

**Proposed Substitute  
Bill No. 924**

LCO No. 4480

**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 Section 36a-675 of the general statutes is repealed and the  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 Section 36a-676 of the general statutes is repealed and the  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)] (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        [(l) (1) Subject to the limitation contained in subdivision (2) of this  
505 subsection, a]

506        (g) A card issuer who has issued a credit card to a cardholder

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

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

541 this subdivision, in the order in which each debit entry to the account  
542 was made.

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

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

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

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

559 [(n)] (j) In the case of any consumer credit transaction subject to the  
560 provisions of [sections 36a-675 to 36a-685, inclusive,] the Connecticut  
561 Truth-in-Lending Act that is consummated before September 30, 1995,  
562 the civil, administrative and criminal liability of a creditor or any  
563 assignee of a creditor under [sections 36a-675 to 36a-685, inclusive,]  
564 said act and a consumer's extended rescission rights under subdivision  
565 [(3)] (2) of subsection [(j)] (e) of this section, shall be limited to the  
566 extent provided in and subject to the exceptions contained in [Section  
567 139 of the Consumer Credit Protection Act (15 USC 1649)] 15 USC  
568 1649, as amended from time to time.

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

571 (a) [Compliance with] The commissioner shall enforce the  
572 requirements of sections 36a-567, 36a-568, [and 36a-675 to 36a-685,  
573 inclusive] the Connecticut Truth-in-Lending Act, subdivision (13) of  
574 subsection (c) of section 36a-770, as amended by this act, and sections  
575 36a-771, as amended by this act, 36a-774, as amended by this act, and  
576 36a-777. [shall be enforced by the commissioner and the] The  
577 commissioner shall, in addition to other powers granted by said  
578 sections or by other provisions of law, receive and act on complaints,  
579 take action designed to obtain voluntary compliance with said sections  
580 or commence proceedings on the commissioner's own initiative  
581 pursuant to sections 36a-50 to 36a-53, inclusive.

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

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

599 (d) (1) In carrying out enforcement activities under this section, the  
600 commissioner, in cases where an annual percentage rate or finance  
601 charge was inaccurately disclosed, shall notify the creditor of such  
602 disclosure error and may require the creditor to make an adjustment to  
603 the account of the person to whom credit was extended, to assure that

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

633 (2) The commissioner shall require such an adjustment when the  
634 commissioner determines that such disclosure error resulted from a  
635 clear and consistent pattern or practice of violations, from gross  
636 negligence, or from a wilful violation which was intended to mislead  
637 the person to whom the credit was extended. Notwithstanding the

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

668 (3) Notwithstanding subdivision (2) of this subsection, no  
669 adjustment shall be ordered: (A) If it would have a significantly  
670 adverse impact upon the safety or soundness of the creditor, but in any  
671 such case, the commissioner may require a partial adjustment in an

672 amount which does not have such an impact except that with respect  
673 to any transaction consummated after May 18, 1981, the commissioner  
674 shall require the full adjustment, but permit the creditor to make the  
675 required adjustment in partial payments over an extended period of  
676 time which the commissioner considers to be reasonable, if the  
677 commissioner determines that a partial adjustment or making partial  
678 adjustments over an extended period is necessary to avoid causing the  
679 creditor to become undercapitalized pursuant to 12 USC 1831o, as  
680 amended from time to time, (B) if the amount of the adjustment would  
681 be less than one dollar, except that if more than one year has elapsed  
682 since the date of the violation, the commissioner may require that such  
683 amount be paid to the commissioner, or (C) except where such  
684 disclosure error resulted from a wilful violation which was intended to  
685 mislead the person to whom credit was extended, in the case of an  
686 open-end credit plan, more than two years after the violation, or in the  
687 case of any other extension of credit, as follows: (i) With respect to  
688 creditors that have been examined by the commissioner, except in  
689 connection with violations arising from practices identified in the  
690 current examination and only in connection with transactions that are  
691 consummated after the date of the immediately preceding  
692 examination, except that where practices giving rise to violations  
693 identified in earlier examinations have not been corrected, adjustments  
694 for those violations shall be required in connection with transactions  
695 consummated after the date of the examination in which such practices  
696 were first identified; (ii) with respect to creditors that have not been  
697 examined by the commissioner, except in connection with transactions  
698 that are consummated after May 10, 1978; and (iii) in no event after the  
699 later of (I) the expiration of the life of the credit extension, or (II) two  
700 years after the agreement to extend credit was consummated.

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

706 written request for a hearing. The hearing shall be held in accordance  
707 with the provisions of chapter 54.

