



# Senate

General Assembly

**File No. 143**

January Session, 2015

Substitute Senate Bill No. 924

*Senate, March 23, 2015*

The Committee on Banking reported through SEN. WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING REVISIONS TO VARIOUS CONNECTICUT BANKING STATUTES.***

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

1 Section 1. Section 36a-675 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 Sections 36a-675 to 36a-685, inclusive, as amended by this act, and  
4 section 11 of this act shall be known and may be cited as the ["Truth-in-  
5 Lending Act"] "Connecticut Truth-in-Lending Act".

6 Sec. 2. Section 36a-676 of the general statutes is repealed and the  
7 following is substituted in lieu thereof (*Effective October 1, 2015*):

8 (a) As used in part II of chapter 668, [sections 36a-675 to 36a-685,  
9 inclusive,] the Connecticut Truth-in-Lending Act, sections 36a-770 to  
10 36a-788, inclusive, as amended by this act, 42-100b and 42-100c, unless  
11 the context otherwise requires:

12 [(1) "Consumer" means "consumer" as defined in Section 103 of the

13 Consumer Credit Protection Act (15 USC 1602);]

14 [(2)] (1) "Consumer Credit Protection Act" means [Title I of the  
15 Consumer Credit Protection Act, 15 USC 1601 et seq.] 15 USC Chapter  
16 41, Subchapter I, as from time to time amended, and includes  
17 regulations adopted by the Federal Reserve Board or the Bureau of  
18 Consumer Financial Protection pursuant to said act;

19 [(3) "Credit" means "credit" as defined in Section 103 of the  
20 Consumer Credit Protection Act (15 USC 1602);

21 (4) "Credit card", "cardholder" and "card issuer" mean "credit card",  
22 "cardholder" and "card issuer" as defined in Section 103 of the  
23 Consumer Credit Protection Act (15 USC 1602);]

24 [(5)] (2) "Creditor" means "creditor" as defined in [Section 103 of the  
25 Consumer Credit Protection Act (15 USC 1602)] 15 USC 1602, as  
26 amended from time to time, but does not include any department or  
27 agency of the United States; and

28 [(6) "Credit sale" means "credit sale" as defined in Section 103 of the  
29 Consumer Credit Protection Act (15 USC 1602);]

30 [(7)] (3) "Lessor" means "lessor" as defined in [Section 181 of the  
31 Consumer Credit Protection Act (15 USC 1667)] 15 USC 1667, as  
32 amended from time to time, but does not include any department or  
33 agency of the United States. [; and]

34 [(8) "Open-end credit plan" means "open-end credit plan" as defined  
35 in Section 103 of the Consumer Credit Protection Act (15 USC 1602).]

36 (b) Any word or phrase in [sections 36a-675 to 36a-685, inclusive,  
37 which] the Connecticut Truth-in-Lending Act that is not defined in  
38 said [sections] act but [which] is defined in the Consumer Credit  
39 Protection Act [(15 USC 1601 et seq.)] has the meaning set forth in the  
40 Consumer Credit Protection Act.

41 Sec. 3. Section 36a-677 of the general statutes is repealed and the

42 following is substituted in lieu thereof (*Effective October 1, 2015*):

43 (a) It is the policy of this state to [promote increased] (1) enhance  
44 economic stabilization and strengthen competition among the various  
45 businesses engaged in the extension of consumer credit or in the  
46 leasing of consumer goods and to serve the interests of consumers of  
47 credit and leased goods by requiring meaningful disclosure of credit  
48 and lease terms so that prospective debtors and lessees have the  
49 opportunity to compare more readily the various credit and lease  
50 terms available to them and the opportunity to avoid the uninformed  
51 use of credit and leases, and (2) protect consumers against inaccurate  
52 and unfair credit billing practices.

53 (b) It is also the policy of this state to provide that [this state] the  
54 commissioner administer and enforce the requirements for such  
55 disclosures of credit and lease terms for transactions in this state.

56 (c) It is also the policy of this state to avoid duplication between the  
57 federal government and the government of this state in the  
58 administration and enforcement of statutes which are designed to  
59 accomplish an identical purpose, and therefore to obtain an exemption  
60 from the Consumer Credit Protection Act by subjecting various classes  
61 of credit and lease transactions in this state to requirements which are  
62 substantially similar to those imposed under said federal act.

63 Sec. 4. Section 36a-678 of the general statutes is repealed and the  
64 following is substituted in lieu thereof (*Effective October 1, 2015*):

65 (a) Except as otherwise provided in [sections 36a-675 to 36a-685,  
66 inclusive,] the Connecticut Truth-in-Lending Act or regulations  
67 adopted by the commissioner, each person shall comply with all  
68 provisions of the Consumer Credit Protection Act [(15 USC 1601 et  
69 seq.) which] that apply to such person.

70 (b) Any transaction [which] that is exempt from the provisions of  
71 the Consumer Credit Protection Act, [as provided in Section 104 of  
72 said act, (15 USC 1603)] pursuant to 15 USC 1603, as amended from

73 time to time, is exempt from the provisions of [sections 36a-675 to 36a-  
74 685, inclusive] the Connecticut Truth-in-Lending Act.

75 (c) Notwithstanding subsection (b) of this section, each person shall  
76 comply with all provisions of the Real Estate Settlement Procedures  
77 Act of 1974 (12 USC Chapter 27), as amended from time to time, and  
78 the regulations promulgated thereunder that apply to such person.

79 Sec. 5. Section 36a-679 of the general statutes is repealed and the  
80 following is substituted in lieu thereof (*Effective October 1, 2015*):

81 (a) The commissioner [may adopt substantive regulations when  
82 authorized by sections 36a-675 to 36a-685, inclusive, and] may adopt  
83 [procedural] regulations, in accordance with chapter 54, to carry out  
84 the provisions of [said sections] the Connecticut Truth-in-Lending Act,  
85 sections 36a-567, 36a-568, subdivision (13) of subsection (c) of section  
86 36a-770, as amended by this act, and sections 36a-771, as amended by  
87 this act, 36a-774, as amended by this act, and 36a-777. Such regulations  
88 shall be consistent with the policy of this state as provided in section  
89 36a-677, as amended by this act, and the Consumer Credit Protection  
90 Act. [The commissioner may adopt regulations to carry out the  
91 provisions of sections 36a-567 and 36a-568, subdivision (13) of  
92 subsection (c) of section 36a-770, and sections 36a-771, 36a-774 and 36a-  
93 777. Such regulations shall be adopted in accordance with chapter 54  
94 and shall not be inconsistent with the Consumer Credit Protection Act  
95 (15 USC 1601 et seq.).]

96 (b) No liability shall be imposed under [sections 36a-675 to 36a-685,  
97 inclusive,] the Connecticut Truth-in-Lending Act for an act done or  
98 omitted in conformity with any provision of said [sections] act, the  
99 Consumer Credit Protection Act [(15 USC 1601 et seq.)] or a regulation  
100 of the commissioner notwithstanding that after the act or omission the  
101 provision may be amended, repealed or determined to be invalid for  
102 any reason.

103 Sec. 6. Section 36a-680 of the general statutes is repealed and the  
104 following is substituted in lieu thereof (*Effective October 1, 2015*):

105 (a) If the commissioner finds that the requirements of any other law  
106 of this state relating to the disclosure of information in connection with  
107 consumer credit transactions are inconsistent with the provisions of  
108 [sections 36a-675 to 36a-685, inclusive,] the Connecticut Truth-in-  
109 Lending Act or regulations adopted thereunder, [the commissioner  
110 may exempt creditors who comply with said sections from compliance  
111 with such inconsistent law] creditors may not make disclosures using  
112 the inconsistent term or form, and shall incur no liability under the  
113 other law of this state for failure to use such term or form,  
114 notwithstanding that such finding is subsequently amended, rescinded  
115 or determined by judicial or other authority to be invalid for any  
116 reason. For purposes of this subsection, disclosure statutes are  
117 inconsistent if both require disclosure of the same information even  
118 though the prescribed definition, method of calculation or manner of  
119 expression is different and, in case of such conflict or inconsistency, the  
120 provisions of [sections 36a-675 to 36a-685, inclusive,] the Connecticut  
121 Truth-in-Lending Act shall control, provided sections 36a-746b to 36a-  
122 746g, inclusive, shall not be deemed inconsistent with the provisions of  
123 [sections 36a-675 to 36a-685, inclusive, and shall control where  
124 applicable] the Connecticut Truth-in-Lending Act.

125 (b) Except as provided in this section, the provisions of 15 USC 1639,  
126 as amended from time to time, do not annul, alter or affect the  
127 applicability of the laws of this state imposing requirements on high-  
128 cost mortgages as defined in 15 USC 1602(bb), as amended from time  
129 to time, or exempt any person subject to the provisions of 15 USC 1639,  
130 as amended from time to time, from complying with such laws. If any  
131 such law is inconsistent with any provision of 15 USC 1639, as  
132 amended from time to time, such provision shall prevail to the extent  
133 of such inconsistency.

134 [(b)] (c) In any action or proceeding in any court involving a  
135 consumer credit sale, the disclosure of an annual percentage rate  
136 required by [sections 36a-675 to 36a-685, inclusive,] the Connecticut  
137 Truth-in-Lending Act may not be received as evidence that the sale  
138 was a loan or any type of transaction other than a credit sale, and in

139 any consumer credit transaction, the disclosure of an annual  
140 percentage rate required by said sections shall not in itself indicate that  
141 a transaction is usurious or that the rate of charge exceeds a statutory  
142 ceiling.

143 (d) Except as provided in 15 USC 1635, 15 USC 1640 and 15 USC  
144 1666e, as amended from time to time, the Connecticut Truth-in-  
145 Lending Act and any regulations adopted thereunder do not affect the  
146 validity or enforceability of any contract or obligation under state or  
147 federal law.

148 (e) The provisions of 15 USC 1632(c) and 15 USC 1637(c), (d), (e) and  
149 (f), as amended from time to time, shall supersede any law of this state  
150 relating to the disclosure of information in any credit or charge card  
151 application or solicitation that is subject to the requirements of 15 USC  
152 1637(c), as amended from time to time, or any renewal notice that is  
153 subject to the requirements of 15 USC 1637(d), as amended from time  
154 to time, except the laws of this state employed or established for the  
155 purpose of enforcing the requirements of said sections.

156 Sec. 7. Section 36a-681 of the general statutes is repealed and the  
157 following is substituted in lieu thereof (*Effective October 1, 2015*):

158 Any person who wilfully and knowingly (1) gives false or  
159 inaccurate information or fails to provide information which such  
160 person is required to disclose under the provisions of sections 36a-567,  
161 36a-568 and [36a-675 to 36a-685, inclusive] the Connecticut Truth-in-  
162 Lending Act, subdivision (13) of subsection (c) of section 36a-770, as  
163 amended by this act, and sections 36a-771, as amended by this act, 36a-  
164 774, as amended by this act, 36a-777 and 36a-786, or any regulation  
165 adopted thereunder, (2) uses any chart or table authorized by the  
166 Federal Reserve Board or the Bureau of Consumer Financial Protection  
167 under [Section 107 of the Consumer Credit Protection Act (15 USC  
168 1606)] 15 USC 1606, as amended from time to time, in such manner as  
169 to consistently understate the annual percentage rate determined  
170 under said sections, or (3) otherwise fails to comply with any  
171 requirement imposed under said sections shall be fined not more than

172 five thousand dollars or imprisoned not more than one year or both.

173 Sec. 8. Section 36a-682 of the general statutes is repealed and the  
174 following is substituted in lieu thereof (*Effective October 1, 2015*):

175 (a) Any department or agency of the state or any political  
176 subdivision thereof which administers a credit program in which it  
177 extends, insures or guarantees consumer credit and in which it  
178 provides instruments to a creditor which contain any disclosures  
179 required by [sections 36a-675 to 36a-685, inclusive,] the Connecticut  
180 Truth-in-Lending Act shall, prior to the issuance or continued use of  
181 such instruments, consult with the commissioner to assure that such  
182 instruments comply with said sections.

183 (b) No civil or criminal penalty provided under [sections 36a-675 to  
184 36a-685, inclusive,] the Connecticut Truth-in-Lending Act for any  
185 violation thereof may be imposed upon the United States or any  
186 department or agency thereof, or upon this state or any other state, or  
187 any political subdivision thereof, or any department or agency of any  
188 such state or political subdivision.

189 (c) A creditor shall not be held liable for a civil or criminal penalty  
190 under [sections 36a-675 to 36a-685, inclusive,] the Connecticut Truth-  
191 in-Lending Act in any case in which the violation results from the use  
192 of an instrument required by any department or agency of: (1) The  
193 United States, with regard to any transaction which is part of a credit  
194 program administered, insured or guaranteed by such department or  
195 agency; or (2) this state or of any political subdivision of this state, with  
196 regard to any transaction which is part of a credit program  
197 administered, insured or guaranteed by such department or agency,  
198 provided [that] such department or agency has consulted with the  
199 commissioner to assure that such instrument complies with said  
200 [sections] act as provided in subsection (a) of this section.

201 (d) A creditor shall not be held liable for a civil or criminal penalty  
202 under the laws of this state for any technical or procedural failure,  
203 such as a failure to use a specific form, to make information available

204 at a specific place on an instrument, or to use a specific typeface, as  
205 required by the laws of this state, which is caused by the use of an  
206 instrument required to be used by any department or agency of: (1)  
207 The United States with regard to any transaction which is part of a  
208 credit program administered, insured or guaranteed by such  
209 department or agency; or (2) this state or any political subdivision of  
210 this state, with regard to any transaction which is part of a credit  
211 program administered, insured or guaranteed by such department or  
212 agency, provided that such department or agency has consulted with  
213 the commissioner to assure that such instrument complies with  
214 [sections 36a-675 to 36a-685, inclusive,] the Connecticut Truth-in-  
215 Lending Act as provided in subsection (a) of this section.

216 Sec. 9. Section 36a-683 of the general statutes is repealed and the  
217 following is substituted in lieu thereof (*Effective October 1, 2015*):

218 (a) Except as otherwise provided in this section, any creditor who  
219 fails to comply with any requirement of [sections 36a-675 to 36a-685,  
220 inclusive, including Section 125 of the Consumer Credit Protection Act  
221 (15 USC 1635)] the Connecticut Truth-in-Lending Act, or of section  
222 36a-771, as amended by this act, or 36a-774, as amended by this act,  
223 with respect to any person is liable to that person [in an amount equal  
224 to the sum of (1) any actual damage sustained by such person as a  
225 result of the failure; (2) (A) (i) in the case of an individual action other  
226 than as provided in this subparagraph (A) (ii) and (iii) twice the  
227 amount of any finance charge in connection with the transaction, (ii) in  
228 the case of an individual action relating to a consumer lease under  
229 Chapter 5 of the Consumer Credit Protection Act (15 USC Sections  
230 1667 to 1667E, inclusive) twenty-five per cent of the total amount of  
231 monthly payments under the lease, except that the liability under this  
232 subparagraph (A) (i) or (ii) shall not be less than one hundred dollars  
233 nor greater than one thousand dollars, or (iii) in the case of an  
234 individual action related to a credit transaction not under an open end  
235 credit plan that is secured by real property or a dwelling, not less than  
236 two hundred dollars nor more than two thousand dollars; (B) in the  
237 case of a class action, such amount as the court may allow, except that

238 as to each member of the class no minimum recovery shall be  
239 applicable, and the total recovery under this subparagraph in any class  
240 action or series of class actions arising out of the same failure to  
241 comply by the same creditor shall not be more than the lesser of five  
242 hundred thousand dollars or one per cent of the net worth of the  
243 creditor; and (3) in the case of any successful action to enforce the  
244 foregoing liability, or in any action in which a person is determined to  
245 have a right of rescission under Section 125 of the Consumer Credit  
246 Protection Act (15 USC 1635), the costs of the action, together with a  
247 reasonable attorney's fee as determined by the court. In determining  
248 the amount of award in any class action, the court shall consider,  
249 among other relevant factors, the amount of any actual damages  
250 awarded, the frequency and persistence of failures of compliance by  
251 the creditor, the resources of the creditor, the number of persons  
252 adversely affected, and the extent to which the creditor's failure of  
253 compliance was intentional. In connection with the disclosures  
254 referred to in Section 127 of the Consumer Credit Protection Act (15  
255 USC 1637) a creditor shall have a liability determined under  
256 subdivision (2) of this subsection only for failing to comply with the  
257 requirements of Section 125 or 127(a) of said act (15 USC 1635) or (15  
258 USC 1637(a)) or of paragraph (4), (5), (6), (7), (8), (9) or (10) of Section  
259 127(b) of said act (15 USC 1637(b)). In connection with the disclosures  
260 referred to in Section 128 of said act (15 USC 1638) a creditor shall have  
261 a liability determined under subdivision (2) of this subsection only for  
262 failing to comply with the requirements of Section 125 of said act (15  
263 USC 1635) or of paragraph (2), insofar as it requires a disclosure of the  
264 "amount financed", or paragraph (3), (4), (5), (6) or (9) of Section 128 (a)  
265 of said act (15 USC 1638(a)). With respect to any failure to make  
266 disclosures required under Chapter 2, 4 or 5 of said act, liability shall  
267 be imposed only upon the creditor required to make disclosure, except  
268 as provided in Section 131 of said act (15 USC 1641)] as provided for in  
269 15 USC 1640, as amended from time to time.

