



General Assembly

January Session, 2015

**Committee Bill No. 320**

LCO No. 3595



Referred to Committee on BANKING

Introduced by:  
(BA)

***AN ACT CONCERNING LIABILITY FOR ANY LOSS OF ASSETS HELD BY BANKS OR OTHER ENTITIES.***

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

1 Section 1. Section 42-151 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 The following definitions shall apply in this chapter:

4 (a) A "consumer" is an individual who borrows, leases, buys or  
5 obtains money, property or services under a written agreement,  
6 including any individual making deposits to any bank or other entity  
7 that accepts and holds deposits.

8 (b) A written agreement is a "consumer contract," if:

9 (1) A consumer enters into the agreement primarily for personal,  
10 family or household purposes; and

11 (2) The agreement is one in which the consumer: (A) Borrows up to  
12 twenty-five thousand dollars or receives up to twenty-five thousand  
13 dollars in credit from a person who lends money or extends credit in

14 the ordinary course of business; or (B) agrees to pay up to twenty-five  
15 thousand dollars to buy or lease personal property or services from a  
16 person who is acting in the ordinary course of business; or (C) leases  
17 any residential dwelling; or (D) makes deposits to an account at any  
18 bank, Connecticut credit union or federal credit union.

19 (c) A "commercial party" is a seller, creditor or lessor, or an assignee  
20 of such seller, creditor or lessor, or any bank or other entity that  
21 accepts and holds deposits from consumers.

22 Sec. 2. Section 42-154 of the general statutes is repealed and the  
23 following is substituted in lieu thereof (*Effective October 1, 2015*):

24 (a) Any [creditor, seller or lessor which] commercial party that fails  
25 to comply with section 42-152 shall be liable to a consumer who is a  
26 party to the consumer contract for statutory damages of one hundred  
27 dollars plus, at the discretion of the court, an attorney's fee not to  
28 exceed one hundred dollars.

29 (b) Any bank or other entity that accepts and holds deposits from  
30 consumers is prohibited from including a clause in its depository  
31 contract that allows for such bank or other entity to hold a consumer  
32 liable for its losses, costs or other expenses prior to adjudication of the  
33 rights of the parties.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	42-151
Sec. 2	<i>October 1, 2015</i>	42-154

**Statement of Purpose:**

To prevent consumers of banks and other entities holding their deposits from being exposed to loss of assets held by such banks and other entities prior to adjudication of the respective rights of the parties.

*[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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