

(a) ~~(1)~~ If a buyer described in § 14-12B-01(b)(1)(i) of this subtitle becomes disabled during the membership term, the buyer is entitled to extend the membership contract for a period equal to the duration of the disability.

~~(2) -- IN -- CASES -- OF -- PERMANENT -- DISABILITY, -- THE -- BUYER -- MAY -- CANCEL -- THE -- MEMBERSHIP -- CONTRACT -- AND -- RECEIVE -- A -- PRO -- RATA -- REFUND -- OF -- ANY -- MONEY -- PAID -- FOR -- SERVICES -- THAT -- HAD -- NOT -- BEEN -- DELIVERED.~~

(b) The provisions of subsection (a) of this section do not apply unless the disability is confirmed by a physician and is for a period longer than 3 months.

(c) If a health club facility at which a buyer of health club services is provided with those services is closed for a period longer than 1 month through no fault of the buyer, the buyer is entitled to:

(1) Extend the membership contract for a period equal to the period during which the facility is closed; or

(2) A prorated refund of the amount paid by the buyer under the contract.

(d) (1) If the health club facility is closed through no fault of the seller, the choice of remedy described in subsection (c) of this section shall be made by the seller.

(2) If the health club facility is closed through the fault of the seller, the choice of a remedy described in subsection (c) of this section shall be made by the buyer.

~~(14-12B-05.~~

(a) If a health club facility is not in existence on the date the health club services agreement is executed ~~7~~:

(1) the buyer may cancel the contract in the event the facility is not open for business on the date as provided by the agreement; AND

(2) THE BUYER MAY CANCEL THE CONTRACT WITHIN 3 BUSINESS DAYS AFTER THE OPENING OF THE FACILITY, OR AFTER RECEIVING NOTICE OF THE OPENING OF THE FACILITY, WHICHEVER COMES LATER, IN THE EVENT THE SERVICES OR FACILITIES ARE NOT AVAILABLE SUBSTANTIALLY AS DESCRIBED IN THE AGREEMENT.

(b) If the buyer cancels under this section, the health club facility shall refund any deposit, down payment, or payment on the agreement INCLUDING ANY INITIATION, DEPOSIT, MEMBERSHIP, OR OTHER FEES. ~~}-~~

[14-12B-04.] ~~14-12B-05~~ 14-12B-06.