



General Assembly

January Session, 2015

Committee Bill No. 317

LCO No. 3593



Referred to Committee on BANKING

Introduced by:
(BA)

AN ACT CONCERNING ATTORNEYS' FEES PROVISIONS IN DEPOSITORY CONTRACTS.

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

1 Section 1. Section 42-150bb of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) As used in this section (1) "commercial party" means a seller,
4 creditor or lessor, an assignee of such seller, creditor or lessor, or any
5 bank or other entity that accepts and holds deposits from consumers;
6 and (2) "consumer" means a buyer, debtor or lessee, a personal
7 representative of such buyer, debtor or lessee, or any customer making
8 deposits at any bank or other entity that accepts and holds deposits
9 from such consumers.

10 (b) Whenever any contract or lease entered into on or after October
11 1, 1979, to which a consumer is a party, provides for the attorney's fee
12 of the commercial party to be paid by the consumer, an attorney's fee
13 shall be awarded as a matter of law to the consumer who successfully
14 prosecutes or defends an action or a counterclaim based upon the
15 contract or lease. Except as hereinafter provided, the size of the

16 attorney's fee awarded to the consumer shall be based as far as
17 practicable upon the terms governing the size of the fee for the
18 commercial party. No attorney's fee shall be awarded to a commercial
19 party who is represented by its salaried employee. In any action in
20 which the consumer is entitled to an attorney's fee under this section
21 and in which the commercial party is represented by its salaried
22 employee, the attorney's fee awarded to the consumer shall be in a
23 reasonable amount regardless of the size of the fee provided in the
24 contract or lease for either party. [For the purposes of this section,
25 "commercial party" means the seller, creditor, lessor or assignee of any
26 of them, and "consumer" means the buyer, debtor, lessee or personal
27 representative of any of them.] No bank or other entity that accepts
28 and holds deposits from consumers shall include a clause in its
29 consumer contract allowing for such bank or other entity to collect
30 attorneys' fees from its customers if such bank or other entity prevails
31 in a claim brought by consumers based on the consumer contract.

32 (c) The provisions of this section shall apply only to (1) consumer
33 contracts, including, but not limited to, any written contract for any
34 depository account, in which the money, property or service which is
35 the subject of the transaction is primarily for personal, family or
36 household purposes, or (2) leases in which the money, property or
37 service which is the subject of the transaction is primarily for personal,
38 family or household purposes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	42-150bb

Statement of Purpose:

To prohibit any bank or other entity that accepts and holds deposits from claiming, and being awarded attorneys' fees, if they prevail in a claim brought by their customers over issues covered by the parties' consumer contract.

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

Co-Sponsors: SEN. BARTOLOMEO, 13th Dist.

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