



General Assembly

Amendment

January Session, 2007

LCO No. 7220

HB0689707220HRO

Offered by:
REP. HAMZY, 78th Dist.

To: Subst. House Bill No. 6897 File No. 640 Cal. No. 515

"AN ACT CONCERNING LIQUIDATED DAMAGES PROVISIONS IN CONTRACTS, REQUESTS FOR MORTGAGE PAYOFF STATEMENTS AND THE REPOSSESSION OF MOTOR VEHICLES IN BANKRUPTCY CASES."

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- 1 Strike section 2 in its entirety and insert the following in lieu thereof:
- 2 "Sec. 2. Section 49-10a of the general statutes is repealed and the
- 3 following is substituted in lieu thereof (*Effective October 1, 2007*):
- 4 (a) A mortgagee shall, upon written request of the mortgagor or the
- 5 mortgagor's attorney or other authorized agent provide a payoff
- 6 statement in writing to the person requesting [such] the payoff
- 7 statement on or before the date specified in such request, provided
- 8 such request date is at least ten business days [from] after the date of
- 9 receipt of the written request for a payoff statement. If the request is
- 10 made in connection with a default, the mortgagor's attorney may make
- 11 such written request directly to the mortgagee, provided such written
- 12 request contains a representation that the person requesting the payoff
- 13 statement is the mortgagor's attorney and that the mortgagor has

14 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."