708 (5) Except as otherwise specifically provided in this subsection and  
709 notwithstanding any other provision of law, the commissioner may  
710 not require a creditor to make dollar adjustments for errors in any  
711 requirements under the Consumer Credit Protection Act, [(15 USC  
712 1601 et seq.),] except with regard to the requirements of [Section 165 of  
713 the Consumer Credit Protection Act (15 USC 1666d)] 15 USC 1666d, as  
714 amended from time to time.

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

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

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

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

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

- T1 "Account". Sections 36a-155 and 36a-365.
- 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, as amended by this act.
- T10 "Annual percentage rate". Section 36a-690, as amended by this act.
- T11 "Annual percentage yield". Section 36a-316.
- T12 "Annuities". Section 36a-455a.
- T13 "Applicant". Section 36a-736.
- T14 "APR". Section 36a-746a, as amended by this act.
- 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, as amended by  
T26 this act, 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, as amended by this act.
- 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, as amended by this act.
- 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, as amended by this act.
- T105 "Fiduciary". Section 36a-365.
- T106 "Filing fee". Section 36a-770, as amended by this act.
- 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.

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

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

765 when making residential mortgage loans, as defined in section 36a-485,  
766 or (I) a licensed pawnbroker.

767 Sec. 14. Subsection (a) of section 42-133c of the general statutes is  
768 repealed and the following is substituted in lieu thereof (*Effective*  
769 *October 1, 2015*):

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

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

794 The creditor of any account under an open-end credit plan, as  
795 defined in [subdivision (8) of subsection (a) of section 36a-676] 15 USC  
796 1602, as amended from time to time, on which interest aggregating ten

797 dollars or more has been imposed in any calendar year, shall furnish to  
798 the obligor of such account, on or before January thirty-first of the  
799 following year, a statement of the interest charges so imposed and the  
800 aggregate amount paid by such obligor.

801 Sec. 16. Section 36a-746a of the general statutes is repealed and the  
802 following is substituted in lieu thereof (*Effective October 1, 2015*):

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

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

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

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

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

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

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

831 (C) In which the loan is secured by a mortgage upon any interest in  
832 one-to-four family residential property, as defined in section 36a-485,  
833 located in this state that is, or, when the loan is made, is intended to be  
834 used or occupied by the borrower as a principal residence; and

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

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

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

851 (7) "Prepaid finance charge" means any finance charge determined  
852 in accordance with 12 CFR 1026.4, as amended from time to time, that  
853 is paid separately in cash or by check before or at consummation of a  
854 loan or extension of credit or withheld from the proceeds of such  
855 transaction at any time, except the term includes any fees or  
856 commissions payable to the lender or broker in connection with the  
857 sale of credit life, accident, health, disability or unemployment  
858 insurance products or unrelated goods or services sold in conjunction

859 with the loan or extension of credit when the cost of such insurance  
860 products or goods or services is prepaid with the proceeds of the loan  
861 or extension of credit and financed as part of the principal amount of  
862 the loan or extension of credit, and excludes premiums, fees and any  
863 other amounts paid to a governmental agency, any amounts required  
864 to be escrowed by a governmental agency and interim interest.

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

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

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

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

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

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

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

889 originator, as defined in section 36a-485;

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

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

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

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

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

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

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

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

918 [(i) The difference, at the time of consummation, between the APR  
919 for the loan and the conventional mortgage rate is either equal to or  
920 greater than (I) one and three-quarters percentage points, if the loan is  
921 a first mortgage loan, or (II) three and three-quarters percentage  
922 points, if the loan is a secondary mortgage loan. For purposes of such  
923 calculation, "conventional mortgage rate" means the most recent  
924 contract interest rate on commitments for fixed-rate mortgages  
925 published by the Board of Governors of the Federal Reserve System in  
926 its statistical release H.15, or any publication that may supersede it,  
927 during the week preceding the week in which the interest rate for the  
928 loan is set. For purposes of determining the beginning of each weekly  
929 period, the first day of each week shall be the effective date for the  
930 applicable prime offer rate, as of the date the interest rate is set, as  
931 determined in accordance with subparagraph (F)(ii) of this  
932 subdivision.]

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

944 [(iii)] (ii) The commissioner shall have the authority, after  
945 consideration of the relevant factors, to increase the percentages set  
946 forth in [clauses (i) and (ii) of this subparagraph] subparagraph (F)(i)  
947 of this subdivision. For purposes of this clause, the relevant factors to  
948 be considered by the commissioner shall include, but not be limited to,  
949 the existence and amount of increases in fees or charges in connection  
950 with purchases of mortgages by the Federal National Mortgage  
951 Association or the Federal Home Loan Mortgage Corporation and