270 [(b) A creditor or assignee has no liability under this section or  
271 section 36a-681 or 36a-684 for any failure to comply with any  
272 requirement imposed under sections 36a-675 to 36a-685, inclusive, if

273 within sixty days after discovering an error, whether pursuant to a  
274 final written examination report or notice issued under subsection (d)  
275 of section 36a-684, or through the creditor's or assignee's own  
276 procedures, and prior to the institution of an action under this section  
277 or the receipt of written notice of the error from the obligor, the  
278 creditor or assignee notifies the person concerned of the error and  
279 makes whatever adjustments in the appropriate account are necessary  
280 to insure that the person will not be required to pay an amount in  
281 excess of the charge actually disclosed, or the dollar equivalent of the  
282 annual percentage rate actually disclosed, whichever is lower.

283 (c) A creditor or assignee may not be held liable in any action  
284 brought under this section for a violation of sections 36a-675 to 36a-  
285 685, inclusive, if the creditor or assignee shows by a preponderance of  
286 evidence that the violation was not intentional and resulted from a  
287 bona fide error notwithstanding the maintenance of procedures  
288 reasonably adapted to avoid any such error. Examples of a bona fide  
289 error include, but are not limited to, clerical, calculation, computer  
290 malfunction and programming, and printing errors, except that an  
291 error of legal judgment with respect to a person's obligations under  
292 said sections is not a bona fide error.

293 (d) When there are multiple obligors in a consumer credit  
294 transaction or consumer lease, there shall be no more than one  
295 recovery of damages under subdivision (2) of subsection (a) of this  
296 section for a violation of sections 36a-675 to 36a-685, inclusive.]

297 [(e)] (b) Any action under this section shall be brought in any court  
298 of competent jurisdiction [within one year from the date of the  
299 occurrence of the violation. This subsection does not bar a person from  
300 asserting] pursuant to the time frames established in 15 USC 1640(e),  
301 as amended from time to time, provided a person may assert a  
302 violation of [sections 36a-675 to 36a-685, inclusive,] the Connecticut  
303 Truth-in-Lending Act in an action to collect the debt [which was  
304 brought more than one year from the date of the occurrence of the  
305 violation as a matter of defense by recoupment or set-off in such

306 action] in accordance with the provisions of 15 USC 1640(e), as  
307 amended from time to time.

308 [(f)] (c) No provision of this section, subsection (d) of section 36a-  
309 684, as amended by this act, or section 36a-681, as amended by this act,  
310 imposing any liability shall apply to any act done or omitted in good  
311 faith in conformity with any [provision of sections 36a-675 to 36a-685,  
312 inclusive, or with any rule, regulation, approval or formal  
313 interpretation thereof] advisory opinion, final decision or order  
314 adopted by the commissioner, [or in conformity with the Consumer  
315 Credit Protection Act (15 USC 1601 et seq.), including] any rule, [or]  
316 regulation or interpretation adopted by [the Federal Reserve Board or]  
317 the Bureau of Consumer Financial Protection pursuant to [said act, or  
318 in conformity with any interpretation of said act by the Federal  
319 Reserve Board or the Bureau of Consumer Financial Protection or in  
320 conformity with any interpretation or approval by an official or  
321 employee of the Federal Reserve System or the Bureau of Consumer  
322 Financial Protection duly authorized by the Federal Reserve Board or  
323 the Bureau of Consumer Financial Protection to issue such  
324 interpretations or approvals under such procedures as said board or  
325 bureau may prescribe therefor] the Consumer Credit Protection Act, or  
326 any interpretation or approval by an official or employee of the Federal  
327 Reserve System as provided in 15 USC 1640(f), as amended from time  
328 to time, notwithstanding that after such act or omission has occurred,  
329 such [statute,] rule, regulation, approval, opinion, decision, order or  
330 interpretation is amended, rescinded or determined by judicial or  
331 other authority to be invalid for any reason.

332 [(g)] The multiple failure to disclose to any person any information  
333 required under sections 36a-675 to 36a-685, inclusive, to be disclosed in  
334 connection with a single account under an open-end consumer credit  
335 plan, other single consumer credit sale, consumer loan, other extension  
336 of consumer credit or consumer lease, shall entitle the person to a  
337 single recovery under this section but continued failure to disclose  
338 after a recovery has been granted shall give rise to rights to additional  
339 recoveries. This subsection does not bar any remedy permitted by

340 subsection (j) of this section.

341 (h) A person may not take any action to offset any amount for which  
342 a creditor or assignee is potentially liable to such person under  
343 subdivision (2) of subsection (a) of this section against any amount  
344 owed by such person, unless the amount of the creditor's or assignee's  
345 liability under sections 36a-675 to 36a-685, inclusive, has been  
346 determined by judgment of a court of competent jurisdiction in an  
347 action to which such person was a party. This subsection does not bar  
348 a consumer then in default on the obligation from asserting a violation  
349 of said sections as an original action, or as a defense or counterclaim to  
350 an action to collect amounts owed by the consumer brought by a  
351 person liable under said sections.]

352 [(i)] (d) Notwithstanding any other provision of [sections 36a-675 to  
353 36a-685, inclusive] the Connecticut Truth-in-Lending Act, (1) no person  
354 shall be entitled in any action to a recovery under this section for the  
355 failure to disclose any information required under said sections if a  
356 recovery is awarded in the same action under [Section 130 of the  
357 Consumer Credit Protection Act (15 USC 1640)] 15 USC 1640, as  
358 amended from time to time, for the failure to disclose any information  
359 required under said sections; and (2) no person shall be entitled in any  
360 action brought under this section to a recovery if, prior to an award in  
361 any such action, a recovery has been awarded to such person in any  
362 action brought under [Section 130 of the Consumer Credit Protection  
363 Act (15 USC 1640)] 15 USC 1640, as amended from time to time, in  
364 which the same act or omission was the basis of that action.

365 [(j)] (e) (1) [When an obligor exercises his right to rescind under  
366 Section 125 of the Consumer Credit Protection Act (15 USC 1635), he is  
367 not liable for any finance or other charge, and any security interest  
368 given by the obligor, including any such interest arising by operation  
369 of law, becomes void upon such a rescission. Within twenty days after  
370 receipt of a notice of rescission, the creditor shall return to the obligor  
371 any money or property given as earnest money, down payment or  
372 otherwise, and shall take any action necessary or appropriate to reflect

373 the termination of any security interest created under the transaction.  
374 If the creditor has delivered any property to the obligor, the obligor  
375 may retain possession of it. Upon the performance of the creditor's  
376 obligations under this subsection and Section 125 of the Consumer  
377 Credit Protection Act (15 USC 1635), the obligor shall tender the  
378 property to the creditor, except that if return of the property in kind  
379 would be impracticable or inequitable, the obligor shall tender its  
380 reasonable value. Tender shall be made at the location of the property  
381 or at the residence of the obligor, at the option of the obligor. If the  
382 creditor does not take possession of the property within twenty days  
383 after tender by the obligor, ownership of the property vests in the  
384 obligor without obligation on his part to pay for it. The procedures  
385 described by this subdivision shall apply except when otherwise  
386 ordered by a court.] Except as otherwise provided in this subsection,  
387 an obligor shall have the right to rescind as provided in 15 USC 1635,  
388 as amended from time to time.

389 [(2) Notwithstanding any rule of evidence, written acknowledgment  
390 of receipt of any disclosures required under sections 36a-675 to 36a-  
391 685, inclusive, by a person to whom information, forms and a  
392 statement is required to be given pursuant to this subsection and  
393 Section 125 of the Consumer Credit Protection Act (15 USC 1635), does  
394 no more than create a rebuttable presumption of delivery thereof.]

395 [(3)] (2) An obligor's right of rescission shall expire three years after  
396 the date of consummation of the transaction or upon the sale of the  
397 property, whichever occurs earlier, notwithstanding the fact that the  
398 information and forms required under this section and [Section 125 of  
399 the Consumer Credit Protection Act (15 USC 1635)] 15 USC 1635, as  
400 amended from time to time, or any other disclosures required under  
401 [sections 36a-675 to 36a-685, inclusive] the Connecticut Truth-in-  
402 Lending Act, have not been delivered to the obligor, except that if (A)  
403 the commissioner institutes a proceeding to enforce the provisions of  
404 this section, or [Section 125 of the Consumer Credit Protection Act (15  
405 USC 1635)] 15 USC 1635, as amended from time to time, made a part of  
406 said sections as provided in section 36a-678, as amended by this act,

407 within three years after the date of consummation of the transaction,  
408 (B) the commissioner finds a violation of this subsection or [Section 125  
409 of the Consumer Credit Protection Act (15 USC 1635)] 15 USC 1635, as  
410 amended from time to time, and (C) the obligor's right to rescind is  
411 based in whole or in part on any matter involved in such proceeding,  
412 then the obligor's right of rescission shall expire three years after the  
413 date of consummation of the transaction or upon the earlier sale of the  
414 property, or upon the expiration of one year following the conclusion  
415 of the proceeding or any judicial review or period for judicial review  
416 thereof, whichever is later.

417 [(4)] (3) (A) In any credit transaction in which an obligor has the  
418 right to rescind under [Section 125 of the Consumer Credit Protection  
419 Act (15 USC 1635)] 15 USC 1635, as amended from time to time, and  
420 the obligor does not exercise that right, a finance charge may not begin  
421 to accrue in connection with such transaction until after midnight of  
422 the third business day following the consummation of the transaction.  
423 (B) Any obligor required to pay a finance charge, in violation of the  
424 provisions of this subdivision, may recover from the creditor twice the  
425 amount of such finance charge, costs and reasonable attorney's fees.

426 [(5) In any action in which it is determined that a creditor has  
427 violated subdivision (1), (2) or (3) of this subsection, in addition to  
428 rescission the court may award relief under other subsections of this  
429 section for violations of sections 36a-675 to 36a-685, inclusive, not  
430 relating to the right to rescind.

431 (6) An obligor shall have no rescission rights arising solely from the  
432 form of written notice used by the creditor to inform the obligor of the  
433 rights of the obligor under this subsection and Section 125 of the  
434 Consumer Credit Protection Act (15 USC 1635), if the creditor  
435 provided the obligor the appropriate form of written notice published  
436 and adopted by the Federal Reserve Board or the Bureau of Consumer  
437 Financial Protection, or a comparable written notice of the rights of the  
438 obligor, that was properly completed by the creditor, and otherwise  
439 complied with all other requirements of this subsection and Section

440 125 of the Consumer Credit Protection Act (15 USC 1635) regarding  
441 notice.

442 (7) Notwithstanding the provisions of subsection (n) of this section,  
443 and subject to the time period provided in subdivision (3) of this  
444 subsection, an obligor shall have the rescission rights in foreclosure set  
445 forth in Subsection (i) of Section 125 of the Consumer Credit Protection  
446 Act (15 USC 1635(i)). This subdivision shall apply to all consumer  
447 credit transactions in existence or consummated on or after September  
448 30, 1995.]

449 [(k)] (f) (1) Except as otherwise specifically provided in [sections  
450 36a-675 to 36a-685, inclusive] the Connecticut Truth-in-Lending Act,  
451 any civil action for a violation of said [sections] act or proceeding by  
452 the commissioner which may be brought against a creditor [, other  
453 than with respect to a consumer credit transaction secured by real  
454 property,] may be maintained against any assignee of that creditor  
455 [only if the violation for which such action or proceeding is brought is  
456 apparent on the face of the disclosure statement, except where the  
457 assignment was involuntary. For the purpose of this subdivision, a  
458 violation apparent on the face of the disclosure statement includes, but  
459 is not limited to, (A) a disclosure which can be determined to be  
460 incomplete or inaccurate from the face of the disclosure statement or  
461 other documents assigned, or (B) a disclosure not made in the terms  
462 required to be used by said sections] as provided in 15 USC 1641, as  
463 amended from time to time, and creditors and assignees shall comply  
464 with the notice requirements of said section.

465 [(2) Except as provided in subdivision (2) of subsection (j) of this  
466 section, in any action or proceeding by or against any subsequent  
467 assignee of the original creditor without knowledge to the contrary by  
468 the assignee when he acquires the obligation, written acknowledgment  
469 of receipt by a person to whom a statement is required to be given  
470 pursuant to sections 36a-675 to 36a-685, inclusive, shall be conclusive  
471 proof of the delivery thereof and, except as provided in subdivision (1)  
472 of this subsection, of compliance with Chapter 2 of the Consumer

473 Credit Protection Act. This subsection does not affect the rights of the  
474 obligor in any action against the original creditor.]

475 [(3)] (2) Any consumer who has the right to rescind a transaction  
476 under subsection [(j)] (e) of this section or [Section 125 of the Consumer  
477 Credit Protection Act (15 USC 1635)] 15 USC 1635, as amended from  
478 time to time, may rescind the transaction as against any assignee of the  
479 obligation.

480 [(4) (A) Except as otherwise specifically provided in sections 36a-675  
481 to 36a-685, inclusive, any civil action against a creditor for a violation  
482 of said sections and any proceeding brought by the commissioner  
483 against a creditor, with respect to a consumer credit transaction  
484 secured by real property, may be maintained against any assignee of  
485 such creditor only if (i) the violation for which such action or  
486 proceeding was brought is apparent on the face of the disclosure  
487 statement provided in connection with such transaction pursuant to  
488 sections 36a-675 to 36a-685, inclusive, and the Consumer Credit  
489 Protection Act (15 USC 1601 et seq.), and (ii) the assignment to the  
490 assignee was voluntary. (B) For purposes of this subdivision, a  
491 violation is "apparent on the face of the disclosure statement" if (i) the  
492 disclosure can be determined to be incomplete or inaccurate by a  
493 comparison among the disclosure statement, any itemization of the  
494 amount financed, the note, or any other disclosure of disbursement, or  
495 (ii) the disclosure statement does not use the terms or format required  
496 to be used by sections 36a-675 to 36a-685, inclusive, and the Consumer  
497 Credit Protection Act (15 USC 1601 et seq.).

498 (5) A servicer of a consumer obligation arising from a consumer  
499 credit transaction shall be treated as an assignee of such obligation to  
500 the extent provided in Subsection (f) of Section 131 of the Consumer  
501 Credit Protection Act (15 USC 1641(f)). This subdivision applies to all  
502 consumer credit transactions in existence or consummated on or after  
503 September 30, 1995.]

504 [(1)] (g) [(1) Subject to the limitation contained in subdivision (2) of  
505 this subsection, a] A card issuer who has issued a credit card to a

506 cardholder pursuant to an open-end consumer credit plan shall be  
507 subject to all claims, other than tort claims, and defenses arising out of  
508 any transaction in which the credit card is used as a method of  
509 payment or extension of credit [if (A) the obligor has made a good  
510 faith attempt to obtain satisfactory resolution of a disagreement or  
511 problem relative to the transaction from the person honoring the credit  
512 card; (B) the amount of the transaction exceeds fifty dollars; and (C)  
513 the transaction took place wholly within this state, provided the  
514 mailing address previously provided by the cardholder was within  
515 this state and provided the state of billing of the transaction shall not  
516 be considered in determining where the transaction took place, or the  
517 transaction took place within one hundred miles from the mailing  
518 address within this state previously provided by the cardholder,  
519 except that the limitations set forth in subparagraphs (B) and (C) of this  
520 subdivision with respect to an obligor's right to assert claims and  
521 defenses against a card issuer shall not be applicable to any transaction  
522 in which the person honoring the credit card (i) is the same person as  
523 the card issuer, (ii) is controlled by the card issuer, (iii) is under direct  
524 or indirect common control with the card issuer, (iv) is a franchised  
525 dealer in the card issuer's products or services, or (v) has obtained the  
526 order for such transaction through a mail solicitation made by or  
527 participated in by the card issuer in which the cardholder is solicited to  
528 enter into such transaction by using the credit card issued by the card  
529 issuer] as provided in 15 USC 1666i, as amended from time to time.

530 [(2) The amount of claims or defenses asserted by the cardholder  
531 may not exceed the amount of credit outstanding with respect to such  
532 transaction at the time the cardholder first notifies the card issuer or  
533 the person honoring the credit card of such claim or defense. For the  
534 purpose of determining the amount of credit outstanding in this  
535 subdivision, payments and credits to the cardholder's account are  
536 deemed to have been applied, in the order indicated, to the payment  
537 of: (A) Late charges in the order of their entry to the account; (B)  
538 finance charges in order of their entry to the account; and (C) debits to  
539 the account other than those set forth in subparagraphs (A) and (B) of  
540 this subdivision, in the order in which each debit entry to the account

541 was made.

542 (m) (1) For the purpose of this subsection, the term "creditor" in this  
543 section shall include a lessor.]

544 [(2)] (h) (1) Any lessor who fails to comply with any requirement  
545 imposed under [Section 182 or 183 of the Consumer Credit Protection  
546 Act (15 USC 1667a or 1667b)] 15 USC 1667a or 1667b, as amended from  
547 time to time, with respect to any person is liable to such person as  
548 provided in this section as if such lessor is a creditor.

549 [(3)] (2) Any lessor who fails to comply with any requirement  
550 imposed under [Section 184 of the Consumer Credit Protection Act (15  
551 USC 1667c)] 15 USC 1667c, as amended from time to time, with respect  
552 to any person who suffers actual damage from the violation is liable to  
553 such person as provided in this section as if such lessor is a creditor.

554 (i) Any mortgage originator who fails to comply with any  
555 requirement imposed by 15 USC 1639b, as amended from time to time,  
556 or any regulation promulgated thereunder shall be liable as provided  
557 in 15 USC 1639b(d), as amended from time to time.

