



General Assembly

Substitute Bill No. 5734

February Session, 2006

* HB05734BA 041906 *

AN ACT CONCERNING REQUESTS FOR PAYOFF STATEMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 49-10a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) A mortgagee shall, upon written request of the mortgagor or the
4 mortgagor's attorney or other authorized agent, provide a payoff
5 statement in writing to the person requesting [such] the payoff
6 statement on or before the date specified in such request, provided
7 such request date is at least ten business days [from] after the date of
8 receipt of the written request for a payoff statement. The written
9 request shall specify a "good through date" for the payoff statement. If
10 the request is made in connection with a default, the mortgagor's
11 attorney may make such written request directly to the mortgagee,
12 provided such written request contains a representation that the
13 person requesting the payoff statement is the mortgagor's attorney and
14 that the mortgagor has authorized the request.

15 (b) If the mortgagee fails to provide [such] the payoff statement on
16 or before such request date, the mortgagee shall not be entitled to the
17 payment of any interest on the mortgage loan which is secured by such
18 mortgage which accrues after the expiration of such request date. If the
19 mortgagee provides the payoff statement to the person requesting the
20 [same] payoff statement after the expiration of such request date,

21 interest on the mortgage loan which accrues after the receipt of [such]
22 the payoff statement by the person who has requested it shall again be
23 payable. The burden of proof shall be on the mortgagor with respect to
24 the receipt by the mortgagee of the mortgagor's request for a payoff
25 statement of the mortgage loan, and thereafter shall be on the
26 mortgagee with respect to the receipt of the payoff statement by the
27 mortgagor or the mortgagor's attorney or other authorized agent.

28 (c) The mortgagee shall not impose any fee or charge for the first
29 payoff statement requested within a calendar year, unless the
30 mortgagor or the mortgagor's attorney or other authorized agent
31 requests expedited delivery of the payoff statement, agrees to pay a fee
32 for such expedited delivery and the payoff statement is provided by
33 the agreed upon date.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	49-10a

JUD *Joint Favorable Subst.*

BA *Joint Favorable*