952 increases in fees or charges imposed by mortgage insurers and the  
953 impact, including the magnitude of the impact, that such increases  
954 have had, or will likely have, on APRs for mortgage loans in this state.  
955 When considering such factors, the commissioner shall focus on those  
956 increases that are related to the deterioration in the housing market  
957 and credit conditions. The commissioner may refrain from increasing  
958 such percentages if it appears that lenders are increasing interest rates  
959 or fees in bad faith or if increasing the percentages would be contrary  
960 to the purposes of sections 36a-760 to 36a-760f, inclusive, as amended  
961 by this act. No increase authorized by the commissioner to a particular  
962 percentage shall exceed one-quarter of one percentage point, and the  
963 total of all increases to a particular percentage under this clause shall  
964 not exceed one-half of one percentage point. No increase shall be made  
965 unless: (I) The increase is noticed in the Banking Department Bulletin  
966 and the Connecticut Law Journal, and (II) a public comment period of  
967 twenty days is provided. Any increase made under this clause shall be  
968 reduced proportionately when the need for the increase has  
969 diminished or no longer exists. The commissioner, in the exercise of his  
970 discretion, may authorize an increase in the percentages with respect  
971 to all loans or just with respect to a certain class or classes of loans;

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

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

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

988 (b) For the purpose of computations, whether at the maximum rate  
989 or less, a month shall be that period of time from any date in one  
990 month to the corresponding date in the next month, but if there is no  
991 such corresponding date, then to the last day of the next month, and a  
992 day shall be considered one-thirtieth of a month when such  
993 computation is made for a fraction of a month. For loans originally  
994 scheduled to be repaid over a period of forty-eight months and fifteen  
995 days or less, the portion of the charges applicable to any particular  
996 monthly installment period, as originally scheduled or following a  
997 deferment, shall bear the same ratio to the total charges, excluding any  
998 adjustment made under subsection (c) of this section, as the balance  
999 scheduled to be outstanding during that monthly period bears to the  
1000 sum of all the monthly balances scheduled originally by the contract of  
1001 loan. For loans originally scheduled to be repaid over a period in  
1002 excess of forty-eight months and fifteen days, the portion of the  
1003 charges applicable to any particular monthly installment period, as  
1004 originally scheduled or following a deferment, shall be the charges  
1005 which would be incurred for that monthly installment period if the  
1006 annual percentage rate disclosed to the borrower pursuant to sections  
1007 36a-675 to 36a-685, inclusive, as amended by this act, and section 11 of  
1008 this act were charged, by the actuarial method, on the disclosed  
1009 amount financed and all payments were made according to schedule.

1010 Sec. 19. Section 36a-690 of the general statutes is repealed and the  
1011 following is substituted in lieu thereof (*Effective October 1, 2015*):

1012 (a) As used in this section:

1013 (1) "Amount financed" means the amount of credit a borrower will  
1014 actually be able to use as determined in accordance with sections 36a-  
1015 675 to 36a-685, inclusive, as amended by this act, and section 11 of this  
1016 act.

1017 (2) "Annual percentage rate" means the annual percentage rate of  
1018 finance charge determined in accordance with sections 36a-675 to 36a-  
1019 685, inclusive, as amended by this act, and section 11 of this act.

1020 (3) "Finance charge" means the cost of credit determined in  
1021 accordance with sections 36a-675 to 36a-685, inclusive, as amended by  
1022 this act, and section 11 of this act.

1023 (b) Except as provided in this section, no creditor shall use any  
1024 method of calculating interest rebates or finance charge rebates in any  
1025 transaction described in subsection (c) of this section which originated  
1026 on or after December 1, 1980, if such method would cause the actual  
1027 interest or finance charge earned for the period during which the  
1028 indebtedness is outstanding after deduction of an acquisition charge of  
1029 twenty-five dollars to exceed the finance charge which would be  
1030 earned if the annual percentage rate were calculated by the actuarial  
1031 method on the amount financed in accordance with the disclosed  
1032 schedule of payments. When such rebate is less than one dollar, no  
1033 rebate need be made.

1034 (c) Notwithstanding any section of the general statutes to the  
1035 contrary, this section shall apply to any transaction which is subject to  
1036 sections 36a-675 to 36a-685, inclusive, as amended by this act, and  
1037 section 11 of this act and which originated on or after December 1,  
1038 1980, but before October 1, 1987, if in such transaction: (1) The finance  
1039 charge is precomputed; (2) the annual percentage rate is greater than  
1040 fourteen per cent; and (3) the original term of the contract exceeds  
1041 forty-eight months and fifteen days; and to any such transaction which  
1042 originated on or after October 1, 1987, if in such transaction: (A) The  
1043 finance charge is precomputed; and (B) the original term of the  
1044 contract exceeds forty-eight months and fifteen days.

