



General Assembly

January Session, 2009

**Committee Bill No. 5099**

LCO No. 3228

\*03228HB05099BA\_\*

Referred to Committee on Banks

Introduced by:

(BA)

**AN ACT CONCERNING REPOSSESSION OF MOTOR VEHICLES  
FROM RETAIL BUYERS.**

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

1 Section 1. Subsection (a) of section 36a-785 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2009*):

4 (a) When the retail buyer is in default in the payment of any sum  
5 due under the retail installment contract or installment loan contract,  
6 or in the performance of any other condition [which] that such contract  
7 requires him to perform, or in the performance of any promise, the  
8 breach of which is by such contract expressly made a ground for the  
9 retaking of the goods, the holder of the contract may retake possession  
10 thereof, provided the filing of a petition in bankruptcy under 11 USC  
11 Chapter 7 by a retail buyer of a motor vehicle, or such retail buyer's  
12 status as a debtor in bankruptcy, shall not be considered a default of a  
13 retail installment contract or ground for repossession of such motor  
14 vehicle. Unless the goods can be retaken without breach of the peace, it  
15 shall be retaken by legal process, but nothing herein contained shall be  
16 construed to authorize a violation of the criminal law. In the case of

17 repossession of any motor vehicle without the knowledge of the retail  
18 buyer, the local police department shall be notified of such  
19 repossession immediately thereafter. In the absence of a local police  
20 department or if the local police department cannot be reached for  
21 notification, the state police shall be promptly notified of such  
22 repossession.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	36a-785(a)

**Statement of Purpose:**

To provide that the filing of a petition in bankruptcy by the retail buyer of a motor vehicle shall not in itself be considered a default of a retail installment contract or ground for repossession of such motor vehicle.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. HAMZY, 78th Dist.

H.B. 5099