558 [(n)] (j) In the case of any consumer credit transaction subject to the  
559 provisions of [sections 36a-675 to 36a-685, inclusive,] the Connecticut  
560 Truth-in-Lending Act that is consummated before September 30, 1995,  
561 the civil, administrative and criminal liability of a creditor or any  
562 assignee of a creditor under [sections 36a-675 to 36a-685, inclusive,]  
563 said act and a consumer's extended rescission rights under subdivision  
564 [(3)] (2) of subsection [(j)] (e) of this section, shall be limited to the  
565 extent provided in and subject to the exceptions contained in [Section  
566 139 of the Consumer Credit Protection Act (15 USC 1649)] 15 USC  
567 1649, as amended from time to time.

568 Sec. 10. Section 36a-684 of the general statutes is repealed and the  
569 following is substituted in lieu thereof (*Effective October 1, 2015*):

570 (a) [Compliance with] The commissioner shall enforce the  
571 requirements of sections 36a-567, 36a-568, [and 36a-675 to 36a-685,

572 inclusive] the Connecticut Truth-in-Lending Act, subdivision (13) of  
573 subsection (c) of section 36a-770, as amended by this act, and sections  
574 36a-771, as amended by this act, 36a-774, as amended by this act, and  
575 36a-777. [shall be enforced by the commissioner and the] The  
576 commissioner shall, in addition to other powers granted by said  
577 sections or by other provisions of law, receive and act on complaints,  
578 take action designed to obtain voluntary compliance with said sections  
579 or commence proceedings on the commissioner's own initiative  
580 pursuant to sections 36a-50 to 36a-53, inclusive.

581 (b) In order to accomplish the purposes of [sections 36a-675 to 36a-  
582 685, inclusive,] the Connecticut Truth-in-Lending Act and the  
583 provisions of the general statutes referred to in subsection (a) of this  
584 section, the commissioner may (1) counsel persons and groups on their  
585 rights and duties under said [sections] act and provisions, (2) establish  
586 programs for the education of consumers with respect to credit and  
587 leasing practices and problems, and (3) make studies appropriate to  
588 effectuate the purposes and policies of said [sections] act and  
589 provisions and make the results available to the public.

590 (c) The commissioner may by regulation require the maintenance of  
591 records related to consumer credit sales, loans and leases sufficient to  
592 evidence the adoption of policies calculated to produce compliance  
593 with [sections 36a-675 to 36a-685, inclusive,] the Connecticut Truth-in-  
594 Lending Act and the provisions of the general statutes referred to in  
595 subsection (a) of this section which shall be in addition to the record  
596 retention requirements imposed under the Consumer Credit  
597 Protection Act. [(15 USC 1601 et seq.).]

598 (d) (1) In carrying out enforcement activities under this section, the  
599 commissioner, in cases where an annual percentage rate or finance  
600 charge was inaccurately disclosed, shall notify the creditor of such  
601 disclosure error and may require the creditor to make an adjustment to  
602 the account of the person to whom credit was extended, to assure that  
603 such person will not be required to pay a finance charge in excess of  
604 the finance charge actually disclosed or the dollar equivalent of the

605 annual percentage rate actually disclosed, whichever is lower. For the  
606 purposes of this subsection, except where such disclosure error  
607 resulted from a wilful violation which was intended to mislead the  
608 person to whom credit was extended, in determining whether a  
609 disclosure error has occurred and in calculating any adjustment, [(A)]  
610 the commissioner shall apply [(i) with respect to the annual percentage  
611 rate, a tolerance of one-quarter of one per cent more or less than the  
612 actual rate, determined without regard to Section 107(c) of the  
613 Consumer Credit Protection Act (15 USC 1606(c)), and (ii) with respect  
614 to the finance charge, a corresponding numerical tolerance as  
615 generated by the tolerance provided under this subsection for the  
616 annual percentage rate; except that (B) with respect to transactions  
617 consummated after March 31, 1982, the commissioner shall apply (i)  
618 for transactions that have a scheduled amortization of ten years or less,  
619 with respect to the annual percentage rate, a tolerance not to exceed  
620 one-quarter of one per cent more or less than the actual rate,  
621 determined without regard to Section 107(c) of the Consumer Credit  
622 Protection Act (15 USC 1606(c)), but in no event a tolerance of less than  
623 the tolerances allowed under Section 107(c) (15 USC 1606(c)), (ii) for  
624 transactions that have a scheduled amortization of more than ten  
625 years, with respect to the annual percentage rate, only such tolerances  
626 as are allowed under Section 107(c) of the Consumer Credit Protection  
627 Act (15 USC 1606(c)), and (iii) for all transactions, with respect to the  
628 finance charge, a corresponding numerical tolerance as generated by  
629 the tolerances provided under this subsection for the annual  
630 percentage rate] the tolerances set forth in 15 USC 1607(e)(1), as  
631 amended from time to time.

632 (2) The commissioner shall require such an adjustment when the  
633 commissioner determines that such disclosure error resulted from a  
634 clear and consistent pattern or practice of violations, from gross  
635 negligence, or from a wilful violation which was intended to mislead  
636 the person to whom the credit was extended. Notwithstanding the  
637 preceding sentence, except where such disclosure error resulted from a  
638 wilful violation which was intended to mislead the person to whom  
639 credit was extended, the commissioner need not require such an

640 adjustment if the commissioner determines that such disclosure error:  
641 (A) Resulted from an error involving the disclosure of a fee or charge  
642 that would otherwise be excludable in computing the finance charge,  
643 including but not limited to, violations involving the disclosures  
644 described in [Sections 106(b), (c) and (d) of the Consumer Credit  
645 Protection Act (15 USC 1605(b), (c) and (d))] 15 USC 1605(b), (c) and  
646 (d), as amended from time to time, in which event the commissioner  
647 may require such remedial action as the commissioner determines to  
648 be equitable, except that for transactions consummated after March 31,  
649 1982, such an adjustment shall be ordered for violations of [Section  
650 106(b) (15 USC 1605(b))] 15 USC 1605(b), as amended from time to  
651 time; (B) involved a disclosed amount which was ten per cent or less of  
652 the amount that should have been disclosed and (i) in cases where the  
653 error involved a disclosed finance charge, the annual percentage rate  
654 was disclosed correctly, and (ii) in cases where the error involved a  
655 disclosed annual percentage rate, the finance charge was disclosed  
656 correctly; in which event the commissioner may require such  
657 adjustment as the commissioner determines to be equitable; (C)  
658 involved a total failure to disclose either the annual percentage rate or  
659 the finance charge, in which event the commissioner may require such  
660 adjustment as the commissioner determines to be equitable; or (D)  
661 resulted from any other unique circumstance involving clearly  
662 technical and nonsubstantive disclosure violations that do not  
663 adversely affect information provided to the consumer and that have  
664 not misled or otherwise deceived the consumer. In the case of other  
665 such disclosure errors, the commissioner may require such an  
666 adjustment.

667 (3) Notwithstanding subdivision (2) of this subsection, no  
668 adjustment shall be ordered: (A) If it would have a significantly  
669 adverse impact upon the safety or soundness of the creditor, but in any  
670 such case, the commissioner may require a partial adjustment in an  
671 amount which does not have such an impact except that with respect  
672 to any transaction consummated after May 18, 1981, the commissioner  
673 shall require the full adjustment, but permit the creditor to make the  
674 required adjustment in partial payments over an extended period of

675 time which the commissioner considers to be reasonable, if the  
676 commissioner determines that a partial adjustment or making partial  
677 adjustments over an extended period is necessary to avoid causing the  
678 creditor to become undercapitalized pursuant to 12 USC 1831o, as  
679 amended from time to time, (B) if the amount of the adjustment would  
680 be less than one dollar, except that if more than one year has elapsed  
681 since the date of the violation, the commissioner may require that such  
682 amount be paid to the commissioner, or (C) except where such  
683 disclosure error resulted from a wilful violation which was intended to  
684 mislead the person to whom credit was extended, in the case of an  
685 open-end credit plan, more than two years after the violation, or in the  
686 case of any other extension of credit, as follows: (i) With respect to  
687 creditors that have been examined by the commissioner, except in  
688 connection with violations arising from practices identified in the  
689 current examination and only in connection with transactions that are  
690 consummated after the date of the immediately preceding  
691 examination, except that where practices giving rise to violations  
692 identified in earlier examinations have not been corrected, adjustments  
693 for those violations shall be required in connection with transactions  
694 consummated after the date of the examination in which such practices  
695 were first identified; (ii) with respect to creditors that have not been  
696 examined by the commissioner, except in connection with transactions  
697 that are consummated after May 10, 1978; and (iii) in no event after the  
698 later of (I) the expiration of the life of the credit extension, or (II) two  
699 years after the agreement to extend credit was consummated.

700 (4) In addition to the enforcement powers authorized by the  
701 provisions of this section [and section 36a-50,] the commissioner may  
702 order any creditor to make an adjustment as provided in [subdivision  
703 (1) of] this subsection. After such an order is issued, the persons named  
704 therein may, within fourteen days after receipt of the order, file a  
705 written request for a hearing. The hearing shall be held in accordance  
706 with the provisions of chapter 54.

707 (5) Except as otherwise specifically provided in this subsection and  
708 notwithstanding any other provision of law, the commissioner may

709 not require a creditor to make dollar adjustments for errors in any  
710 requirements under the Consumer Credit Protection Act, [(15 USC  
711 1601 et seq.),] except with regard to the requirements of [Section 165 of  
712 the Consumer Credit Protection Act (15 USC 1666d)] 15 USC 1666d, as  
713 amended from time to time.

714 (6) A creditor shall not be subject to an order to make an adjustment,  
715 if within sixty days after discovering a disclosure error, whether  
716 pursuant to a final written examination report or through the creditor's  
717 own procedures, the creditor notifies the person concerned of the error  
718 and adjusts the account so as to assure that such person will not be  
719 required to pay a finance charge in excess of the finance charge  
720 actually disclosed or the dollar equivalent of the annual percentage  
721 rate actually disclosed, whichever is lower.

722 Sec. 11. (NEW) (*Effective October 1, 2015*) (a) In addition to the  
723 enforcement provisions in the Connecticut Truth-in-Lending Act, the  
724 Banking Commissioner may order any person who violates 15 USC  
725 1639e, as amended from time to time, to pay a civil penalty as  
726 provided in subsection (k) of said section. Such order shall be issued in  
727 accordance with section 36a-50 of the general statutes, provided the  
728 amount of any civil penalty imposed shall be determined in  
729 accordance with 15 USC 1639e(k), as amended from time to time.

730 (b) In addition to any other liability allowed by the Connecticut  
731 Truth-in-Lending Act, a creditor found to have wilfully failed to obtain  
732 an appraisal as required by 15 USC 1639h, as amended from time to  
733 time, shall be liable to the applicant or borrower as provided in  
734 subsection (e) of said section.

735 Sec. 12. Section 36a-3 of the general statutes is repealed and the  
736 following is substituted in lieu thereof (*Effective October 1, 2015*):

737 Other definitions applying to this title or to specified parts thereof  
738 and the sections in which they appear are:

T1 "Account". Sections 36a-155 and 36a-365.

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T2	"Additional proceeds". Section 36a-746e.
T3	"Administrative expense". Section 36a-237.
T4	"Advance fee". Sections 36a-485 and 36a-615.
T5	"Advertise", "advertisement" or "advertising". Section 36a-485.
T6	"Agency bank". Section 36a-285.
T7	"Agent". Section 36a-494.
T8	"Alternative mortgage loan". Section 36a-265.
T9	"Amount financed". Section 36a-690, <u>as amended by this act.</u>
T10	"Annual percentage rate". Section 36a-690, <u>as amended by this act.</u>
T11	"Annual percentage yield". Section 36a-316.
T12	"Annuities". Section 36a-455a.
T13	"Applicant". Section 36a-736.
T14	"APR". Section 36a-746a, <u>as amended by this act.</u>
T15	"Assessment area". Section 36a-37.
T16	"Assets". Section 36a-70.
T17	"Associate". Section 36a-184.
T18	"Associated member". Section 36a-458a.
T19	"Authorized delegate". Section 36a-596.
T20	"Bank". Section 36a-30.
T21	"Bankers' bank". Section 36a-70.
T22	"Banking business". Section 36a-425.
T23	"Basic services". Section 36a-437a.
T24	"Billing cycle". Section 36a-565.
T25	"Bona fide nonprofit organization". Sections 36a-487, <u>as amended by</u>
T26	<u>this act,</u> and 36a-655.
T27	"Branch". Sections 36a-145, 36a-410 and 36a-435b.
T28	"Branch office". Sections 36a-485 and 36a-715.
T29	"Branch or agency net payment entitlement". Section 36a-428n.
T30	"Branch or agency net payment obligation". Section 36a-428n.
T31	"Broker". Section 36a-746a, <u>as amended by this act.</u>
T32	"Business and industrial development corporation". Section 36a-626.
T33	"Business and property in this state". Section 36a-428n.
T34	"Capital". Section 36a-435b.
T35	"Cash advance". Section 36a-564.
T36	"Cash price". Section 36a-770, <u>as amended by this act.</u>

- T37 "Certificate of incorporation". Section 36a-435b.
- T38 "CHFA loan". Section 36a-760, as amended by this act.
- T39 "Clerical or support duties". Section 36a-485.
- T40 "Closely related activities". Sections 36a-250 and 36a-455a.
- T41 "Collective managing agency account". Section 36a-365.
- T42 "Commercial vehicle". Section 36a-770, as amended by this act.
- T43 "Community bank". Section 36a-70.
- T44 "Community credit union". Section 36a-37.
- T45 "Community development bank". Section 36a-70.
- T46 "Community reinvestment performance". Section 36a-37.
- T47 "Connecticut holding company". Sections 36a-53 and 36a-410.
- T48 "Consolidate". Section 36a-145.
- T49 "Construction loan". Section 36a-458a.
- T50 "Consumer". Sections 36a-155 [, 36a-676] and 36a-695.
- T51 "Consumer Credit Protection Act". Section 36a-676, as amended by this
- T52 act.
- T53 "Consumer debtor" and "debtor". Sections 36a-645 and 36a-800, as
- T54 amended by this act.
- T55 "Consumer collection agency". Section 36a-800, as amended by this act.
- T56 "Consummation". Section 36a-746a, as amended by this act.
- T57 "Control person". Section 36a-485.
- T58 "Controlling interest". Section 36a-276.
- T59 "Conventional mortgage rate". Section 36a-760, as amended by this act.
- T60 "Corporate". Section 36a-435b.
- T61 "Credit". [Sections] Section 36a-645. [and 36a-676.]
- T62 "Credit manager". Section 36a-435b.
- T63 "Creditor". Sections 36a-676, as amended by this act, 36a-695 and
- T64 36a-800, as amended by this act.
- T65 ["Credit card", "cardholder" and "card issuer". Section 36a-676.]
- T66 "Credit clinic". Section 36a-700.
- T67 "Credit rating agency". Section 36a-695.
- T68 "Credit report". Section 36a-695.
- T69 ["Credit sale". Section 36a-676.]
- T70 "Credit union service organization". Section 36a-435b.
- T71 "Credit union service organization services". Section 36a-435b.

T72	"De novo branch". Section 36a-410.
T73	"Debt". Section 36a-645.
T74	"Debt adjustment". Section 36a-655.
T75	"Debt mutual fund". Sections 36a-275 and 36a-459a.
T76	"Debt securities". Sections 36a-275 and 36a-459a.
T77	"Debtor". Section 36a-655.
T78	"Deliver". Section 36a-316.
T79	"Deposit". Section 36a-316.
T80	"Deposit account". Section 36a-316.
T81	"Deposit account charge". Section 36a-316.
T82	"Deposit account disclosures". Section 36a-316.
T83	"Deposit contract". Section 36a-316.
T84	"Deposit services". Section 36a-425.
T85	"Depositor". Section 36a-316.
T86	"Depository institution". Section 36a-485.
T87	"Derivative transaction". Section 36a-262.
T88	"Director". Section 36a-435b.
T89	"Dwelling". Section 36a-485.
T90	"Earning period". Section 36a-316.
T91	"Electronic payment instrument". Section 36a-596.
T92	"Eligible collateral". Section 36a-330.
T93	"Eligible entity". Section 36a-34.
T94	"Employee". Section 36a-485.
T95	"Entity". Section 36a-380.
T96	"Equity mutual fund". Sections 36a-276 and 36a-459a.
T97	"Equity security". Sections 36a-276 and 36a-459a.
T98	"Executive officer". Sections 36a-263 and 36a-469c.
T99	"Expedited Connecticut bank". Section 36a-70.
T100	"Experience in the mortgage business". Section 36a-488.
T101	"Federal banking agency". Section 36a-485.
T102	"Federal Credit Union Act". Section 36a-435b.
T103	"Federal Home Mortgage Disclosure Act". Section 36a-736.
T104	"FHA loan". Section 36a-760, <u>as amended by this act</u> .
T105	"Fiduciary". Section 36a-365.
T106	"Filing fee". Section 36a-770, <u>as amended by this act</u> .