1045 Sec. 20. Subdivision (13) of subsection (c) of section 36a-770 of the  
1046 general statutes is repealed and the following is substituted in lieu  
1047 thereof (*Effective October 1, 2015*):

1048 (13) "Retail installment sale" means any sale evidenced by a retail

1049 installment contract or installment loan contract wherein a retail buyer  
1050 buys goods from a retail seller at a time sale price payable in two or  
1051 more installments. The cash price of the goods, the amount, if any,  
1052 included for other itemized charges which are included in the amount  
1053 of the credit extended but which are not part of the finance charge  
1054 under sections 36a-675 to 36a-685, inclusive, as amended by this act,  
1055 and section 11 of this act and the finance charge shall together  
1056 constitute the time sale price. For purposes of this subdivision, "retail  
1057 installment sale" does not include a rent-to-own agreement, as defined  
1058 in section 42-240.

1059 Sec. 21. Subsection (b) of section 36a-771 of the general statutes is  
1060 repealed and the following is substituted in lieu thereof (*Effective*  
1061 *October 1, 2015*):

1062 (b) Every retail installment contract for the purchase of consumer  
1063 goods subject to section 36a-774, as amended by this act, and this  
1064 section shall set forth the information required to be disclosed under  
1065 sections 36a-675 to 36a-685, inclusive, as amended by this act, and  
1066 section 11 of this act and the regulations thereunder, using the form,  
1067 content and terminology provided therein.

1068 Sec. 22. Subsection (c) of section 36a-772 of the general statutes is  
1069 repealed and the following is substituted in lieu thereof (*Effective*  
1070 *October 1, 2015*):

1071 (c) The finance charge under subsections (a) and (b) of this section  
1072 shall be computed on the principal amount financed as determined  
1073 under sections 36a-675 to 36a-685, inclusive, as amended by this act,  
1074 and section 11 of this act and the regulations adopted under said  
1075 sections. On contracts providing for installment payments extending  
1076 for a period which is less than or greater than one year, the finance  
1077 charge shall be computed proportionately. The finance charge may be  
1078 computed on the basis of a full month for any fractional month period  
1079 in excess of ten days. A minimum finance charge of fifteen dollars may  
1080 be charged on any retail installment contract in which the finance

1081 charge, when computed at the rates indicated, results in a total charge  
1082 of less than that amount. Nothing contained in sections 36a-770 to 36a-  
1083 788, inclusive, as amended by this act, 42-100b and 42-100c shall be  
1084 construed to prohibit the computation of the interest component of the  
1085 finance charge by application of an interest rate to the actual balance of  
1086 such principal amount financed as may be outstanding from time to  
1087 time.

1088 Sec. 23. Section 36a-774 of the general statutes is repealed and the  
1089 following is substituted in lieu thereof (*Effective October 1, 2015*):

1090 Every installment loan contract shall be in writing executed by the  
1091 retail buyer and a copy thereof shall be delivered to such retail buyer  
1092 at the time of the execution thereof. Within fifteen days after the  
1093 execution of such installment loan contract, the holder thereof shall  
1094 send or cause to be sent to the retail buyer a policy or policies or  
1095 certificates of insurance clearly setting forth the amount of the  
1096 premium, the kind or kinds of insurance and the scope of the coverage  
1097 and all of the terms, exceptions, limitations, restrictions and conditions  
1098 of the contract or contracts of the insurance. Every installment loan  
1099 contract for the purchase of consumer goods subject to section 36a-771,  
1100 as amended by this act, and this section shall set forth the information  
1101 required to be disclosed under sections 36a-675 to 36a-685, inclusive, as  
1102 amended by this act, and section 11 of this act and the regulations  
1103 thereunder, using the form, content and terminology provided therein.

1104 Sec. 24. Subsection (a) of section 36a-440b of the general statutes is  
1105 repealed and the following is substituted in lieu thereof (*Effective*  
1106 *October 1, 2015*):

1107 (a) A Connecticut credit union shall [submit a written report to the  
1108 commissioner annually on February first and August first and  
1109 otherwise as often as the commissioner deems necessary. The report  
1110 shall be in the form prescribed by the commissioner, list the assets and  
1111 liabilities of the Connecticut credit union and contain any other  
1112 information the commissioner may require. The Connecticut credit

1113 union shall also provide the commissioner with] file (1) financial and  
1114 statistical reports with the National Credit Union Administration or its  
1115 successor agency in accordance with and at such times as required by  
1116 12 CFR 741.6, as amended from time to time, and (2) such other reports  
1117 and information as may be required by the commissioner. Each  
1118 Connecticut credit union that fails to file any report or information  
1119 required by this section shall pay to the commissioner one hundred  
1120 dollars for each day that it fails to file such report or information.

