

**NEW HAMPSHIRE DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION AND ANTITRUST BUREAU
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(603) 271-3641
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**HEALTH CLUBS
&
MARTIAL ARTS SCHOOLS**

ANNUAL REGISTRATION STATEMENT

Effective July 1, 2002, a \$100 Registration Fee is required by law. This fee must accompany your registration statement. Make checks payable to: "State of New Hampshire." Failure to include the registration fee and/or all requested attachments will result in the rejection of your registration statement.

FILING INSTRUCTIONS

Please read these instructions thoroughly before attempting to complete the registration statement. Follow the instructions carefully. Failure to complete this statement correctly or provide the required documentation may result in the rejection of your registration.

- ✓ All questions must be answered.
 - Do not leave any section blank.
 - If a question does not apply to your business enter "N/A."
 - Attach additional pages if necessary.
- ✓ If your business requires a bond or other surety pursuant to RSA 358-I:2 (for Health Clubs) or 358-S:2 (for Martial Arts Schools), attach a copy of the bond along with the statement.
- ✓ Attach a sample copy of your membership contract/agreement to the statement. Be sure to enclose all statutory language. See RSA 358-I:2 (for Health Clubs) or 358-S:2 (for Martial Arts Schools).
- ✓ A comprehensive list of all membership plans offered for sale and the respective price of each plan must be available to each prospective member. A copy of that list must be attached to the statement.
- ✓ This statement must be signed by a legal representative of the business.

Important Points to Remember When Filing the Statement:

- If more than one club is owned by the same entity, each club must be registered with the Bureau separately.
- A copy of this statement must be kept at your place of business for review by current and prospective members.
- Making false statements and omitting material information may result in legal action.
- If your club offers the services of a trainer[s] who is not employed directly by you, but who has access to your members and/or uses your facility, that trainer may need to register with the Bureau. Contact the Bureau for more information.
- If the business is closed or sold, please send written notification to this office.
- You must file your renewal registration within 90 days of the expiration date. Failure to file within that time shall subject your club to \$1,000 administrative assessment.
- Automatic renewal clauses in health club contracts are illegal and will result in the rejection of your application. Also, under New Hampshire law month-to-month members **must** be allowed to terminate their health club membership with a 30-day written notice. You may not require that this notice be delivered by certified or registered mail. You may not refuse to accept a hand-delivered request to terminate a membership. Provisions contrary to these laws will result in the rejection of your application.

I. COMPANY INFORMATION

1. Name of business: _____

Contact Person: _____ Title: _____

Address: _____

Mailing address: _____

Business Telephone Number: _____ Alternate Telephone Number: _____

E-mail address (**Required**) _____

Web site (**Required, if it exists**): _____

2. Is the business currently registered to do business in this State with the Secretary of State?

3. Previous name of health club, if applicable: _____

Previous owner's name and address: _____

Date you purchased the club: _____

4. If there is more than one location in New Hampshire for this club/school, list the name and address of the different locations and the home/main office :

5. Date club opened: _____

6. Is the club a partnership or sole proprietorship (select one)? If yes, identify owners of the club below and percentage of ownership interest:

<u>Name</u>	<u>Address</u>	<u>Ownership Interest</u>
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7. Is the club a corporation?

(a) If yes, identify the officers and directors of the club:

<u>Name</u>	<u>Address</u>	<u>Office</u>
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(b) Stockholders:

<u>Name</u>	<u>Address</u>	<u>Number of Shares</u>
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8. Parent corporation, if applicable:

a. Name of parent corporation: _____

Address: _____

b. Officers and directors of parent corporation:

<u>Name</u>	<u>Address</u>	<u>Office</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

c. Stockholders:

<u>Name</u>	<u>Address</u>	<u>Number of Shares</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

9. Is the club an LLC?

(a) If yes, identify the members of the LLC:

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____

II. **FACILITIES**

1. Type of business (e.g., health club, martial arts school, etc.):

2. Approximate facility size in square feet: _____

3. On a separate sheet, list each service available to your members (e.g., weight training, aerobics, calisthenics, sauna, karate, judo, etc.) Please indicate whether listed services are limited to specific membership plans.
4. On a separate sheet, list each piece of equipment available to be used by any member.
5. Is a shower area provided to all members? _____

III. MEMBERSHIP

1. On a separate sheet, provide a comprehensive list of all membership plans offered for sale and the respective prices for each plan.
2. Total active membership: _____
3. If a new club, the projected active membership on commencement of operations:

IV. REGISTRANT INFORMATION

1. Have you ever operated or owned a health club, as defined by RSA 358-1, or a martial arts school, as defined by RSA 358-S, in New Hampshire other than the club described in Part 1? _____
2. If so, give the name and address of the club: _____

3. Is the business still operating? _____

V. DISCLOSURE OF COMPLETED OR PENDING LITIGATION – ATTACH ADDITIONAL SHEETS IF NECESSARY

1. Please provide the following information regarding completed or pending litigation initiated against the health club/martial arts school and any of its officers or directors within the **last three years**.

Name of case: _____

Court in which case was filed: _____

Date case was filed: _____

Name and address of complainant: _____

Nature of case: _____

Final disposition: _____

Amount of unsatisfied judgment, if any: _____

VI. Please attach a copy of your current membership contract/agreement. Note: all membership contracts must contain certain statutory consumer rights and protections as indicated in RSA 358-I and 358-S. Please refer to the statute.

I certify that the current membership contract/agreement is the same as submitted in last year's registration statement.

VII. MEMBERSHIP REFUND LIABILITY STATEMENT AND BONDING REQUIREMENT

1. Total number of prepaid members:
(Not including month-to-month memberships)

2. Total amount collected in prepaid memberships:

➤ **If the amount on line 2 exceeds \$5,000, you must post a bond or its equivalent.**

“Except as provided in paragraph IV, each health club [or martial arts school] registering pursuant to this chapter shall post a surety bond in the amount of \$50,000, or the equivalent in cash, marketable securities, letters of credit, or escrow accounts, with the attorney general. The type of bond shall be designated by the attorney general. No surety bond shall be accepted for filing unless it is with a surety company authorized to do business in this state. The surety may cancel the bond at any time upon giving 30 days' written notice to the attorney general. Any person who is damaged by any violation of this chapter, or by the seller's breach of contract for sale or any obligation arising therefrom, may bring an action against the bond or its equivalent to recover damages suffered and any other amounts allowable by law. The attorney general, in any action brought under this chapter or any other applicable provisions of law, may likewise proceed against the bond or its equivalent. In no event shall the aggregate liability of the surety for all claims exceed the bond amount. The attorney general may reduce the amount of the surety bond or its equivalent if a club's membership refund liability warrants such a reduction.

IV. The attorney general shall exempt from the bonding requirement set forth in paragraph III any health club that meets any of the following conditions:

(a) Provides the attorney general with a statement that the club accepts membership fees on a monthly basis only.

(b) Establishes to the satisfaction of the attorney general that its membership refund liability does not exceed \$5,000.”

NH RSA 358-I:2, III and IV; RSA 358-S:2, III and IV.

IF A BOND OR ITS EQUIVALENT IS REQUIRED, SUBMIT A COPY OF THE BOND WITH THE STATEMENT.

I CERTIFY THAT THE SURETY COMPANY IS AUTHORIZED TO DO BUSINESS IN THIS STATE.

I HEREBY CERTIFY THAT THE FOREGOING INFORMATION IS TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I ALSO CERTIFY THAT I SHALL NOTIFY THE OFFICE OF THE ATTORNEY GENERAL, CONSUMER PROTECTION AND ANTITRUST BUREAU, IF THERE ARE ANY MATERIAL CHANGES TO THE INFORMATION PROVIDED IN THIS STATEMENT OR UPON THE CLOSING OF THE ESTABLISHMENT DESCRIBED IN THIS FORM.

Affiant's Signature

Print Name of Affiant

Position at the Health Club or Martial Arts School

Date of signing