- T107 "Finance charge". Sections 36a-690, as amended by this act, and 36a-  
T108 770, as amended by this act.
- T109 "Financial institution". Sections 36a-41, 36a-44a, 36a-155, 36a-316,  
T110 36a-330, 36a-435b, 36a-736 and 36a-755.
- T111 "Financial records". Section 36a-41.
- T112 "First mortgage loan". Sections 36a-485, 36a-705 and 36a-725.
- T113 "Foreign banking corporation". Section 36a-425.
- T114 "Fully indexed rate". Section 36a-760b.
- T115 "General facility". Section 36a-580.
- T116 "Global net payment entitlement". Section 36a-428n.
- T117 "Global net payment obligation". Section 36a-428n.
- T118 "Goods". Sections 36a-535 and 36a-770, as amended by this act.
- T119 "Graduated payment mortgage loan". Section 36a-265.
- T120 "Guardian". Section 36a-365.
- T121 "High cost home loan". Section 36a-746a, as amended by this act.
- T122 "Holder". Section 36a-596.
- T123 "Home banking services". Section 36a-170, as amended by this act.
- T124 "Home banking terminal". Section 36a-170, as amended by this act.
- T125 "Home improvement loan". Section 36a-736.
- T126 "Home purchase loan". Section 36a-736.
- T127 "Home state". Section 36a-410.
- T128 "Housing finance agency". Section 36a-487, as amended by this act.
- T129 "Immediate family member". Sections 36a-435b and 36a-485.
- T130 "Independent contractor". Section 36a-485.
- T131 "Individual". Section 36a-485.
- T132 "Insider". Section 36a-454b.
- T133 "Installment loan contract". Sections 36a-535 and 36a-770, as amended  
T134 by this act.
- T135 "Insurance". Section 36a-455a.
- T136 "Insurance bank". Section 36a-285.
- T137 "Insurance department". Section 36a-285.
- T138 "Interest". Section 36a-316.
- T139 "Interest rate". Section 36a-316.
- T140 "Interim interest". Section 36a-746a, as amended by this act.
- T141 "Investments". Section 36a-602.

- T142 "Lender". Sections 36a-746a, as amended by this act, 36a-760, as  
T143 amended by this act, and 36a-770, as amended by this act.
- T144 "Lessor". Section 36a-676, as amended by this act.
- T145 "License". Section 36a-626.
- T146 "Licensee". Sections 36a-596, 36a-607 and 36a-626.
- T147 "Limited branch". Section 36a-145.
- T148 "Limited facility". Section 36a-580.
- T149 "Loan broker". Section 36a-615.
- T150 "Loan processor or underwriter". Section 36a-485.
- T151 "Loss". Section 36a-330.
- T152 "Made in this state". Section 36a-770, as amended by this act.
- T153 "Main office". Section 36a-485.
- T154 "Managing agent". Section 36a-365.
- T155 "Manufactured home". Section 36a-457b.
- T156 "Material litigation". Section 36a-598.
- T157 "Member". Section 36a-435b.
- T158 "Member business loan". Section 36a-458a.
- T159 "Member in good standing". Section 36a-435b.
- T160 "Membership share". Section 36a-435b.
- T161 "Mobile branch". Sections 36a-145 and 36a-435b.
- T162 "Monetary value". Section 36a-596.
- T163 "Money transmission". Section 36a-596.
- T164 "Mortgage". Section 36a-760g.
- T165 "Mortgage broker". Sections 36a-485, 36a-705 and 36a-760, as amended  
T166 by this act.
- T167 "Mortgage correspondent lender". Section 36a-485.
- T168 "Mortgage insurance". Section 36a-725.
- T169 "Mortgage lender". Sections 36a-485, 36a-705 and 36a-725.
- T170 "Mortgage loan". Sections 36a-261, 36a-265, 36a-457b and 36a-736.
- T171 "Mortgage loan originator". Section 36a-485.
- T172 "Mortgage rate lock-in". Section 36a-705.
- T173 "Mortgage servicer". Section 36a-715.
- T174 "Mortgagee". Section 36a-715.
- T175 "Mortgagor". Section 36a-715.
- T176 "Motor vehicle". Section 36a-770, as amended by this act.

- T177 "Multiple common bond membership". Section 36a-435b.
- T178 "Municipality". Section 36a-800, as amended by this act.
- T179 "Net outstanding member business loan balance". Section 36a-458a.
- T180 "Net worth". Sections 36a-441a and 36a-458a.
- T181 "Network". Section 36a-155.
- T182 "Nonprime home loan". Section 36a-760, as amended by this act.
- T183 "Nonrefundable". Section 36a-498.
- T184 "Nontraditional mortgage product". Section 36a-489a.
- T185 "Note account". Sections 36a-301 and 36a-456b.
- T186 "Office". Sections 36a-23, 36a-316 and 36a-485.
- T187 "Officer". Section 36a-435b.
- T188 ["Open-end credit plan". Section 36a-676.]
- T189 "Open-end line of credit". Section 36a-760, as amended by this act.
- T190 "Open-end loan". Section 36a-565.
- T191 "Organization". Section 36a-800, as amended by this act.
- T192 "Out-of-state holding company". Section 36a-410.
- T193 "Outstanding". Section 36a-596.
- T194 "Passbook savings account". Section 36a-316.
- T195 "Payment instrument". Section 36a-596.
- T196 "Periodic statement". Section 36a-316.
- T197 "Permissible investment". Section 36a-596.
- T198 "Person". Sections 36a-184 and 36a-485.
- T199 "Post". Section 36a-316.
- T200 "Prepaid finance charge". Section 36a-746a, as amended by this act.
- T201 "Prime quality". Section 36a-596.
- T202 "Principal amount of the loan". Section 36a-485.
- T203 "Processor". Section 36a-155.
- T204 "Public deposit". Section 36a-330.
- T205 "Purchaser". Section 36a-596.
- T206 "Qualified financial contract". Section 36a-428n.
- T207 "Qualified public depository" and "depository". Section 36a-330.
- T208 "Real estate". Section 36a-457b.
- T209 "Real estate brokerage activity". Section 36a-485.
- T210 "Records". Section 36a-17.
- T211 "Registered mortgage loan originator". Section 36a-485.

- T212 "Related person". Section 36a-53.
- T213 "Relocate". Sections 36a-145 and 36a-462a.
- T214 "Residential mortgage loan". Section 36a-485.
- T215 "Residential real estate". Section 36a-485.
- T216 "Resulting entity". Section 36a-34.
- T217 "Retail buyer". Sections 36a-535 and 36a-770, as amended by this act.
- T218 "Retail credit transaction". Section 42-100b.
- T219 "Retail installment contract". Sections 36a-535 and 36a-770, as amended
- T220 by this act.
- T221 "Retail installment sale". Sections 36a-535 and 36a-770, as amended by
- T222 this act.
- T223 "Retail seller". Sections 36a-535 and 36a-770, as amended by this act.
- T224 "Reverse annuity mortgage loan". Section 36a-265.
- T225 "Sales finance company". Sections 36a-535 and 36a-770, as amended by
- T226 this act.
- T227 "Savings department". Section 36a-285.
- T228 "Savings deposit". Section 36a-316.
- T229 "Secondary mortgage loan". Section 36a-485.
- T230 "Security convertible into a voting security". Section 36a-184.
- T231 "Senior management". Section 36a-435b.
- T232 "Settlement agent". Section 36a-494.
- T233 "Share". Section 36a-435b.
- T234 "Simulated check". Section 36a-485.
- T235 "Single common bond membership". Section 36a-435b.
- T236 "Special mortgage". Section 36a-760c.
- T237 "Social purpose investment". Section 36a-277.
- T238 "Sponsored". Section 36a-485.
- T239 "Standard mortgage loan". Section 36a-265.
- T240 "Stored value". Section 36a-596.
- T241 "Table funding agreement". Section 36a-485.
- T242 "Tax and loan account". Sections 36a-301 and 36a-456b.
- T243 "The Savings Bank Life Insurance Company". Section 36a-285.
- T244 "Time account". Section 36a-316.
- T245 "Travelers check". Section 36a-596.
- T246 "Troubled Connecticut credit union". Section 36a-448a.

- T247 "Unique identifier". Section 36a-485.  
T248 "Unsecured loan". Section 36a-615.  
T249 "Value". Section 36a-603.  
T250 "Warehouse agreement". Section 36a-485.

739 Sec. 13. Section 36a-555 of the general statutes is repealed and the  
740 following is substituted in lieu thereof (*Effective October 1, 2015*):

741 No person shall (1) engage in the business of making loans of  
742 money or credit; (2) make, offer, broker or assist a borrower in  
743 Connecticut to obtain such a loan; or (3) in whole or in part, arrange  
744 such loans through a third party or act as an agent for a third party,  
745 regardless of whether approval, acceptance or ratification by the third  
746 party is necessary to create a legal obligation for the third party,  
747 through any method, including, but not limited to, mail, telephone,  
748 Internet or any electronic means, in the amount or to the value of  
749 fifteen thousand dollars or less for loans made under section 36a-563,  
750 as amended by this act, or section 36a-565, and charge, contract for or  
751 receive a greater rate of interest, charge or consideration than twelve  
752 per cent per annum therefor, unless licensed to do so by the  
753 commissioner pursuant to sections 36a-555 to 36a-573, inclusive, as  
754 amended by this act. The provisions of this section shall not apply to  
755 (A) a bank, (B) an out-of-state bank, (C) a Connecticut credit union, (D)  
756 a federal credit union, (E) an out-of-state credit union, (F) a savings  
757 and loan association wholly owned subsidiary service corporation, (G)  
758 a person to the extent that such person makes loans for agricultural,  
759 commercial, industrial or governmental use or extends credit through  
760 an open-end credit plan, as defined in [subdivision (8) of subsection (a)  
761 of section 36a-676] 15 USC 1602, as amended from time to time, for the  
762 retail purchase of consumer goods or services, (H) a mortgage lender  
763 or mortgage correspondent lender licensed pursuant to section 36a-489  
764 when making residential mortgage loans, as defined in section 36a-485,  
765 or (I) a licensed pawnbroker.

766 Sec. 14. Subsection (a) of section 42-133c of the general statutes is  
767 repealed and the following is substituted in lieu thereof (*Effective*

768 October 1, 2015):

769 (a) Except as provided in subsection (b) of this section,  
770 notwithstanding any contrary provision of law, a retail seller under an  
771 open-end credit plan, as defined in [subdivision (8) of subsection (a) of  
772 section 36a-676] 15 USC 1602, as amended from time to time, in  
773 connection with a transaction arising out of the retail sale of consumer  
774 goods or services on sales made on or after October 1, 1993, may  
775 contract for and, if so contracted for, the retail seller or holder may  
776 charge and collect a finance charge under the plan and may calculate  
777 such finance charge in the manner and at the rate or rates agreed to by  
778 the retail buyer. For purposes of this section, (1) "retail seller" means a  
779 person who (A) sells or agrees to sell one or more articles of goods or  
780 furnishes services under an open-end credit plan and (B) is the creditor  
781 to whom the debt is initially payable on the face of the agreement of  
782 indebtedness, and (2) "holder" means a finance agency or other  
783 assignee who has purchased the open-end credit plan agreement or  
784 obligation. Regardless of any agreement to the contrary, a transaction  
785 under an open-end credit plan is subject to this section whenever a  
786 solicitation for the extension of credit is made by a retail seller whose  
787 primary activity in Connecticut is soliciting Connecticut customers  
788 through the mails, and such solicitation originates outside Connecticut  
789 but is directed to and received by a customer who resides, and  
790 responds to such solicitation, in Connecticut.

791 Sec. 15. Section 42-133d of the general statutes is repealed and the  
792 following is substituted in lieu thereof (*Effective October 1, 2015*):

793 The creditor of any account under an open-end credit plan, as  
794 defined in [subdivision (8) of subsection (a) of section 36a-676] 15 USC  
795 1602, as amended from time to time, on which interest aggregating ten  
796 dollars or more has been imposed in any calendar year, shall furnish to  
797 the obligor of such account, on or before January thirty-first of the  
798 following year, a statement of the interest charges so imposed and the  
799 aggregate amount paid by such obligor.

800 Sec. 16. Section 36a-746a of the general statutes is repealed and the

801 following is substituted in lieu thereof (*Effective October 1, 2015*):

802 As used in this section and sections 36a-746b to 36a-746g, inclusive:

803 (1) "APR" means the annual percentage rate for the loan calculated  
804 according to the provisions of the federal Truth-in-Lending Act, 15  
805 USC Section 1601 et seq., as amended from time to time, and the  
806 regulations promulgated thereunder. [For open-end lines of credit,  
807 "APR" means the highest corresponding annual percentage rate  
808 required to be disclosed under 12 CFR 1026.6(a)(2) and 1026.14(b), as  
809 amended from time to time, excluding any maximum rates required to  
810 be disclosed or stated pursuant to 12 CFR 1026.6(a)(2) or 1026.30, as  
811 amended from time to time. For closed-end loans, "APR" means the  
812 annual percentage rate required to be disclosed under 12 CFR  
813 1026.18(e), as amended from time to time, excluding any maximum  
814 rates required to be disclosed or stated pursuant to 12 CFR 1026.18(f)  
815 or 1026.30, as amended from time to time.] For purposes of this  
816 subdivision, any variable rate calculation shall use an index value in  
817 effect within forty-five days prior to consummation;

818 (2) "Broker" means a person who, for a fee, commission or other  
819 valuable consideration, negotiates, solicits, arranges, places or finds a  
820 high cost home loan that is to be made by a lender;

821 (3) "Consummation" means the time that a borrower becomes  
822 contractually obligated on a loan or extension of credit;

823 (4) "High cost home loan" means any loan or extension of credit,  
824 including an open-end line of credit but excluding a reverse mortgage  
825 transaction, as defined in 12 CFR 1026.33, as amended from time to  
826 time:

827 (A) In which the borrower is a natural person;

828 (B) The proceeds of which are to be used primarily for personal,  
829 family or household purposes;

830 (C) In which the loan is secured by a mortgage upon any interest in

831 one-to-four family residential property, as defined in section 36a-485,  
832 located in this state that is, or, when the loan is made, is intended to be  
833 used or occupied by the borrower as a principal residence; and

834 (D) In which the APR [at consummation is greater than the yield on  
835 Treasury securities having comparable periods of maturity to the loan  
836 maturity as of the fifteenth day of the month immediately preceding  
837 the month in which the application for the loan or extension of credit is  
838 received by the lender] applicable to the transaction determined in  
839 accordance with 12 CFR 1026.32(a)(3), as amended from time to time,  
840 will exceed the average prime offer rate, as defined in 12 CFR  
841 1026.35(a)(2) as amended from time to time, by more than the number  
842 of percentage points specified in 12 CFR 1026.32(a)(1)(i), as amended  
843 from time to time;

844 (5) "Interim interest" means interest for the period from funding to  
845 the start of amortization paid by a borrower at or before  
846 consummation of a closed-end loan where such amortization begins  
847 sixty-two days or less after funding;

848 (6) "Lender" means any person who originates one or more high  
849 cost home loans; and

850 (7) "Prepaid finance charge" means any finance charge determined  
851 in accordance with 12 CFR 1026.4, as amended from time to time, that  
852 is paid separately in cash or by check before or at consummation of a  
853 loan or extension of credit or withheld from the proceeds of such  
854 transaction at any time, except the term includes any fees or  
855 commissions payable to the lender or broker in connection with the  
856 sale of credit life, accident, health, disability or unemployment  
857 insurance products or unrelated goods or services sold in conjunction  
858 with the loan or extension of credit when the cost of such insurance  
859 products or goods or services is prepaid with the proceeds of the loan  
860 or extension of credit and financed as part of the principal amount of  
861 the loan or extension of credit, and excludes premiums, fees and any  
862 other amounts paid to a governmental agency, any amounts required  
863 to be escrowed by a governmental agency and interim interest.

864 Sec. 17. Subsection (a) of section 36a-760 of the general statutes is  
865 repealed and the following is substituted in lieu thereof (*Effective*  
866 *October 1, 2015*):

867 (a) As used in this section and sections 36a-760a to 36a-760j,  
868 inclusive:

869 (1) "APR" has the same meaning as provided in section 36a-746a, as  
870 amended by this act;

871 (2) "CHFA loan" means a loan made, insured, purchased, subsidized  
872 or guaranteed by the Connecticut Housing Finance Authority;

873 (3) "FHA loan" means a loan made, insured, purchased, subsidized  
874 or guaranteed by the Federal Housing Administration;

875 (4) "First mortgage loan" has the same meaning as provided in  
876 section 36a-485;

877 (5) "Lender" means any person engaged in the business of the  
878 making of mortgage loans who is (A) required to be licensed by the  
879 [Department of Banking] commissioner under chapter 668, or such  
880 person's successors or assigns, [and also means any bank, out-of-state  
881 bank, Connecticut credit union, federal credit union, out-of-state credit  
882 union, or an operating subsidiary of a federal bank or a federally  
883 chartered out-of-state bank where such subsidiary engages in the  
884 business of making mortgage loans] or (B) exempt from licensing  
885 pursuant to subdivisions (1) to (3), inclusive, of subsection (a) of  
886 section 36a-487, and their successors and assigns, but does not include  
887 any mortgage broker, as defined in this section, or any mortgage loan  
888 originator, as defined in section 36a-485;

889 (6) "Mortgage broker" means [any person, other than a lender, who  
890 (A) for a fee, commission or other valuable consideration, negotiates,  
891 solicits, arranges, places or finds a mortgage, and (B)] a "mortgage  
892 broker", as defined in section 36a-485, who is required to be licensed  
893 by the [Department of Banking] commissioner under chapter 668, or  
894 such person's successors or assigns;

895 (7) "Nonprime home loan" means any loan or extension of credit,  
896 excluding an open-end line of credit, any mortgage insured under Title  
897 II of the National Housing Act, 12 USC 1701 et seq., as amended from  
898 time to time, that satisfies the requirements for a qualified mortgage  
899 set forth in [78 Federal Register 75215 (December 11, 2013)] 24 CFR  
900 203.19(b), as amended from time to time, and a reverse mortgage  
901 transaction, as defined in 12 CFR 1026.33, as amended from time to  
902 time:

903 (A) In which the borrower is a natural person;

904 (B) The proceeds of which are to be used primarily for personal,  
905 family or household purposes;

906 (C) In which the loan is secured by a mortgage upon any interest in  
907 one-to-four family residential real property located in this state which  
908 is, or when the loan is made, intended to be used or occupied by the  
909 borrower as a principal residence;

910 (D) In which the principal amount of the loan does not exceed four  
911 hundred seventeen thousand dollars;

912 (E) Where the loan is not a CHFA loan; and

913 (F) In which the conditions set forth in [clauses (i) and (ii) of this  
914 subparagraph] subparagraph (F)(i) of this subdivision apply, subject to  
915 any adjustments made pursuant to [clause (iii) of this subparagraph]  
916 subparagraph (F)(ii) of this subdivision:

917 [(i) The difference, at the time of consummation, between the APR  
918 for the loan and the conventional mortgage rate is either equal to or  
919 greater than (I) one and three-quarters percentage points, if the loan is  
920 a first mortgage loan, or (II) three and three-quarters percentage  
921 points, if the loan is a secondary mortgage loan. For purposes of such  
922 calculation, "conventional mortgage rate" means the most recent  
923 contract interest rate on commitments for fixed-rate mortgages  
924 published by the Board of Governors of the Federal Reserve System in  
925 its statistical release H.15, or any publication that may supersede it,

926 during the week preceding the week in which the interest rate for the  
927 loan is set. For purposes of determining the beginning of each weekly  
928 period, the first day of each week shall be the effective date for the  
929 applicable prime offer rate, as of the date the interest rate is set, as  
930 determined in accordance with subparagraph (F)(ii) of this  
931 subdivision.]