1121 Sec. 25. Subsection (c) of section 36a-82 of the general statutes is  
1122 repealed and the following is substituted in lieu thereof (*Effective*  
1123 *October 1, 2015*):

1124 (c) Upon receiving such application, the commissioner shall cause  
1125 notice of its submission to be published in the department's weekly  
1126 bulletin. The notice shall state that written objections to such  
1127 application may be made, for a period of thirty days from the date of  
1128 publication of the bulletin, on the grounds that the name selected will  
1129 tend to confuse the public. At least ten days prior to the date by which  
1130 objections may be made, the applicant shall [mail] send a copy of the  
1131 application and a notice of the date by a means that provides a  
1132 signature as proof of delivery, including, but not limited to, registered  
1133 or certified mail, return receipt requested, to each bank or out-of-state  
1134 bank having its main office or a branch in the town or towns in which  
1135 the applicant has its main office or a branch.

1136 Sec. 26. Subsection (a) of section 36a-86 of the general statutes is  
1137 repealed and the following is substituted in lieu thereof (*Effective*  
1138 *October 1, 2015*):

1139 (a) The governing board of each Connecticut bank shall annually  
1140 procure an audit or examination by certified public accountants or  
1141 holders of certificates of authority as public accountants selected by  
1142 vote of the governing board or a duly authorized committee thereof,  
1143 and such accountants shall agree to provide related working papers,  
1144 policies and procedures to the commissioner, if requested. The

1145 accountants shall thoroughly examine the books, records, accounts and  
1146 affairs of such bank and submit a signed report of the audit or  
1147 examination showing the condition of the bank to the governing board  
1148 of such bank within a reasonable period of time following the  
1149 conclusion of the audit or examination. The signed report shall be kept  
1150 on file in such bank and a copy shall be filed with the commissioner  
1151 not later than the earlier of (1) one hundred twenty days following the  
1152 close of such bank's fiscal year, or (2) the date prescribed by federal  
1153 law for such bank to file such audit or examination with the applicable  
1154 federal banking regulator, unless the commissioner extends such  
1155 deadline for good cause shown. Members of the governing board of  
1156 such Connecticut bank shall not be personally liable for any loss  
1157 suffered by such bank through the wrongdoing or negligence of any  
1158 officer or employee, which wrongdoing or negligence should have  
1159 been discovered by the accountants in the performance of their duties,  
1160 provided such members shall have exercised due care to procure  
1161 thorough and substantial audits by the accountants.

1162       Sec. 27. Section 36a-170 of the general statutes is repealed and the  
1163 following is substituted in lieu thereof (*Effective from passage*):

1164       [(a) As used in this section, "home banking services" means the  
1165 electronic transfer of funds or information, or the performance of other  
1166 permissible banking services or transactions for a customer by means  
1167 of a home banking terminal; and "home banking terminal" means any  
1168 electronic home or office terminal, including, but not limited to, a  
1169 computer terminal, television, telephone, facsimile machine or other  
1170 electronic device, that is not accessible to the public and does not  
1171 accept deposits.

1172       (b) Any bank or out-of-state bank, and any Connecticut credit union  
1173 or federal credit union may provide home banking services to  
1174 customers.]

1175       (a) As used in this section, "virtual banking" means the provision of  
1176 banking services by any bank, out-of-state bank, Connecticut credit

1177 union or federal credit union pursuant to its charter that are made  
1178 available to a customer through telecommunication or by the customer  
1179 accessing the Internet.

1180 [(c)] (b) Any electronic transfer of funds [by means of a home  
1181 banking terminal authorized under this section] initiated through  
1182 virtual banking shall be subject to the Electronic Fund Transfer Act, 15  
1183 USC Section 1693, et seq., as amended from time to time, and  
1184 Regulation E, 12 CFR Part 205, as amended from time to time.

1185 [(d) Home banking terminals are not automated teller machines,  
1186 satellite devices, branches or offices for any purpose under this title.]

1187 (c) The means by which a customer accesses a telecommunication  
1188 system or the Internet to engage in virtual banking, including, but not  
1189 limited to, a television, telephone, facsimile or computer, shall not, in  
1190 and of itself, be deemed to be an automated teller machine, satellite  
1191 device, branch or office for any purpose under this title.

