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NOTICE TO FITNESS CENTERS LOCATED IN WASHINGTON

I have received dozens of complaints from Washington consumers who report that even though their fitness center is closed pursuant to Washington's Stay Home, Stay Healthy Order, their fitness center is continuing to charge them for monthly membership fees or dues. Worse yet, some consumers report that their fitness center is making it difficult for them to cancel their membership.

Washington residents are entitled to cancel their contracts with fitness centers at any time, for any reason. Under the Washington Health Studio Services Act, members of fitness centers can cancel their membership at any time and receive a refund of the unused portion of any prepaid fees or dues, as well as relief from any future obligations to pay fees or dues. RCW 19.142.050(1). Washington law does not entitle fitness centers to provide members with credits for unused portions of fees or dues in lieu of a refund. Fitness centers must pay the refund within 30 days of receipt of a written notice of cancellation.

If a consumer contacts its fitness center regarding concerns with ongoing fees or charges, the fitness center should inform its member of their cancellation and refund rights. Fitness centers cannot misrepresent these rights or otherwise prevent members from cancelling. Under Washington law, fitness centers are required to accept membership cancellations submitted to them in writing. Nothing in the law prohibits a fitness center from waiving the written requirement and accepting cancellations from its members by phone.

As an alternative to canceling a consumer's membership, fitness centers could offer to stop charging dues or fees until its facility reopens. If a member accepts this option, the fitness center should refund any dues or fees previously charged during the time it is closed.

I am pleased to report that many fitness centers we have contacted have already frozen memberships or issued refunds and are responding positively to their members' concerns. I appreciate their actions. For fitness centers not complying with the Washington Health Studio Services Act or the Consumer Protection Act, my office will hold them accountable for these violations, including civil penalties of up to \$2,000 per violation plus consumer restitution.

Sincerely,

BOB FERGUSON
Attorney General

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