932 [(ii)] (i) The difference, at the time of consummation, between the  
933 APR for the loan or extension of credit and the average prime offer rate  
934 for a comparable transaction, as of the date the interest rate is set, is  
935 greater than one and one-half percentage points if the loan is a first  
936 mortgage loan or three and one-half percentage points if the loan is a  
937 secondary mortgage loan. For purposes of this subparagraph, "average  
938 prime offer rate" has the meaning as provided in 12 CFR [226.35]  
939 1026.35, as amended from time to time. For purposes of  
940 [subparagraphs (F)(i) and (F)(ii) of this subdivision] this clause, the  
941 date the interest rate is set is the last date the interest rate is set,  
942 provided the rate is adjusted on or before consummation.

943 [(iii)] (ii) The commissioner shall have the authority, after  
944 consideration of the relevant factors, to increase the percentages set  
945 forth in [clauses (i) and (ii) of this subparagraph] subparagraph (F)(i)  
946 of this subdivision. For purposes of this clause, the relevant factors to  
947 be considered by the commissioner shall include, but not be limited to,  
948 the existence and amount of increases in fees or charges in connection  
949 with purchases of mortgages by the Federal National Mortgage  
950 Association or the Federal Home Loan Mortgage Corporation and  
951 increases in fees or charges imposed by mortgage insurers and the  
952 impact, including the magnitude of the impact, that such increases  
953 have had, or will likely have, on APRs for mortgage loans in this state.  
954 When considering such factors, the commissioner shall focus on those  
955 increases that are related to the deterioration in the housing market  
956 and credit conditions. The commissioner may refrain from increasing  
957 such percentages if it appears that lenders are increasing interest rates  
958 or fees in bad faith or if increasing the percentages would be contrary  
959 to the purposes of sections 36a-760 to 36a-760f, inclusive, as amended

960 by this act. No increase authorized by the commissioner to a particular  
961 percentage shall exceed one-quarter of one percentage point, and the  
962 total of all increases to a particular percentage under this clause shall  
963 not exceed one-half of one percentage point. No increase shall be made  
964 unless: (I) The increase is noticed in the Banking Department Bulletin  
965 and the Connecticut Law Journal, and (II) a public comment period of  
966 twenty days is provided. Any increase made under this clause shall be  
967 reduced proportionately when the need for the increase has  
968 diminished or no longer exists. The commissioner, in the exercise of his  
969 discretion, may authorize an increase in the percentages with respect  
970 to all loans or just with respect to a certain class or classes of loans;

971 (8) "Open-end line of credit" means a mortgage extended by a  
972 lender under a plan in which: (A) The lender reasonably contemplates  
973 repeated transactions; (B) the lender may impose a finance charge from  
974 time to time on an outstanding unpaid balance; (C) the amount of  
975 credit that may be extended to the consumer during the term of the  
976 plan, up to any limit set by the lender, is generally made available to  
977 the extent that any outstanding balance is repaid; and (D) none of the  
978 proceeds of the open-end line of credit are used at closing to (i)  
979 purchase the borrower's primary residence, or (ii) refinance a  
980 mortgage loan that had been used by the borrower to purchase the  
981 borrower's primary residence;

982 (9) "Secondary mortgage loan" has the same meaning as provided in  
983 section 36a-485.

984 Sec. 18. Subsection (b) of section 36a-563 of the general statutes is  
985 repealed and the following is substituted in lieu thereof (*Effective*  
986 *October 1, 2015*):

987 (b) For the purpose of computations, whether at the maximum rate  
988 or less, a month shall be that period of time from any date in one  
989 month to the corresponding date in the next month, but if there is no  
990 such corresponding date, then to the last day of the next month, and a  
991 day shall be considered one-thirtieth of a month when such  
992 computation is made for a fraction of a month. For loans originally

993 scheduled to be repaid over a period of forty-eight months and fifteen  
994 days or less, the portion of the charges applicable to any particular  
995 monthly installment period, as originally scheduled or following a  
996 deferment, shall bear the same ratio to the total charges, excluding any  
997 adjustment made under subsection (c) of this section, as the balance  
998 scheduled to be outstanding during that monthly period bears to the  
999 sum of all the monthly balances scheduled originally by the contract of  
1000 loan. For loans originally scheduled to be repaid over a period in  
1001 excess of forty-eight months and fifteen days, the portion of the  
1002 charges applicable to any particular monthly installment period, as  
1003 originally scheduled or following a deferment, shall be the charges  
1004 which would be incurred for that monthly installment period if the  
1005 annual percentage rate disclosed to the borrower pursuant to sections  
1006 36a-675 to 36a-685, inclusive, as amended by this act, and section 11 of  
1007 this act were charged, by the actuarial method, on the disclosed  
1008 amount financed and all payments were made according to schedule.

1009 Sec. 19. Section 36a-690 of the general statutes is repealed and the  
1010 following is substituted in lieu thereof (*Effective October 1, 2015*):

1011 (a) As used in this section:

1012 (1) "Amount financed" means the amount of credit a borrower will  
1013 actually be able to use as determined in accordance with sections 36a-  
1014 675 to 36a-685, inclusive, as amended by this act, and section 11 of this  
1015 act.

1016 (2) "Annual percentage rate" means the annual percentage rate of  
1017 finance charge determined in accordance with sections 36a-675 to 36a-  
1018 685, inclusive, as amended by this act, and section 11 of this act.

1019 (3) "Finance charge" means the cost of credit determined in  
1020 accordance with sections 36a-675 to 36a-685, inclusive, as amended by  
1021 this act, and section 11 of this act.

1022 (b) Except as provided in this section, no creditor shall use any  
1023 method of calculating interest rebates or finance charge rebates in any

1024 transaction described in subsection (c) of this section which originated  
1025 on or after December 1, 1980, if such method would cause the actual  
1026 interest or finance charge earned for the period during which the  
1027 indebtedness is outstanding after deduction of an acquisition charge of  
1028 twenty-five dollars to exceed the finance charge which would be  
1029 earned if the annual percentage rate were calculated by the actuarial  
1030 method on the amount financed in accordance with the disclosed  
1031 schedule of payments. When such rebate is less than one dollar, no  
1032 rebate need be made.

1033 (c) Notwithstanding any section of the general statutes to the  
1034 contrary, this section shall apply to any transaction which is subject to  
1035 sections 36a-675 to 36a-685, inclusive, as amended by this act, and  
1036 section 11 of this act and which originated on or after December 1,  
1037 1980, but before October 1, 1987, if in such transaction: (1) The finance  
1038 charge is precomputed; (2) the annual percentage rate is greater than  
1039 fourteen per cent; and (3) the original term of the contract exceeds  
1040 forty-eight months and fifteen days; and to any such transaction which  
1041 originated on or after October 1, 1987, if in such transaction: (A) The  
1042 finance charge is precomputed; and (B) the original term of the  
1043 contract exceeds forty-eight months and fifteen days.

1044 Sec. 20. Subdivision (13) of subsection (c) of section 36a-770 of the  
1045 general statutes is repealed and the following is substituted in lieu  
1046 thereof (*Effective October 1, 2015*):

1047 (13) "Retail installment sale" means any sale evidenced by a retail  
1048 installment contract or installment loan contract wherein a retail buyer  
1049 buys goods from a retail seller at a time sale price payable in two or  
1050 more installments. The cash price of the goods, the amount, if any,  
1051 included for other itemized charges which are included in the amount  
1052 of the credit extended but which are not part of the finance charge  
1053 under sections 36a-675 to 36a-685, inclusive, as amended by this act,  
1054 and section 11 of this act and the finance charge shall together  
1055 constitute the time sale price. For purposes of this subdivision, "retail  
1056 installment sale" does not include a rent-to-own agreement, as defined

1057 in section 42-240.

1058 Sec. 21. Subsection (b) of section 36a-771 of the general statutes is  
1059 repealed and the following is substituted in lieu thereof (*Effective*  
1060 *October 1, 2015*):

1061 (b) Every retail installment contract for the purchase of consumer  
1062 goods subject to section 36a-774, as amended by this act, and this  
1063 section shall set forth the information required to be disclosed under  
1064 sections 36a-675 to 36a-685, inclusive, as amended by this act, and  
1065 section 11 of this act and the regulations thereunder, using the form,  
1066 content and terminology provided therein.

1067 Sec. 22. Subsection (c) of section 36a-772 of the general statutes is  
1068 repealed and the following is substituted in lieu thereof (*Effective*  
1069 *October 1, 2015*):

1070 (c) The finance charge under subsections (a) and (b) of this section  
1071 shall be computed on the principal amount financed as determined  
1072 under sections 36a-675 to 36a-685, inclusive, as amended by this act,  
1073 and section 11 of this act and the regulations adopted under said  
1074 sections. On contracts providing for installment payments extending  
1075 for a period which is less than or greater than one year, the finance  
1076 charge shall be computed proportionately. The finance charge may be  
1077 computed on the basis of a full month for any fractional month period  
1078 in excess of ten days. A minimum finance charge of fifteen dollars may  
1079 be charged on any retail installment contract in which the finance  
1080 charge, when computed at the rates indicated, results in a total charge  
1081 of less than that amount. Nothing contained in sections 36a-770 to 36a-  
1082 788, inclusive, as amended by this act, 42-100b and 42-100c shall be  
1083 construed to prohibit the computation of the interest component of the  
1084 finance charge by application of an interest rate to the actual balance of  
1085 such principal amount financed as may be outstanding from time to  
1086 time.

1087 Sec. 23. Section 36a-774 of the general statutes is repealed and the  
1088 following is substituted in lieu thereof (*Effective October 1, 2015*):

1089 Every installment loan contract shall be in writing executed by the  
1090 retail buyer and a copy thereof shall be delivered to such retail buyer  
1091 at the time of the execution thereof. Within fifteen days after the  
1092 execution of such installment loan contract, the holder thereof shall  
1093 send or cause to be sent to the retail buyer a policy or policies or  
1094 certificates of insurance clearly setting forth the amount of the  
1095 premium, the kind or kinds of insurance and the scope of the coverage  
1096 and all of the terms, exceptions, limitations, restrictions and conditions  
1097 of the contract or contracts of the insurance. Every installment loan  
1098 contract for the purchase of consumer goods subject to section 36a-771,  
1099 as amended by this act, and this section shall set forth the information  
1100 required to be disclosed under sections 36a-675 to 36a-685, inclusive, as  
1101 amended by this act, and section 11 of this act and the regulations  
1102 thereunder, using the form, content and terminology provided therein.

1103 Sec. 24. Subsection (a) of section 36a-440b of the general statutes is  
1104 repealed and the following is substituted in lieu thereof (*Effective*  
1105 *October 1, 2015*):

1106 (a) A Connecticut credit union shall [submit a written report to the  
1107 commissioner annually on February first and August first and  
1108 otherwise as often as the commissioner deems necessary. The report  
1109 shall be in the form prescribed by the commissioner, list the assets and  
1110 liabilities of the Connecticut credit union and contain any other  
1111 information the commissioner may require. The Connecticut credit  
1112 union shall also provide the commissioner with] file (1) financial and  
1113 statistical reports with the National Credit Union Administration or its  
1114 successor agency in accordance with and at such times as required by  
1115 12 CFR 741.6, as amended from time to time, and (2) such other reports  
1116 and information as may be required by the commissioner. Each  
1117 Connecticut credit union that fails to file any report or information  
1118 required by this section shall pay to the commissioner one hundred  
1119 dollars for each day that it fails to file such report or information.

1120 Sec. 25. Subsection (c) of section 36a-82 of the general statutes is  
1121 repealed and the following is substituted in lieu thereof (*Effective*

1122 *October 1, 2015*):

1123 (c) Upon receiving such application, the commissioner shall cause  
1124 notice of its submission to be published in the department's weekly  
1125 bulletin. The notice shall state that written objections to such  
1126 application may be made, for a period of thirty days from the date of  
1127 publication of the bulletin, on the grounds that the name selected will  
1128 tend to confuse the public. At least ten days prior to the date by which  
1129 objections may be made, the applicant shall [mail] send a copy of the  
1130 application and a notice of the date by a means that provides a  
1131 signature as proof of delivery, including, but not limited to, registered  
1132 or certified mail, return receipt requested, to each bank or out-of-state  
1133 bank having its main office or a branch in the town or towns in which  
1134 the applicant has its main office or a branch.

1135 Sec. 26. Subsection (a) of section 36a-86 of the general statutes is  
1136 repealed and the following is substituted in lieu thereof (*Effective*  
1137 *October 1, 2015*):

1138 (a) The governing board of each Connecticut bank shall annually  
1139 procure an audit or examination by certified public accountants or  
1140 holders of certificates of authority as public accountants selected by  
1141 vote of the governing board or a duly authorized committee thereof,  
1142 and such accountants shall agree to provide related working papers,  
1143 policies and procedures to the commissioner, if requested. The  
1144 accountants shall thoroughly examine the books, records, accounts and  
1145 affairs of such bank and submit a signed report of the audit or  
1146 examination showing the condition of the bank to the governing board  
1147 of such bank within a reasonable period of time following the  
1148 conclusion of the audit or examination. The signed report shall be kept  
1149 on file in such bank and a copy shall be filed with the commissioner  
1150 not later than the earlier of (1) one hundred twenty days following the  
1151 close of such bank's fiscal year, or (2) the date prescribed by federal  
1152 law for such bank to file such audit or examination with the applicable  
1153 federal banking regulator, unless the commissioner extends such  
1154 deadline for good cause shown. Members of the governing board of

1155 such Connecticut bank shall not be personally liable for any loss  
1156 suffered by such bank through the wrongdoing or negligence of any  
1157 officer or employee, which wrongdoing or negligence should have  
1158 been discovered by the accountants in the performance of their duties,  
1159 provided such members shall have exercised due care to procure  
1160 thorough and substantial audits by the accountants.

1161 Sec. 27. Section 36a-170 of the general statutes is repealed and the  
1162 following is substituted in lieu thereof (*Effective from passage*):

1163 [(a) As used in this section, "home banking services" means the  
1164 electronic transfer of funds or information, or the performance of other  
1165 permissible banking services or transactions for a customer by means  
1166 of a home banking terminal; and "home banking terminal" means any  
1167 electronic home or office terminal, including, but not limited to, a  
1168 computer terminal, television, telephone, facsimile machine or other  
1169 electronic device, that is not accessible to the public and does not  
1170 accept deposits.

1171 (b) Any bank or out-of-state bank, and any Connecticut credit union  
1172 or federal credit union may provide home banking services to  
1173 customers.]

1174 (a) As used in this section, "virtual banking" means the provision of  
1175 banking services by any bank, out-of-state bank, Connecticut credit  
1176 union or federal credit union pursuant to its charter that are made  
1177 available to a customer through telecommunication or by the customer  
1178 accessing the Internet.

1179 [(c)] (b) Any electronic transfer of funds [by means of a home  
1180 banking terminal authorized under this section] initiated through  
1181 virtual banking shall be subject to the Electronic Fund Transfer Act, 15  
1182 USC Section 1693, et seq., as amended from time to time, and  
1183 Regulation E, 12 CFR Part 205, as amended from time to time.

1184 [(d) Home banking terminals are not automated teller machines,  
1185 satellite devices, branches or offices for any purpose under this title.]

1186        (c) The means by which a customer accesses a telecommunication  
1187 system or the Internet to engage in virtual banking, including, but not  
1188 limited to, a television, telephone, facsimile or computer, shall not, in  
1189 and of itself, be deemed to be an automated teller machine, satellite  
1190 device, branch or office for any purpose under this title.