1192 Sec. 28. Subsection (c) of section 36a-185 of the general statutes is  
1193 repealed and the following is substituted in lieu thereof (*Effective from*  
1194 *passage*):

1195 (c) The commissioner shall disapprove such offer, invitation,  
1196 request, agreement or acquisition if: (1) It involves the acquisition of  
1197 the voting securities or securities convertible into voting securities of a  
1198 bank that has not been in existence and continuously operating for at  
1199 least five years, or a holding company, the subsidiary banks of which  
1200 have not been in existence and continuously operating for at least five  
1201 years, unless the commissioner waives this requirement; (2) the  
1202 acquiring person, including all insured depository institutions [which]  
1203 that are affiliates of the person, upon consummation of the acquisition,  
1204 would control thirty per cent or more of the total amount of deposits of  
1205 insured depository institutions in this state, unless the commissioner  
1206 permits a greater percentage of such deposits; (3) the commissioner  
1207 cannot make the findings required by section 36a-34; or (4) to the  
1208 extent the acquiring person is subject to anti-money-laundering laws

1209 and regulations, the programs, policies and procedures of the  
1210 acquiring person relating to anti-money-laundering activity are  
1211 inadequate, and the acquiring person does not have a record of  
1212 compliance with anti-money-laundering laws and regulations. In  
1213 making the determination to disapprove or not to disapprove such  
1214 offer, invitation, request, agreement or acquisition, the commissioner  
1215 shall consider whether: (A) The investment and lending policies of the  
1216 bank referred to in the acquisition statement are consistent with safe  
1217 and sound banking practices and will benefit the economy of this state;  
1218 (B) the services or proposed services of the bank referred to in the  
1219 acquisition statement are consistent with safe and sound banking  
1220 practices and will benefit the economy of this state; (C) the proposed  
1221 acquisition will not substantially lessen competition in the banking  
1222 industry of this state; and (D) the acquiring person, if such person  
1223 would be the beneficial owner of twenty-five per cent or more of any  
1224 class of voting securities of the bank or holding company referred to in  
1225 the acquisition statement, (i) has sufficient capital to ensure, and agrees  
1226 to ensure, that the bank referred to in the acquisition statement will  
1227 comply with applicable minimum capital requirements, and (ii) has  
1228 sufficient managerial resources to operate the bank or holding  
1229 company referred to in the acquisition statement in a safe and sound  
1230 manner.

1231 Sec. 29. Section 36a-492 of the general statutes is repealed and the  
1232 following is substituted in lieu thereof (*Effective from passage*):

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

1243 by such licensee.

1244 (2) Each mortgage loan originator licensee shall be covered by a  
1245 surety bond with a penal sum in an amount that reflects the dollar  
1246 amount of loans originated by such mortgage loan originator in  
1247 accordance with subsection (d) of this section, provided such coverage  
1248 shall be provided through a single surety bond filed with the  
1249 commissioner by the person who sponsors such mortgage loan  
1250 originator.

1251 (3) Effective October 1, 2011, (A) in the case of an exempt registrant  
1252 under subdivision (1), (2) or (3) of subsection (a) of section 36a-487: [  
1253 (i) the] (i) The surety bond shall cover all mortgage loan originators  
1254 sponsored by such exempt registrant and comply with the  
1255 requirements set forth in this section, and (ii) the penal sum of such  
1256 bond shall be in an amount determined in accordance with subsection  
1257 (d) of this section, provided the penal sum of the bond shall be not less  
1258 than one hundred thousand dollars; (B) in the case of an exempt  
1259 registrant under subsection (b) of section 36a-487: [  
1260 (i) the] (i) The surety bond shall cover all mortgage loan originators sponsored by  
1261 such exempt registrant and comply with the requirements set forth in  
1262 this section, and (ii) the penal sum of the bond shall be in an amount  
1263 determined in accordance with subsection (d) of this section, provided  
1264 the penal sum shall be not less than fifty thousand dollars; and (C) in  
1265 the case of an exempt registrant under subdivision (4) of subsection (a)  
1266 of section 36a-487, the surety bond shall cover all mortgage loan  
1267 originators sponsored by such exempt registrant and comply with the  
1268 requirements set forth in section 36a-671d.

1269 (4) (A) The principal on a bond required by subdivisions (1) and (2)  
1270 of this subsection shall annually confirm, in connection with any  
1271 renewal request, that it maintains the required penal sum in an  
1272 amount required by subsection (d) of this section [ . Not later than  
1273 September 1, 2011, and every September first thereafter, such] after  
1274 review of the preceding four quarter period ending June thirtieth. The  
1275 principal shall file such information as the commissioner may require

1276 under subsection (d) of this section and shall file, [not later than  
1277 September first of the applicable year, or on such other date] as the  
1278 commissioner may require, pursuant to subdivision (d) of this section,  
1279 any bond rider or endorsement to the surety bond on file with the  
1280 commissioner to reflect any changes necessary to maintain the surety  
1281 bond coverage required by this section.

1282 (B) Effective October 1, 2011, the principal on a bond required by  
1283 subdivision (3) of this [section] subsection shall annually confirm, in  
1284 connection with any renewal request, that it maintains the required  
1285 penal sum in an amount required by subsection (d) of this section [.  
1286 Not later than September 1, 2012, and every September first thereafter,  
1287 such] after review of the preceding four quarter period ending June  
1288 thirtieth. The principal shall file such information as the commissioner  
1289 may require under subsection (d) of this section and shall file, [not  
1290 later than September first of the applicable year, or on such other date]  
1291 as the commissioner may require pursuant to subdivision (d) of this  
1292 section, any bond rider or endorsement to the surety bond on file with  
1293 the commissioner to reflect any changes necessary to maintain the  
1294 surety bond coverage required by this section.

