

AMENDED IN ASSEMBLY SEPTEMBER 8, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1287

Introduced by Assembly Member Evans

February 22, 2005

~~An act to amend Sections 3098.5 and 3252 of, and to add Section 3098.1 to, the Civil Code, relating to payment bonds. An act to add Section 1812.89.5 to the Civil Code, relating to health studios.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1287, as amended, Evans. ~~Payment bonds. Health studios.~~

Existing law sets forth provisions governing contracts for health studio services. Existing law also specifies that all persons within California, regardless of their sex, are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

This bill would authorize a health studio to limit access to persons of a single gender for certain areas where equipment for physical exercise is used or classes for physical exercise instruction are conducted. This bill would also prohibit a health studio from limiting access to persons of a single gender in other areas of a health studio, such as dining areas, bars, seating areas, retail sales areas, and sports courts. The bill would also include a statement of legislative intent.

~~Existing law defines a preliminary 20-day notice (public works) as a written notice from a claimant that was given prior to the assertion of a claim against a payment bond or the filing of a stop work notice on public work, and is required to be given under specified circumstances.~~

~~This bill would revise the definition of a preliminary 20-day notice (public work) to delete the requirement that the written notice from a claimant be given prior to the assertion of a claim against a payment bond, and would establish a separate provision governing a preliminary 20-day bond notice, as specified.~~

~~Existing law requires with regard to a contract entered into on or after January 1, 1995, in order to enforce a claim upon any payment bond given in connection with a public work, a claimant shall give the 20-day public works preliminary bond notice as provided in the definition of a preliminary 20-day notice public work. Existing law also provides that if the 20-day public work preliminary bond notice was not given pursuant to the conditions set forth under that definition, a claimant may enforce a claim by giving written notice to the surety and the bond principal, as specified, within 15 days after recordation of a notice of completion. However, if no notice of completion has been recorded, the time for giving written notice to the surety and the bond principal is extended to 75 days after completion of the work of improvement.~~

~~This bill would delete the latter requirements with regard to a failure to meet the conditions set forth under the definition of a preliminary 20-day notice public work, and instead require a claimant to give 20-day notice under the new definition of a preliminary 20-day bond notice (public work) in order to enforce a claim upon a payment bond given in connection with a public work pursuant to a contract entered into on or after January 1, 1995.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) *The Legislature finds and declares the*
- 2 *following:*
- 3 (1) *California is facing a widespread obesity epidemic. A*
- 4 *report released in 2001 by the California Department of Health*
- 5 *Services found that 4.7 million Californians, approximately 19*
- 6 *percent of the state population, are obese, while only 43 percent*
- 7 *of adults maintained a healthy weight.*
- 8 (2) *Numerous studies demonstrate that people who exercise*
- 9 *regularly are significantly less likely to suffer from heart disease,*
- 10 *hypertension, diabetes, arthritis, stroke, various forms of cancer,*

1 osteoporosis, depression, and anxiety than those who lead
2 sedentary lives.

3 (3) The California health club industry operates over 3,000
4 health clubs and serves over six million Californians. Many
5 Californians want to improve their health through regular
6 exercise but are uncomfortable in a co-ed health club setting. As
7 a result, single gender health and fitness facilities have become
8 increasingly popular with these individuals, the majority of
9 whom are women.

10 (4) Individuals who join single gender health clubs join for a
11 variety of reasons. Some are experiencing or recovering from
12 health issues, such as pregnancy or cancer, and desire an
13 environment that protects their privacy. Other members are
14 victims of domestic violence, physical abuse, or sexual abuse and
15 need a safe atmosphere where they can regain their confidence
16 and physical strength. Others simply are more comfortable and
17 more motivated to exercise in an environment where only those
18 of the same gender are present. Increasing numbers of senior
19 citizens are also choosing to work out in a single gender
20 environment.

21 (b) There is an overriding state and public interest for
22 Californians to have a place to regularly exercise in which they
23 are comfortable and do not feel threatened.

24 (c) It is the intent of the Legislature to protect the lawful
25 operation of single gender health clubs and to avoid diminishing
26 any constitutionally protected rights by ensuring that this act
27 would be applied narrowly.

28 SEC. 2. Section 1812.89.5 is added to the Civil Code, to read:

29 1812.89.5. A health studio may limit access to persons of a
30 single gender, if the limitations on access apply only to areas of
31 the health studio where equipment for physical exercise and
32 instruction are used, or to classes in which physical exercise and
33 instruction are conducted. A health studio may not limit access to
34 persons of a single gender in other areas of a health studio, such
35 as dining areas, bars, seating areas, retail sales areas, and
36 sports courts.

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**All matter omitted in this version of the bill
appears in the bill as introduced in
Assembly, 2/22/05 (JR11)**

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