1191        Sec. 28. Subsection (c) of section 36a-185 of the general statutes is  
1192 repealed and the following is substituted in lieu thereof (*Effective from*  
1193 *passage*):

1194        (c) The commissioner shall disapprove such offer, invitation,  
1195 request, agreement or acquisition if: (1) It involves the acquisition of  
1196 the voting securities or securities convertible into voting securities of a  
1197 bank that has not been in existence and continuously operating for at  
1198 least five years, or a holding company, the subsidiary banks of which  
1199 have not been in existence and continuously operating for at least five  
1200 years, unless the commissioner waives this requirement; (2) the  
1201 acquiring person, including all insured depository institutions [which]  
1202 that are affiliates of the person, upon consummation of the acquisition,  
1203 would control thirty per cent or more of the total amount of deposits of  
1204 insured depository institutions in this state, unless the commissioner  
1205 permits a greater percentage of such deposits; (3) the commissioner  
1206 cannot make the findings required by section 36a-34; or (4) to the  
1207 extent the acquiring person is subject to anti-money-laundering laws  
1208 and regulations, the programs, policies and procedures of the  
1209 acquiring person relating to anti-money-laundering activity are  
1210 inadequate, and the acquiring person does not have a record of  
1211 compliance with anti-money-laundering laws and regulations. In  
1212 making the determination to disapprove or not to disapprove such  
1213 offer, invitation, request, agreement or acquisition, the commissioner  
1214 shall consider whether: (A) The investment and lending policies of the  
1215 bank referred to in the acquisition statement are consistent with safe  
1216 and sound banking practices and will benefit the economy of this state;  
1217 (B) the services or proposed services of the bank referred to in the  
1218 acquisition statement are consistent with safe and sound banking  
1219 practices and will benefit the economy of this state; (C) the proposed

1220 acquisition will not substantially lessen competition in the banking  
1221 industry of this state; and (D) the acquiring person, if such person  
1222 would be the beneficial owner of twenty-five per cent or more of any  
1223 class of voting securities of the bank or holding company referred to in  
1224 the acquisition statement, (i) has sufficient capital to ensure, and agrees  
1225 to ensure, that the bank referred to in the acquisition statement will  
1226 comply with applicable minimum capital requirements, and (ii) has  
1227 sufficient managerial resources to operate the bank or holding  
1228 company referred to in the acquisition statement in a safe and sound  
1229 manner.

1230 Sec. 29. Section 36a-492 of the general statutes is repealed and the  
1231 following is substituted in lieu thereof (*Effective from passage*):

1232 (a) (1) Each licensed mortgage lender, mortgage correspondent  
1233 lender and mortgage broker shall file with the commissioner a single  
1234 surety bond, written by a surety authorized to write such bonds in this  
1235 state, covering its main office and file an addendum to such bond to  
1236 cover any branch office, in a penal sum determined in accordance with  
1237 subsection (d) of this section, provided the penal sum of the bond for  
1238 licensed mortgage lenders and mortgage correspondent lenders shall  
1239 be not less than one hundred thousand dollars and the penal sum of  
1240 the bond for mortgage brokers shall be not less than fifty thousand  
1241 dollars. The bond shall cover all mortgage loan originators sponsored  
1242 by such licensee.

1243 (2) Each mortgage loan originator licensee shall be covered by a  
1244 surety bond with a penal sum in an amount that reflects the dollar  
1245 amount of loans originated by such mortgage loan originator in  
1246 accordance with subsection (d) of this section, provided such coverage  
1247 shall be provided through a single surety bond filed with the  
1248 commissioner by the person who sponsors such mortgage loan  
1249 originator.

1250 (3) Effective October 1, 2011, (A) in the case of an exempt registrant  
1251 under subdivision (1), (2) or (3) of subsection (a) of section 36a-487: [,  
1252 (i) the] (i) The surety bond shall cover all mortgage loan originators

1253 sponsored by such exempt registrant and comply with the  
1254 requirements set forth in this section, and (ii) the penal sum of such  
1255 bond shall be in an amount determined in accordance with subsection  
1256 (d) of this section, provided the penal sum of the bond shall be not less  
1257 than one hundred thousand dollars; (B) in the case of an exempt  
1258 registrant under subsection (b) of section 36a-487: [ ~~(i) the~~] (i) The  
1259 surety bond shall cover all mortgage loan originators sponsored by  
1260 such exempt registrant and comply with the requirements set forth in  
1261 this section, and (ii) the penal sum of the bond shall be in an amount  
1262 determined in accordance with subsection (d) of this section, provided  
1263 the penal sum shall be not less than fifty thousand dollars; and (C) in  
1264 the case of an exempt registrant under subdivision (4) of subsection (a)  
1265 of section 36a-487, the surety bond shall cover all mortgage loan  
1266 originators sponsored by such exempt registrant and comply with the  
1267 requirements set forth in section 36a-671d.

1268 (4) (A) The principal on a bond required by subdivisions (1) and (2)  
1269 of this subsection shall annually confirm, in connection with any  
1270 renewal request, that it maintains the required penal sum in an  
1271 amount required by subsection (d) of this section [ ~~. Not later than~~  
1272 ~~September 1, 2011, and every September first thereafter, such~~] after  
1273 review of the preceding four quarter period ending June thirtieth. The  
1274 principal shall file such information as the commissioner may require  
1275 under subsection (d) of this section and shall file, [~~not later than~~  
1276 ~~September first of the applicable year, or on such other date~~] as the  
1277 commissioner may require, pursuant to subdivision (d) of this section,  
1278 any bond rider or endorsement to the surety bond on file with the  
1279 commissioner to reflect any changes necessary to maintain the surety  
1280 bond coverage required by this section.

1281 (B) Effective October 1, 2011, the principal on a bond required by  
1282 subdivision (3) of this [~~section~~] subsection shall annually confirm, in  
1283 connection with any renewal request, that it maintains the required  
1284 penal sum in an amount required by subsection (d) of this section [ ~~.~~  
1285 ~~Not later than September 1, 2012, and every September first thereafter,~~  
1286 ~~such~~] after review of the preceding four quarter period ending June

1287 thirtieth. The principal shall file such information as the commissioner  
1288 may require under subsection (d) of this section and shall file, [not  
1289 later than September first of the applicable year, or on such other date]  
1290 as the commissioner may require pursuant to [subdivision] subsection  
1291 (d) of this section, any bond rider or endorsement to the surety bond  
1292 on file with the commissioner to reflect any changes necessary to  
1293 maintain the surety bond coverage required by this section.

1294 (5) The commissioner may adopt regulations in accordance with  
1295 chapter 54 with respect to the requirements for such surety bonds.

1296 (b) The bond required by subsection (a) of this section shall be (1) in  
1297 a form approved by the Attorney General, and (2) conditioned upon  
1298 the mortgage lender, mortgage correspondent lender or mortgage  
1299 broker licensee and any mortgage loan originator licensee sponsored  
1300 by such mortgage lender, mortgage correspondent lender or mortgage  
1301 broker or, in the case of a mortgage loan originator licensee sponsored  
1302 after October 1, 2011, by an exempt registrant, upon such mortgage  
1303 loan originator licensee faithfully performing any and all written  
1304 agreements or commitments with or for the benefit of borrowers and  
1305 prospective borrowers, truly and faithfully accounting for all funds  
1306 received from a borrower or prospective borrower by the licensee in  
1307 the licensee's capacity as a mortgage lender, mortgage correspondent  
1308 lender, mortgage broker or mortgage loan originator, and conducting  
1309 such mortgage business consistent with the provisions of sections 36a-  
1310 485 to 36a-498f, inclusive, 36a-534a and 36a-534b. Any borrower or  
1311 prospective borrower who may be damaged by failure to perform any  
1312 written agreements or commitments, or by the wrongful conversion of  
1313 funds paid by a borrower or prospective borrower to a licensee, may  
1314 proceed on such bond against the principal or surety thereon, or both,  
1315 to recover damages. Commencing August 1, 2009, any borrower or  
1316 prospective borrower who may be damaged by a mortgage lender,  
1317 mortgage correspondent lender, mortgage broker or mortgage loan  
1318 originator licensee's failure to satisfy a judgment against the licensee  
1319 arising from the making or brokering of a nonprime home loan, as  
1320 defined in section 36a-760, as amended by this act, may proceed on

1321 such bond against the principal or surety thereon, or both, to recover  
1322 the amount of the judgment. The commissioner may proceed on such  
1323 bond against the principal or surety thereon, or both, to collect any  
1324 civil penalty imposed upon a licensee pursuant to subsection (a) of  
1325 section 36a-50 and any unpaid costs of examination of a licensee as  
1326 determined pursuant to section 36a-65. The proceeds of the bond, even  
1327 if commingled with other assets of the principal, shall be deemed by  
1328 operation of law to be held in trust for the benefit of such claimants  
1329 against the principal in the event of bankruptcy of the principal and  
1330 shall be immune from attachment by creditors and judgment creditors.  
1331 The bond shall run concurrently with the period of the license for the  
1332 main office and the aggregate liability under the bond shall not exceed  
1333 the penal sum of the bond. The principal shall notify the commissioner  
1334 of the commencement of an action on the bond. When an action is  
1335 commenced on a principal's bond, the commissioner may require the  
1336 filing of a new bond and immediately on recovery on any action on the  
1337 bond, the principal shall file a new bond.

1338 (c) The surety company shall have the right to cancel the bond at  
1339 any time by a written notice to the principal stating the date  
1340 cancellation shall take effect. Such notice shall be sent by certified mail  
1341 to the principal at least thirty days prior to the date of cancellation. A  
1342 surety bond shall not be cancelled unless the surety company notifies  
1343 the commissioner in writing not less than thirty days prior to the  
1344 effective date of cancellation. After receipt of such notification from the  
1345 surety company, the commissioner shall give written notice to the  
1346 principal of the date such bond cancellation shall take effect and such  
1347 notice shall be deemed notice to each mortgage loan originator licensee  
1348 sponsored by such principal. The commissioner shall automatically  
1349 suspend the licenses of a mortgage lender, mortgage correspondent  
1350 lender or mortgage broker on such date and inactivate the licenses of  
1351 the mortgage loan originators sponsored by such lender,  
1352 correspondent lender or broker. On and after October 1, 2011, in the  
1353 case of a cancellation of an exempt registrant's bond, the commissioner  
1354 shall inactivate the licenses of the mortgage loan originators sponsored  
1355 by such exempt registrant. No automatic suspension or inactivation

1356 shall occur if, prior to the date that the bond cancellation shall take  
1357 effect, (1) the principal submits a letter of reinstatement of the bond  
1358 from the surety company or a new bond, (2) the mortgage lender,  
1359 mortgage correspondent lender or mortgage broker licensee has  
1360 ceased business and has surrendered all licenses in accordance with  
1361 subsection (a) of section 36a-490, or (3) in the case of a mortgage loan  
1362 originator licensee, the sponsorship with the mortgage lender,  
1363 mortgage correspondent lender or mortgage broker who was  
1364 automatically suspended pursuant to this section or, after October 1,  
1365 2011, with the exempt registrant who failed to provide the bond  
1366 required by this section, has been terminated and a new sponsor has  
1367 been requested and approved. After a mortgage lender, mortgage  
1368 correspondent lender or mortgage broker license has been  
1369 automatically suspended pursuant to this section, the commissioner  
1370 shall give such licensee notice of the automatic suspension, pending  
1371 proceedings for revocation or refusal to renew pursuant to section 36a-  
1372 494 and an opportunity for a hearing on such action in accordance  
1373 with section 36a-51 and require such licensee to take or refrain from  
1374 taking such action as in the opinion of the commissioner will effectuate  
1375 the purposes of this section. Effective October 1, 2011, the  
1376 commissioner may provide information to an exempt registrant  
1377 concerning actions taken by the commissioner pursuant to this  
1378 subsection against any mortgage loan originator licensee that was  
1379 sponsored and bonded by such exempt registrant.

1380 (d) The penal sum of the bond required by subdivisions (1) to (3),  
1381 inclusive, of subsection (a) of this section shall be determined as  
1382 follows:

1383 (1) An applicant for an initial mortgage lender license or mortgage  
1384 correspondent lender license shall file a bond in a penal sum of one  
1385 hundred thousand dollars in connection with its application for the  
1386 main office.

1387 (2) An applicant for an initial mortgage broker license shall file a  
1388 bond in a penal sum of fifty thousand dollars in connection with its

1389 application for the main office.

1390 (3) Effective October 1, 2011, an exempt registrant under subsection  
1391 (d) of section 36a-487, as amended by this act, who is exempt from  
1392 [licensing] licensure under subdivision (1), (2) or (3) of subsection (a) of  
1393 section 36a-487 shall file a bond in a penal sum of one hundred  
1394 thousand dollars the first time such exempt registrant sponsors a  
1395 mortgage loan originator.

1396 (4) Effective October 1, 2011, an exempt registrant under subsection  
1397 (d) of section 36a-487, as amended by this act, who is exempt from  
1398 licensure under subsection (b) of section 36a-487 shall file a bond in a  
1399 penal sum of fifty thousand dollars the first time such exempt  
1400 registrant sponsors a mortgage loan originator.

1401 (5) Effective October 1, 2011, an exempt registrant under subsection  
1402 (d) of section 36a-487, as amended by this act, who is exempt from  
1403 licensure under subdivision (4) of subsection (a) of section 36a-487,  
1404 shall file a bond in a penal sum as set forth in section 36a-671d.

1405 (6) (A) For mortgage lender and mortgage correspondent lender  
1406 licensees, and, after October 1, 2011, persons sponsoring and bonding  
1407 at least one mortgage loan originator as an exempt registrant under  
1408 subsection (d) of section 36a-487, as amended by this act, and who are  
1409 exempt from licensing under subdivision (1), (2) or (3) of subsection (a)  
1410 of section 36a-487 if: (i) [the] The aggregate dollar amount of all  
1411 residential mortgage loans originated by such licensee at all licensed  
1412 locations or by the exempt registrant during the preceding [twelve-  
1413 month period ending July thirty-first of the current year] four quarters  
1414 ending June thirtieth is less than thirty million dollars, the penal sum  
1415 of the bond shall be one hundred thousand dollars; (ii) the aggregate  
1416 dollar amount of all residential mortgage loans originated by such  
1417 licensee at all licensed locations or by the exempt registrant during the  
1418 preceding [twelve-month period ending July thirty-first of the current  
1419 year] four quarters ending June thirtieth is thirty million dollars or  
1420 more but less than one hundred million dollars, the penal sum of the  
1421 bond shall be two hundred thousand dollars; (iii) the aggregate dollar

1422 amount of all residential mortgage loans originated by such licensee at  
1423 all licensed locations or by the exempt registrant during the preceding  
1424 [twelve-month period ending July thirty-first of the current year] four  
1425 quarters ending June thirtieth is one hundred million dollars or more  
1426 but less than two hundred fifty million dollars, the penal sum of the  
1427 bond shall be three hundred thousand dollars; and (iv) the aggregate  
1428 dollar amount of all residential mortgage loans originated by such  
1429 licensee at all licensed locations or by the exempt registrant during the  
1430 preceding [twelve-month period ending July thirty-first of the current  
1431 year] four quarters ending June thirtieth is two hundred fifty million  
1432 dollars or more, the penal sum of the bond shall be five hundred  
1433 thousand dollars.

1434 (B) For mortgage broker licensees and, after October 1, 2011, persons  
1435 who are sponsoring and bonding at least one mortgage loan originator  
1436 as an exempt registrant under subsection (d) of section 36a-487, as  
1437 amended by this act, and who are exempt from licensing under  
1438 subsection (b) or (c) of section 36a-487; if (i) ~~[the]~~ The aggregate dollar  
1439 amount of all residential mortgage loans originated by such licensee at  
1440 all licensed locations or by the exempt registrant during the preceding  
1441 [twelve-month period ending July thirty-first of the current year] four  
1442 quarters ending June thirtieth is less than thirty million dollars, the  
1443 penal sum of the bond shall be fifty thousand dollars; (ii) the aggregate  
1444 dollar amount of all residential mortgage loans originated by such  
1445 licensee at all licensed locations or by the exempt registrant during the  
1446 preceding [twelve-month period ending July thirty-first of the current  
1447 year] four quarters ending June thirtieth is thirty million dollars or  
1448 more but less than fifty million dollars, the penal sum of the bond shall  
1449 be one hundred thousand dollars; and (iii) the aggregate dollar  
1450 amount of all residential mortgage loans originated by such licensee at  
1451 all licensed locations or by the exempt registrant during the preceding  
1452 [twelve-month period ending July thirty-first of the current year] four  
1453 quarters ending June thirtieth is fifty million dollars or more, the penal  
1454 sum of the bond shall be one hundred fifty thousand dollars.

1455 (7) For purposes of this subsection, the aggregate dollar amount of

1456 all residential mortgage loans originated by such licensee or, after  
1457 October 1, 2011, such exempt registrant, includes the aggregate dollar  
1458 amount of all closed residential mortgage loans that the licensee or  
1459 exempt registrant originated, brokered or made, as applicable.

1460 (8) Financial information necessary to verify the aggregate dollar  
1461 amount of residential mortgage loans originated shall be filed with the  
1462 commissioner, as the commissioner may require, and shall be reported  
1463 on the system at such time and in such form as the system may  
1464 require.

1465 (9) The commissioner may require a change in the penal sum of the  
1466 bond if the commissioner determines at any time that the aggregate  
1467 dollar amount of all residential mortgage loans originated warrants a  
1468 change in the penal sum of the bond.

1469 Sec. 30. Subsection (d) of section 36a-487 of the general statutes is  
1470 repealed and the following is substituted in lieu thereof (*Effective from*  
1471 *passage*):

1472 (d) Any person [exempt] claiming exemption from licensure under  
1473 this section may register on the system as an exempt registrant for  
1474 purposes of sponsoring a mortgage loan originator or a loan processor  
1475 or underwriter pursuant to subdivision (1) of subsection (b) of section  
1476 36a-486. Such registration shall not affect the exempt status of such  
1477 person. Any approval of such registration, or any approval of any  
1478 renewal of such registration, shall not constitute a determination by  
1479 the commissioner that such entity is exempt, but rather shall evidence  
1480 the commissioner's approval to use the system for purposes of  
1481 sponsoring and bonding.

