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

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

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

(c) Termination of a contract pursuant to subsection (b) of this Code section shall be effective only if the service member receives military orders to relocate for a period of service of at least 90 days to a location that does not support the contract.

(d) In terminating a contract pursuant to subsection (b) of this Code section, the service member shall provide the other contractual party with a written or electronic notice of termination to be effective on the date stated in the notice. Such notice shall be accompanied by either a copy of the official military orders or a written verification signed by the service member's commanding officer indicating the relocation.

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

SECTION 3.

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