1295 (5) The commissioner may adopt regulations in accordance with  
1296 chapter 54 with respect to the requirements for such surety bonds.

1297 (b) The bond required by subsection (a) of this section shall be (1) in  
1298 a form approved by the Attorney General, and (2) conditioned upon  
1299 the mortgage lender, mortgage correspondent lender or mortgage  
1300 broker licensee and any mortgage loan originator licensee sponsored  
1301 by such mortgage lender, mortgage correspondent lender or mortgage  
1302 broker or, in the case of a mortgage loan originator licensee sponsored  
1303 after October 1, 2011, by an exempt registrant, upon such mortgage  
1304 loan originator licensee faithfully performing any and all written  
1305 agreements or commitments with or for the benefit of borrowers and  
1306 prospective borrowers, truly and faithfully accounting for all funds  
1307 received from a borrower or prospective borrower by the licensee in  
1308 the licensee's capacity as a mortgage lender, mortgage correspondent

1309 lender, mortgage broker or mortgage loan originator, and conducting  
1310 such mortgage business consistent with the provisions of sections 36a-  
1311 485 to 36a-498f, inclusive, 36a-534a and 36a-534b. Any borrower or  
1312 prospective borrower who may be damaged by failure to perform any  
1313 written agreements or commitments, or by the wrongful conversion of  
1314 funds paid by a borrower or prospective borrower to a licensee, may  
1315 proceed on such bond against the principal or surety thereon, or both,  
1316 to recover damages. Commencing August 1, 2009, any borrower or  
1317 prospective borrower who may be damaged by a mortgage lender,  
1318 mortgage correspondent lender, mortgage broker or mortgage loan  
1319 originator licensee's failure to satisfy a judgment against the licensee  
1320 arising from the making or brokering of a nonprime home loan, as  
1321 defined in section 36a-760, as amended by this act, may proceed on  
1322 such bond against the principal or surety thereon, or both, to recover  
1323 the amount of the judgment. The commissioner may proceed on such  
1324 bond against the principal or surety thereon, or both, to collect any  
1325 civil penalty imposed upon a licensee pursuant to subsection (a) of  
1326 section 36a-50 and any unpaid costs of examination of a licensee as  
1327 determined pursuant to section 36a-65. The proceeds of the bond, even  
1328 if commingled with other assets of the principal, shall be deemed by  
1329 operation of law to be held in trust for the benefit of such claimants  
1330 against the principal in the event of bankruptcy of the principal and  
1331 shall be immune from attachment by creditors and judgment creditors.  
1332 The bond shall run concurrently with the period of the license for the  
1333 main office and the aggregate liability under the bond shall not exceed  
1334 the penal sum of the bond. The principal shall notify the commissioner  
1335 of the commencement of an action on the bond. When an action is  
1336 commenced on a principal's bond, the commissioner may require the  
1337 filing of a new bond and immediately on recovery on any action on the  
1338 bond, the principal shall file a new bond.

1339 (c) The surety company shall have the right to cancel the bond at  
1340 any time by a written notice to the principal stating the date  
1341 cancellation shall take effect. Such notice shall be sent by certified mail  
1342 to the principal at least thirty days prior to the date of cancellation. A

1343 surety bond shall not be cancelled unless the surety company notifies  
1344 the commissioner in writing not less than thirty days prior to the  
1345 effective date of cancellation. After receipt of such notification from the  
1346 surety company, the commissioner shall give written notice to the  
1347 principal of the date such bond cancellation shall take effect and such  
1348 notice shall be deemed notice to each mortgage loan originator licensee  
1349 sponsored by such principal. The commissioner shall automatically  
1350 suspend the licenses of a mortgage lender, mortgage correspondent  
1351 lender or mortgage broker on such date and inactivate the licenses of  
1352 the mortgage loan originators sponsored by such lender,  
1353 correspondent lender or broker. On and after October 1, 2011, in the  
1354 case of a cancellation of an exempt registrant's bond, the commissioner  
1355 shall inactivate the licenses of the mortgage loan originators sponsored  
1356 by such exempt registrant. No automatic suspension or inactivation  
1357 shall occur if, prior to the date that the bond cancellation shall take  
1358 effect, (1) the principal submits a letter of reinstatement of the bond  
1359 from the surety company or a new bond, (2) the mortgage lender,  
1360 mortgage correspondent lender or mortgage broker licensee has  
1361 ceased business and has surrendered all licenses in accordance with  
1362 subsection (a) of section 36a-490, or (3) in the case of a mortgage loan  
1363 originator licensee, the sponsorship with the mortgage lender,  
1364 mortgage correspondent lender or mortgage broker who was  
1365 automatically suspended pursuant to this section or, after October 1,  
1366 2011, with the exempt registrant who failed to provide the bond  
1367 required by this section, has been terminated and a new sponsor has  
1368 been requested and approved. After a mortgage lender, mortgage  
1369 correspondent lender or mortgage broker license has been  
1370 automatically suspended pursuant to this section, the commissioner  
1371 shall give such licensee notice of the automatic suspension, pending  
1372 proceedings for revocation or refusal to renew pursuant to section 36a-  
1373 494 and an opportunity for a hearing on such action in accordance  
1374 with section 36a-51 and require such licensee to take or refrain from  
1375 taking such action as in the opinion of the commissioner will effectuate  
1376 the purposes of this section. Effective October 1, 2011, the  
1377 commissioner may provide information to an exempt registrant