1482 Sec. 31. Subsection (b) of section 36a-59 of the general statutes is  
1483 repealed and the following is substituted in lieu thereof (*Effective from*  
1484 *passage*):

1485 (b) The commissioner may enter into cooperative, coordinating or  
1486 information-sharing agreements with any other state or federal

1487 supervisory agency or any organization affiliated with or representing  
1488 such supervisory agency with respect to the examination, examination  
1489 fees or other supervision of any person subject to the provisions of  
1490 sections 36a-485 to [36a-810] 36a-812, inclusive. Any such agreement  
1491 may include provisions concerning the assessment or sharing of fees  
1492 for such examination or supervision.

1493 Sec. 32. Subparagraph (A) of subdivision (4) of subsection (a) of  
1494 section 36a-412 of the general statutes is repealed and the following is  
1495 substituted in lieu thereof (*Effective from passage*):

1496 (4) (A) The laws of this state, including laws regarding (i)  
1497 community reinvestment pursuant to sections 36a-30 to 36a-33,  
1498 inclusive; (ii) consumer protection pursuant to sections 36a-41 to 36a-  
1499 45, inclusive, 36a-290 to 36a-304, inclusive, 36a-306, 36a-307, 36a-315 to  
1500 36a-323, inclusive, 36a-645 to 36a-647, inclusive, 36a-690, as amended  
1501 by this act, 36a-695 to 36a-700, inclusive, 36a-705 to 36a-707, inclusive,  
1502 36a-715 to 36a-719l, inclusive, 36a-725, 36a-726, 36a-755 to 36a-759,  
1503 inclusive, 36a-770 to 36a-788, inclusive, as amended by this act, and  
1504 36a-800 to [36a-810] 36a-812, inclusive, as amended by this act; (iii) fair  
1505 lending pursuant to sections 36a-737, 36a-740 and 36a-741; and (iv)  
1506 establishment of interstate branches pursuant to section 36a-145 shall  
1507 apply to any branch in this state of an out-of-state bank, other than a  
1508 federally chartered out-of-state bank, to the same extent as such laws  
1509 apply to a branch in this state of an out-of-state national banking  
1510 association.

1511 Sec. 33. Section 36a-800 of the general statutes is repealed and the  
1512 following is substituted in lieu thereof (*Effective from passage*):

1513 As used in sections 36a-800 to [36a-810] 36a-812, inclusive, as  
1514 amended by this act, unless the context otherwise requires:

1515 (1) "Branch office" means a location other than the main office at  
1516 which a licensee or any person on behalf of a licensee acts as a  
1517 consumer collection agency;

1518 (2) "Consumer collection agency" means any person (A) engaged as  
1519 a third party in the business of collecting or receiving for payment for  
1520 others of any account, bill or other indebtedness from a consumer  
1521 debtor, (B) engaged directly or indirectly in the business of collecting  
1522 any account, bill or other indebtedness from a consumer debtor for  
1523 such person's own account if the indebtedness was acquired from  
1524 another person and if the indebtedness was either delinquent or in  
1525 default at the time it was acquired, or (C) engaged in the business of  
1526 collecting or receiving for payment property tax from a property tax  
1527 debtor on behalf of a municipality, including any person who, by any  
1528 device, subterfuge or pretense, makes a pretended purchase or takes a  
1529 pretended assignment of accounts from any other person or  
1530 municipality of such indebtedness for the purpose of evading the  
1531 provisions of sections 36a-800 to [36a-810] 36a-812, inclusive, as  
1532 amended by this act. It includes persons who furnish collection  
1533 systems carrying a name which simulates the name of a consumer  
1534 collection agency and who supply forms or form letters to be used by  
1535 the creditor, even though such forms direct the consumer debtor or  
1536 property tax debtor to make payments directly to the creditor rather  
1537 than to such fictitious agency. "Consumer collection agency" further  
1538 includes any person who, in attempting to collect or in collecting such  
1539 person's own accounts or claims from a consumer debtor, uses a  
1540 fictitious name or any name other than such person's own name which  
1541 would indicate to the consumer debtor that a third person is collecting  
1542 or attempting to collect such account or claim. "Consumer collection  
1543 agency" does not include (i) an individual employed on the staff of a  
1544 licensed consumer collection agency, or by a creditor who is exempt  
1545 from licensing, when attempting to collect on behalf of such consumer  
1546 collection agency, (ii) persons not primarily engaged in the collection  
1547 of debts from consumer debtors who receive funds in escrow for  
1548 subsequent distribution to others, including, but not limited to, real  
1549 estate brokers and lenders holding funds of borrowers for payment of  
1550 taxes or insurance, (iii) any public officer or a person acting under the  
1551 order of any court, (iv) any member of the bar of this state, (v) a person  
1552 who services loans or accounts for the owners thereof when the

1553 arrangement includes, in addition to requesting payment from  
1554 delinquent consumer debtors, the providing of other services such as  
1555 receipt of payment, accounting, record-keeping, data processing  
1556 services and remitting, for loans or accounts which are current as well  
1557 as those which are delinquent, (vi) a bank or out-of-state bank, as  
1558 defined in section 36a-2, and (vii) a subsidiary or affiliate of a bank or  
1559 out-of-state bank, provided such affiliate or subsidiary is not primarily  
1560 engaged in the business of purchasing and collecting upon delinquent  
1561 debt, other than delinquent debt secured by real property. Any person  
1562 not included in the definition contained in this subdivision is, for  
1563 purposes of sections 36a-645 to 36a-647, inclusive, a "creditor", as  
1564 defined in section 36a-645;

1565 (3) "Consumer debtor" means any natural person, not an  
1566 organization, who has incurred indebtedness or owes a debt for  
1567 personal, family or household purposes, including current or past due  
1568 child support, or who has incurred indebtedness or owes a debt to a  
1569 municipality due to a levy by such municipality of a personal property  
1570 tax;

1571 (4) "Creditor" means a person, including a municipality, that retains,  
1572 hires, or engages the services of a consumer collection agency;

1573 (5) "Main office" means the main address designated on the  
1574 application;

1575 (6) "Municipality" means any town, city or borough, consolidated  
1576 town and city, consolidated town and borough, district as defined in  
1577 section 7-324 or municipal special services district established under  
1578 chapter 105a;

1579 (7) "Organization" means a corporation, partnership, association,  
1580 trust or any other legal entity or an individual operating under a trade  
1581 name or a name having appended to it a commercial, occupational or  
1582 professional designation;

1583 (8) "Property tax" has the meaning given to the term in section 7-560;

1584 (9) "Property tax debtor" means any natural person or organization  
1585 who has incurred indebtedness or owes a debt to a municipality due to  
1586 a levy by such municipality of a property tax.

1587 Sec. 34. Section 36a-801 of the general statutes is repealed and the  
1588 following is substituted in lieu thereof (*Effective from passage*):

1589 (a) No person shall act within this state as a consumer collection  
1590 agency unless such person has first obtained a consumer collection  
1591 agency license for such person's main office and each branch office  
1592 where such person's business is conducted. A consumer collection  
1593 agency is acting within this state if it (1) has its place of business  
1594 located within this state; (2) has its place of business located outside  
1595 this state and (A) collects from consumer debtors or property tax  
1596 debtors who reside within this state for creditors who are located  
1597 within this state, or (B) collects from consumer debtors or property tax  
1598 debtors who reside within this state for such consumer collection  
1599 agency's own account; (3) has its place of business located outside this  
1600 state and regularly collects from consumer debtors or property tax  
1601 debtors who reside within this state for creditors who are located  
1602 outside this state; or (4) has its place of business located outside this  
1603 state and is engaged in the business of collecting child support for  
1604 creditors located within this state from consumer debtors who are  
1605 located outside this state.

1606 (b) Any person desiring to act within this state as a consumer  
1607 collection agency shall make a written application to the commissioner  
1608 for such license in such form as the commissioner prescribes. Such  
1609 application shall be accompanied by (1) a financial statement prepared  
1610 by a certified public accountant or a public accountant, the accuracy of  
1611 which is sworn to under oath before a notary public by the proprietor,  
1612 a general partner or a corporate officer or a member duly authorized to  
1613 execute such documents, (2) (A) the history of criminal convictions of  
1614 the (i) applicant; (ii) partners, if the applicant is a partnership; (iii)  
1615 members, if the applicant is a limited liability company or association;  
1616 or (iv) officers, directors and principal employees, if the applicant is a

1617 corporation, and (B) sufficient information pertaining to the history of  
1618 criminal convictions of such applicant, partners, members, officers,  
1619 directors and principal employees as the commissioner deems  
1620 necessary to make the findings under subsection (c) of this section, (3)  
1621 a license fee of eight hundred dollars, or in the case of an initial  
1622 application that is filed not earlier than one year before the date such  
1623 license will expire, a license fee of four hundred dollars, and (4) an  
1624 investigation fee of one hundred dollars. The commissioner shall cause  
1625 to be made such inquiry and examination as to the qualifications of  
1626 each such applicant or any partner, member, officer, director or  
1627 principal employee of the applicant as the commissioner deems  
1628 necessary. The commissioner, in accordance with section 29-17a, may  
1629 conduct a state and national criminal history records check of the  
1630 applicant and of each partner, member, officer, director and principal  
1631 employee of such applicant. Each applicant shall furnish satisfactory  
1632 evidence to the commissioner that the applicant is a person of good  
1633 moral character and is financially responsible.

1634 (c) If the commissioner finds, upon the filing of an application for a  
1635 consumer collection agency, that (1) the financial responsibility,  
1636 character, reputation, integrity and general fitness of the applicant and  
1637 the partners of such applicant if the applicant is a partnership, of the  
1638 members if the applicant is a limited liability company or association,  
1639 and of the officers, directors and principal employees if the applicant is  
1640 a corporation, are such to warrant belief that the business will be  
1641 operated soundly and efficiently, in the public interest and consistent  
1642 with the purposes of sections 36a-800 to [36a-810] 36a-812, inclusive, as  
1643 amended by this act, and (2) the applicant is solvent and no  
1644 proceeding in bankruptcy, receivership or assignment for the benefit of  
1645 creditors has been commenced against the applicant, the commissioner  
1646 may, upon such finding, issue the applicant a consumer collection  
1647 agency license. If the commissioner fails to make such findings, the  
1648 commissioner shall not issue a license and shall notify the applicant of  
1649 the reasons for such denial. The commissioner may deny an  
1650 application if the commissioner finds that the applicant or any partner,  
1651 member, officer, director or principal employee of such applicant has

1652 been convicted of any misdemeanor involving any aspect of the  
1653 consumer collection agency business, or any felony. Any denial of an  
1654 application by the commissioner shall, when applicable, be subject to  
1655 the provisions of section 46a-80. Any such license issued by the  
1656 commissioner shall expire at the close of business on September  
1657 thirtieth of the odd-numbered year following its issuance, unless such  
1658 license is renewed. The commissioner may renew such application, in  
1659 the commissioner's discretion, upon filing of a proper renewal  
1660 application accompanied by a license fee of eight hundred dollars, and  
1661 satisfactory proof that such applicant at that time possesses the  
1662 required qualifications for the license. The commissioner may deny a  
1663 renewal application if the commissioner finds that the applicant has  
1664 been convicted of any misdemeanor involving any aspect of the  
1665 consumer collection agency business, or any felony. Any denial of an  
1666 application by the commissioner shall, when applicable, be subject to  
1667 the provisions of section 46a-80. Such renewal application shall be filed  
1668 with the commissioner on or before September first of the year in  
1669 which the license expires. Any renewal application filed with the  
1670 commissioner after September first shall be accompanied by a one-  
1671 hundred-dollar late fee and any such filing shall be deemed to be  
1672 timely and sufficient for purposes of subsection (b) of section 4-182.  
1673 Whenever an application for a license, other than a renewal  
1674 application, is filed under sections 36a-800 to [36a-810] 36a-812,  
1675 inclusive, as amended by this act, by any person who was a licensee  
1676 under said sections 36a-800 to [36a-810] 36a-812, inclusive, and whose  
1677 license expired less than sixty days prior to the date such application  
1678 was filed, such application shall be accompanied by a one-hundred-  
1679 dollar processing fee in addition to the application fee.

1680 (d) To further the enforcement of this section and to determine the  
1681 eligibility of any person holding a license, the commissioner may, as  
1682 often as the commissioner deems necessary, examine the licensee's  
1683 books and records, and may, at any time, require the licensee to submit  
1684 such a financial statement for the examination of the commissioner, so  
1685 that the commissioner may determine whether the licensee is  
1686 financially responsible to carry on a consumer collection agency

1687 business within the intents and purposes of sections 36a-800 to [36a-  
1688 810] 36a-812, inclusive, as amended by this act. Any financial  
1689 statement submitted by a licensee shall be confidential and shall not be  
1690 a public record unless introduced in evidence at a hearing conducted  
1691 by the commissioner.

1692 (e) The applicant or licensee shall notify the commissioner, in  
1693 writing, of any change in the information provided in its initial  
1694 application for a license or most recent renewal application for such  
1695 license, as applicable, not later than ten business days after the  
1696 occurrence of the event that results in such information becoming  
1697 inaccurate.

1698 (f) The commissioner may deem an application for a license to act as  
1699 a consumer collection agency abandoned if the applicant fails to  
1700 respond to any request for information required under sections 36a-  
1701 801 to [36a-810] 36a-812, inclusive, as amended by this act, or any  
1702 regulations adopted pursuant to said sections 36a-801 to [36a-810] 36a-  
1703 812, inclusive. The commissioner shall notify the applicant, in writing,  
1704 that if the applicant fails to submit such information not later than  
1705 sixty days after the date on which such request for information was  
1706 made, the application shall be deemed abandoned. An application  
1707 filing fee paid prior to the date an application is deemed abandoned  
1708 pursuant to this subsection shall not be refunded. Abandonment of an  
1709 application pursuant to this subsection shall not preclude the applicant  
1710 from submitting a new application for a license under sections 36a-801  
1711 to [36a-810] 36a-812, inclusive, as amended by this act.

1712 (g) If the commissioner determines that a check filed with the  
1713 commissioner to pay a fee under subsection (b) of this section has been  
1714 dishonored, the commissioner shall automatically suspend the license  
1715 or a renewal license that has been issued but is not yet effective. The  
1716 commissioner shall give the licensee notice of the automatic  
1717 suspension pending proceedings for revocation or refusal to renew  
1718 and an opportunity for a hearing on such actions in accordance with  
1719 section 36a-51.

1720 (h) No abatement of the license fee shall be made if the license is  
1721 surrendered, revoked or suspended prior to the expiration of the  
1722 period for which it was issued. All fees required by this section shall be  
1723 nonrefundable.

1724 (i) No person licensed to act within this state as a consumer  
1725 collection agency shall do so under any other name or at any other  
1726 place of business than that named in the license. Any change of  
1727 location of a place of business of a licensee shall require prior written  
1728 notice to the commissioner. Not more than one place of business shall  
1729 be maintained under the same license but the commissioner may issue  
1730 more than one license to the same licensee upon compliance with the  
1731 provisions of sections 36a-800 to [36a-810] 36a-812, inclusive, as  
1732 amended by this act, as to each new licensee. A license shall not be  
1733 transferable or assignable. Any licensee holding, applying for, or  
1734 seeking renewal of more than one license may, at its option, file the  
1735 bond required under section 36a-802 separately for each place of  
1736 business licensed, or to be licensed, or a single bond, naming each  
1737 place of business, in an amount equal to twenty-five thousand dollars  
1738 for each place of business.

1739 Sec. 35. Section 36a-804 of the general statutes is repealed and the  
1740 following is substituted in lieu thereof (*Effective from passage*):

1741 (a) The commissioner may suspend, revoke or refuse to renew any  
1742 license or take any other action, in accordance with the provisions of  
1743 section 36a-51, for any reason which would be sufficient grounds for  
1744 the commissioner to deny an application for a license under sections  
1745 36a-800 to [36a-810] 36a-812, inclusive, as amended by this act, or if the  
1746 commissioner finds that the licensee or any proprietor, director, officer,  
1747 member, partner, shareholder, trustee, employee or agent of such  
1748 licensee has done any of the following: (1) Made any material  
1749 misstatement in the application; (2) committed any fraud or  
1750 misrepresentation or misappropriated funds; or (3) violated any of the  
1751 provisions of sections 36a-800 to [36a-810] 36a-812, inclusive, as  
1752 amended by this act, or of any regulations adopted pursuant thereto,

1753 or any other law or regulation applicable to the conduct of its business.

1754 (b) Whenever it appears to the commissioner that any person has  
1755 violated, is violating or is about to violate any of the provisions of  
1756 sections 36a-800 to [36a-810] 36a-812, inclusive, as amended by this act,  
1757 or any regulation adopted pursuant thereto, or the licensee or any  
1758 proprietor, director, officer, member, partner, shareholder, trustee,  
1759 employee or agent of such licensee has committed any fraud, made  
1760 any misrepresentation or misappropriated funds, the commissioner  
1761 may take action against such person or licensee in accordance with  
1762 sections 36a-50 and 36a-52.

