



General Assembly

January Session, 2007

Raised Bill No. 7210

LCO No. 4454

* _____HB07210GL_____030607_____*

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING THE PREVENTION OF ABUSIVE AND DECEPTIVE DEBT COLLECTION PRACTICES.

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

- 1 Section 1. (NEW) (*Effective July 1, 2007, and applicable to any cause of*
2 *action accruing on or after said date*) (a) A creditor, as defined in section
3 36a-645 of the general statutes, who uses any abusive, harassing,
4 fraudulent, deceptive or misleading representation, device or practice
5 to collect or attempt to collect a debt in violation of section 36a-646 of
6 the general statutes or the regulations adopted pursuant to section 36a-
7 647 of the general statutes shall be liable to a person who is harmed by
8 such conduct in an amount equal to the sum of: (1) Any actual
9 damages sustained by such person, (2) if such person is an individual,
10 such additional damages as the court may award, not to exceed one
11 thousand dollars, and (3) in the case of any successful action to enforce
12 liability under the provisions of this subsection, the costs of the action,
13 together with a reasonable attorney's fee determined by the court.
- 14 (b) In determining the amount of liability in an action brought
15 pursuant to subsection (a) of this section, the trier of fact shall consider,
16 among other relevant factors, the frequency and persistence of

17 noncompliance by the creditor, the nature of such noncompliance and
18 the extent to which such noncompliance was intentional.

19 (c) A creditor may not be held liable in an action brought under this
20 section if the creditor shows by a preponderance of the evidence that
21 the violation was not intentional and resulted from a bona fide error,
22 notwithstanding the maintenance of procedures reasonably adopted
23 by the creditor to avoid any such error.

24 (d) An action to enforce liability under this section may be brought
25 in any court of competent jurisdiction not later than one year after the
26 date on which the violation occurs.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2007, and applicable to any cause of action accruing on or after said date</i>	New section
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GL *Joint Favorable*