1763 Sec. 36. Subsection (a) of section 36a-805 of the general statutes is  
1764 repealed and the following is substituted in lieu thereof (*Effective from*  
1765 *passage*):

1766 (a) No consumer collection agency shall: (1) Furnish legal advice or  
1767 perform legal services or represent that it is competent to do so, or  
1768 institute judicial proceedings on behalf of others; (2) communicate with  
1769 consumer debtors or property tax debtors in the name of an attorney  
1770 or upon the stationery of an attorney, or prepare any forms or  
1771 instruments which only attorneys are authorized to prepare; (3) receive  
1772 assignments as a third party of claims for the purpose of collection or  
1773 institute suit thereon in any court; (4) assume authority on behalf of a  
1774 creditor to employ or terminate the services of an attorney unless such  
1775 creditor has authorized such agency in writing to act as such creditor's  
1776 agent in the selection of an attorney to collect the creditor's accounts;  
1777 (5) demand or obtain in any manner a share of the proper  
1778 compensation for services performed by an attorney in collecting a  
1779 claim, whether or not such agency has previously attempted collection  
1780 thereof; (6) solicit claims for collection under an ambiguous or  
1781 deceptive contract; (7) refuse to return any claim or claims upon  
1782 written request of the creditor, claimant or forwarder, which claims are  
1783 not in the process of collection after the tender of such amounts, if any,  
1784 as may be due and owing to the agency; (8) advertise or threaten to  
1785 advertise for sale any claim as a means of forcing payment thereof,

1786 unless such agency is acting as the assignee for the benefit of creditors;  
1787 (9) refuse or fail to account for and remit to its clients all money  
1788 collected which is not in dispute within sixty days from the last day of  
1789 the month in which said money is collected; (10) refuse or intentionally  
1790 fail to return to the creditor all valuable papers deposited with a claim  
1791 when such claim is returned; (11) refuse or fail to furnish at intervals of  
1792 not less than ninety days, upon the written request of the creditor,  
1793 claimant or forwarder, a written report upon claims received from  
1794 such creditor, claimant or forwarder; (12) add any post charge-off  
1795 charge or fee for cost of collection, unless such cost is a court cost, to  
1796 the amount of any claim which it receives for collection or knowingly  
1797 accept for collection any claim to which any such charge or fee has  
1798 already been added to the amount of the claim unless (A) the  
1799 consumer debtor is legally liable for such charge or fee as determined  
1800 by the contract or other evidence of an agreement between the  
1801 consumer debtor and creditor, a copy of which shall be obtained by or  
1802 available to the consumer collection agency from the creditor and  
1803 maintained as part of the records of the consumer collection agency or  
1804 the creditor, or both, and (B) the total charge or fee for cost of collection  
1805 does not exceed fifteen per cent of the total amount actually collected  
1806 and accepted as payment in full satisfaction of the debt; (13) use or  
1807 attempt to use or make reference to the term "bonded by the state of  
1808 Connecticut", "bonded" or "bonded collection agency" or any  
1809 combination of such terms or words, except that the word "bonded"  
1810 may be used on the stationery of any such agency in type not larger  
1811 than twelve-point; (14) when the debt is beyond the statute of  
1812 limitations, fail to provide the following disclosure in type not less  
1813 than ten-point informing the consumer debtor in its initial  
1814 communication with such consumer debtor that (A) when collecting  
1815 on debt that is not past the date for obsolescence provided for in  
1816 Section 605(a) of the Fair Credit Reporting Act, 15 USC 1681c: "The law  
1817 limits how long you can be sued on a debt. Because of the age of your  
1818 debt, (INSERT OWNER NAME) will not sue you for it. If you do not  
1819 pay the debt, (INSERT OWNER NAME) may report or continue to  
1820 report it to the credit reporting agencies as unpaid"; and (B) when

1821 collecting on debt that is past the date for obsolescence provided for in  
 1822 Section 605(a) of the Fair Credit Reporting Act, 15 USC 1681c: "The law  
 1823 limits how long you can be sued on a debt. Because of the age of your  
 1824 debt, (INSERT OWNER NAME) will not sue you for it and (INSERT  
 1825 OWNER NAME) will not report it to any credit reporting agencies."; or  
 1826 (15) engage in any activities prohibited by sections 36a-800 to [36a-810]  
 1827 36a-812, inclusive, as amended by this act.

1828 Sec. 37. Section 36a-810 of the general statutes is repealed and the  
 1829 following is substituted in lieu thereof (*Effective from passage*):

1830 Any person who operates a consumer collection agency without a  
 1831 license as required by sections 36a-800 to [36a-810] 36a-812, inclusive,  
 1832 as amended by this act, shall be fined not more than one thousand  
 1833 dollars or imprisoned not more than one year, or both. Any person  
 1834 who violates any other provision of said sections shall be fined not  
 1835 more than five hundred dollars, or imprisoned not more than six  
 1836 months, or both. The state's attorney or assistant state's attorney for the  
 1837 superior court having jurisdiction in each town shall diligently inquire  
 1838 and make due complaint to the court of all violations of said sections  
 1839 which come to his knowledge, by investigation of report.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	36a-675
Sec. 2	October 1, 2015	36a-676
Sec. 3	October 1, 2015	36a-677
Sec. 4	October 1, 2015	36a-678
Sec. 5	October 1, 2015	36a-679
Sec. 6	October 1, 2015	36a-680
Sec. 7	October 1, 2015	36a-681
Sec. 8	October 1, 2015	36a-682
Sec. 9	October 1, 2015	36a-683
Sec. 10	October 1, 2015	36a-684
Sec. 11	October 1, 2015	New section
Sec. 12	October 1, 2015	36a-3
Sec. 13	October 1, 2015	36a-555

Sec. 14	October 1, 2015	42-133c(a)
Sec. 15	October 1, 2015	42-133d
Sec. 16	October 1, 2015	36a-746a
Sec. 17	October 1, 2015	36a-760(a)
Sec. 18	October 1, 2015	36a-563(b)
Sec. 19	October 1, 2015	36a-690
Sec. 20	October 1, 2015	36a-770(c)(13)
Sec. 21	October 1, 2015	36a-771(b)
Sec. 22	October 1, 2015	36a-772(c)
Sec. 23	October 1, 2015	36a-774
Sec. 24	October 1, 2015	36a-440b(a)
Sec. 25	October 1, 2015	36a-82(c)
Sec. 26	October 1, 2015	36a-86(a)
Sec. 27	<i>from passage</i>	36a-170
Sec. 28	<i>from passage</i>	36a-185(c)
Sec. 29	<i>from passage</i>	36a-492
Sec. 30	<i>from passage</i>	36a-487(d)
Sec. 31	<i>from passage</i>	36a-59(b)
Sec. 32	<i>from passage</i>	36a-412(a)(4)(A)
Sec. 33	<i>from passage</i>	36a-800
Sec. 34	<i>from passage</i>	36a-801
Sec. 35	<i>from passage</i>	36a-804
Sec. 36	<i>from passage</i>	36a-805(a)
Sec. 37	<i>from passage</i>	36a-810

**BA**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

The bill makes various technical and clarifying changes to the banking statutes that do not have a fiscal impact.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis****sSB 924*****AN ACT CONCERNING REVISIONS TO VARIOUS CONNECTICUT BANKING STATUTES.*****SUMMARY:**

This bill makes numerous unrelated changes to various banking statutes. Among other things, it:

1. makes several revisions to the Connecticut Truth-in-Lending Act to make it substantially similar to the federal Truth-in-Lending Act (TILA) and related regulations;
2. expands the Banking Commissioner's enforcement authority by giving him the authority to impose a civil penalty provided in federal law on creditors who violate certain federal requirements;
3. eliminates the requirement for Connecticut credit unions to file annual financial and statistical reports with the commissioner;
4. allows a Connecticut bank or savings and loan association that applies for a name-change to meet certain mailing requirements by using any method of mailing that provides a signature as proof of delivery;
5. establishes a deadline by which a Connecticut bank must file its annual audit with the commissioner;
6. eliminates statutory provisions related to "home banking services" and replaces them with provisions related to "virtual banking;"
7. makes bank or holding company acquisition approval

requirements that pertain to anti-money laundering laws and regulations applicable only to the extent that the acquiring entity is subject to such laws and regulations;

8. changes the look-back period a mortgage lender, mortgage correspondent lender, mortgage broker, and exempt registrants must use to calculate and confirm bonding requirements; and
9. makes technical changes to the consumer collection agency statutes to incorporate, by reference throughout, the sections previously enacted by PA 13-253 that (a) added new fund management and recordkeeping requirements and (b) require compliance with the federal Fair Debt Collection Practices Act.

The bill also makes other technical and conforming changes.

EFFECTIVE DATE: Various; see section-by-section analysis below.

### **§§ 1-23 – CONNECTICUT TRUTH-IN-LENDING ACT**

By law, Connecticut is exempt from the credit transactions and credit billing provisions of the federal TILA because, as required by federal law, the Connecticut Truth-in-Lending Act requirements are substantially similar to the federal TILA requirements, and there are adequate provisions for enforcement in Connecticut Law (15 USC §§ 1633 & 1666j). The bill makes several revisions to the Connecticut Truth-in-Lending Act to incorporate required substantive provisions of the federal TILA and related regulations. Among other things, it:

1. refers to definitions in federal law;
2. requires compliance with other federal laws, such as the Real Estate Settlement Procedures Act;
3. requires creditors to use disclosure terms and forms required under the Connecticut Truth-in-Lending Act and relieves them from liability under any inconsistent state statute;
4. requires compliance with other Connecticut state laws

- regarding high-cost mortgages, but specifies that the provisions of the federal TILA prevail if there are any inconsistencies;
5. specifies that the Connecticut Truth-in-Lending Act and related regulations do not affect the validity or enforceability of any contract or obligation under state or federal law;
  6. specifies that the federal TILA supersedes state laws related to the disclosure of information on credit and charge cards, except for state laws established to enforce such disclosure requirements;
  7. subjects mortgage originators to federal requirements and penalties;
  8. gives the commissioner further discretion in carrying out enforcement activities against a creditor who made an inaccurate disclosure about annual percentage rates or finance charges; and
  9. provides a creditor immunity from liability for disclosure errors and penalties for false and inaccurate statements made in reliance on the validity of (a) the commissioner's advisory opinions, final decisions, or orders; (b) a Consumer Financial Protection Bureau interpretation; or (c) the Consumer Credit Protection Act or the interpretation or approval of the Federal Reserve System's officials and employees.

The bill also expands the commissioner's existing enforcement authority under the Connecticut Truth-in-Lending Act by giving him the authority to impose penalties on creditors who violate certain federal requirements. Under federal law, a creditor who extends credit or provides any service for a credit transaction that is secured by a consumer's principal dwelling may not engage in any act or practice that violates the independence of the property's appraisal (15 USC § 1639e). Under the bill, in addition to any other applicable penalty, the commissioner may impose a civil penalty on a creditor who willfully

violates this provision. The federal penalty for the first violation is a fine up to \$10,000 for each day the violation continues. The amount increases to \$20,000 for subsequent violations (15 USC § 1639e(k)).

By law, a creditor may not extend credit in the form of a “higher-risk mortgage” to any consumer without first obtaining a written appraisal of the property (see BACKGROUND). Such appraisal must meet specific requirements. Under the bill, violators are liable to the applicant or borrower for \$2,000 in addition to any other applicable federal penalties (15 USC § 1639h).

The bill also makes various technical and conforming changes to related statutes.

EFFECTIVE DATE: October 1, 2015

## **§§ 24-28 – FINANCIAL INSTITUTIONS**

### **§ 24 – *Financial Statistical Reports (Connecticut Credit Unions)***

The bill eliminates the requirement for Connecticut credit unions to file annual financial and statistical reports with the commissioner. Instead, it requires that they do so with the National Credit Union Administration as required by federal regulation (12 CFR § 741.6). By law, failure to do so still results in paying a fine to the state.

### **§ 25 – *Name Change (Connecticut Banks and Savings and Loan Associations)***

By law, a Connecticut bank or savings and loan association may apply to the commissioner for permission to change its name. The commissioner must publish the application in the department’s weekly bulletin with a notice of the deadline for written objections.

Under existing law, at least 10 days before the deadline for objections, the applicant must mail a copy of the application and the deadline notice by registered or certified mail, return receipt requested, to each bank or out of state bank that has its main office or a branch in the town or towns where the applicant has its main office or a branch. The bill allows the applicant to meet the mailing requirement

by using any method of mailing that provides a signature as proof of delivery.

### **§ 26 – Annual Audit Filing (Connecticut Banks)**

By law, each Connecticut bank must have an annual audit or examination by a certified public accountant or other public accountant selected by its governing board or an authorized committee.

Existing law requires the bank to (1) keep a copy of the audit on file and (2) file a copy with the commissioner. The bill establishes a deadline by which the copy of the audit must be filed with the commissioner. Under the bill, unless the commissioner extends the deadline for good cause, the bank is required to file the audit with the commissioner no later than (1) the date the bank is required to file with the federal banking regulator or (2) 120 days after the close of the bank's fiscal year.

### **§ 27 – Virtual Banking**

The bill eliminates statutory provisions related to “home banking services” and replaces them with provisions related to “virtual banking.”

Under current law, “home banking services” means the electronic transfer of funds or information, or the performance of other permissible banking services or transactions for a customer, by means of a home banking terminal (e.g., a computer terminal or television).

The bill defines “virtual banking” as the provision of banking services by any bank, out-of-state bank, or Connecticut or federal credit union that are made available to customers through telecommunication or accessed by the Internet. Under the bill, the means by which a customer engages in virtual banking, include television, telephone, fax, or computer. For virtual banking purposes, these means are not equivalent to an automatic teller machine, satellite device, branch, or office.

The bill establishes that any electronic funds transfer initiated through virtual banking is subject to the federal Electronic Funds Transfer Act, as is the case for home banking services under current law.

### **§ 28 – Acquisition Approval**

Under existing law, the commissioner may not approve the acquisition of a bank or holding company if the acquiring person (1) has anti-money laundering policies that are inadequate or (2) does not have a record of compliance with anti-money laundering laws. Under the bill, this applies only to the extent that the acquiring person is subject to anti-money laundering laws and regulations.

EFFECTIVE DATE: October 1, 2015, except the sections on virtual banking and acquisition approval are effective upon passage.

## **§§ 29 & 30 MORTGAGE BONDS**

### **§ 30 – Exempt Registrants’ Registration Approval**

By law, banks, credit unions, and some of their wholly owned and operating subsidiaries are exempt from mortgage lender, mortgage correspondent lender, or mortgage broker licensure requirements.

Under existing law, any person exempt from licensure may register on the Nationwide Mortgage Licensing System (NMLS) as an exempt registrant to sponsor a mortgage loan originator, loan processor, or underwriter. Under the bill, the commissioner’s approval of such registration is an approval to use NMLS for sponsoring and bonding, not an approval of exempt status.

The law, unchanged by the bill, authorizes the commissioner to use NMLS for all financial services industry licensing and registration.

### **§ 29 – Bonding Requirements**

By law, mortgage lenders, mortgage correspondent lenders, mortgage brokers, and exempt registrants must file with the commissioner a single surety bond written by a surety authorized to do business in the state. The penal sum of the bond is a specified

amount for each of these types of entities.

Existing law requires the principal on a bond to (1) confirm annually, by September 1st each year, that it maintains the required penal sum and (2) file the information with the commissioner by September 1st each year or by a date the commissioner sets. The bill eliminates the requirement that the annual bonding confirmation be completed by September 1st each year. It requires instead that the confirmation be completed (1) in connection with any renewal request and (2) after reviewing the preceding four quarters ending June 30th. It also eliminates the requirement that the principal file the information by September 1st, but maintains the requirement that they do so as the commissioner requires.

Under existing law, the penal sum of the required bond for each mortgage lender, mortgage correspondent lender, mortgage broker, or exempt registrant is determined by the aggregate dollar amount of the residential mortgage loans originated at its licensed locations during the 12 month-period ending on July 31st of the current year. The bill requires instead that the look-back period be the preceding four quarters ending June 30th.

EFFECTIVE DATE: Upon passage

### **§§ 31-37 – CONSUMER COLLECTION AGENCIES**

The bill makes technical changes to the consumer collection agency statutes to incorporate, by reference throughout, the sections of the general statutes (CGS § 36a-811 & 812) enacted by PA 13-253 that (1) added new fund management and recordkeeping requirements and (2) require agencies to comply with the federal Fair Debt Collection Practices Act.

***Fund Management and Recordkeeping.*** Under this section of the statute, each consumer collection agency must maintain its consumer debtor and creditor records for at least two years (1) after the final entry date or (2) if the agency collects child support, after the last payment date.

The records must clearly identify all consumer debtors' payment amounts and dates and remittances made to creditors. Agencies collecting child support must also keep originals or copies of the agreements they entered into with creditors owed the child support. These accounting records must follow generally accepted accounting practices and be made available to the banking commissioner.

Each third party consumer collection agency must deposit funds it collects on behalf of others in one or more trust accounts at a Connecticut financial institution (e.g., bank or credit union). The accounts must be reconciled monthly and cannot be comingled with the agency's funds or used by the agency to conduct business. These accounts may be used only to (1) deposit funds received from consumer debtors (using generally accepted accounting practices), (2) pay these funds to creditors, (3) refund overpayments to consumer debtors, and (4) pay consumer collection agency fees monthly. By law, any withdrawal from the account, other than for these specified reasons, must be reimbursed by the consumer collection agency within 30 days after the withdrawal (CGS § 36a- 811, PA 13-253 § 24).

***Fair Debt Collection Practices Act.*** Under this section of the statute, each consumer collection agency must comply with the federal Fair Debt Collection Practices Act, and the commissioner may take enforcement actions against violators (CGS § 36a-812, PA 13-253 § 25).

EFFECTIVE DATE: Upon passage

## **BACKGROUND**

### ***Higher-Risk Mortgage***

A “higher-risk mortgage” is a residential mortgage loan (other than a reverse mortgage loan that is a qualified mortgage) secured by a principal dwelling, that among other things has an annual percentage rate exceeding the average prime offer rate, by certain set percentage points, for a comparable transaction (15 USC § 1639h(f)).

## **COMMITTEE ACTION**

Banking Committee

Joint Favorable Substitute

Yea 17 Nay 0 (03/05/2015)