1378 concerning actions taken by the commissioner pursuant to this  
1379 subsection against any mortgage loan originator licensee that was  
1380 sponsored and bonded by such exempt registrant.

1381 (d) The penal sum of the bond required by subdivisions (1) to (3),  
1382 inclusive, of subsection (a) of this section shall be determined as  
1383 follows:

1384 (1) An applicant for an initial mortgage lender license or mortgage  
1385 correspondent lender license shall file a bond in a penal sum of one  
1386 hundred thousand dollars in connection with its application for the  
1387 main office.

1388 (2) An applicant for an initial mortgage broker license shall file a  
1389 bond in a penal sum of fifty thousand dollars in connection with its  
1390 application for the main office.

1391 (3) Effective October 1, 2011, an exempt registrant under subsection  
1392 (d) of section 36a-487, as amended by this act, who is exempt from  
1393 [licensing] licensure under subdivision (1), (2) or (3) of subsection (a) of  
1394 section 36a-487 shall file a bond in a penal sum of one hundred  
1395 thousand dollars the first time such exempt registrant sponsors a  
1396 mortgage loan originator.

1397 (4) Effective October 1, 2011, an exempt registrant under subsection  
1398 (d) of section 36a-487, as amended by this act, who is exempt from  
1399 licensure under subsection (b) of section 36a-487 shall file a bond in a  
1400 penal sum of fifty thousand dollars the first time such exempt  
1401 registrant sponsors a mortgage loan originator.

1402 (5) Effective October 1, 2011, an exempt registrant under subsection  
1403 (d) of section 36a-487, as amended by this act, who is exempt from  
1404 licensure under subdivision (4) of subsection (a) of section 36a-487,  
1405 shall file a bond in a penal sum as set forth in section 36a-671d.

1406 (6) (A) For mortgage lender and mortgage correspondent lender  
1407 licensees, and, after October 1, 2011, persons sponsoring and bonding

1408 at least one mortgage loan originator as an exempt registrant under  
1409 subsection (d) of section 36a-487, as amended by this act, and who are  
1410 exempt from licensing under subdivision (1), (2) or (3) of subsection (a)  
1411 of section 36a-487 if: (i) [the] The aggregate dollar amount of all  
1412 residential mortgage loans originated by such licensee at all licensed  
1413 locations or by the exempt registrant during the preceding [twelve-  
1414 month period ending July thirty-first of the current year] four quarters  
1415 ending June thirtieth is less than thirty million dollars, the penal sum  
1416 of the bond shall be one hundred thousand dollars; (ii) the aggregate  
1417 dollar amount of all residential mortgage loans originated by such  
1418 licensee at all licensed locations or by the exempt registrant during the  
1419 preceding [twelve-month period ending July thirty-first of the current  
1420 year] four quarters ending June thirtieth is thirty million dollars or  
1421 more but less than one hundred million dollars, the penal sum of the  
1422 bond shall be two hundred thousand dollars; (iii) the aggregate dollar  
1423 amount of all residential mortgage loans originated by such licensee at  
1424 all licensed locations or by the exempt registrant during the preceding  
1425 [twelve-month period ending July thirty-first of the current year] four  
1426 quarters ending June thirtieth is one hundred million dollars or more  
1427 but less than two hundred fifty million dollars, the penal sum of the  
1428 bond shall be three hundred thousand dollars; and (iv) the aggregate  
1429 dollar amount of all residential mortgage loans originated by such  
1430 licensee at all licensed locations or by the exempt registrant during the  
1431 preceding [twelve-month period ending July thirty-first of the current  
1432 year] four quarters ending June thirtieth is two hundred fifty million  
1433 dollars or more, the penal sum of the bond shall be five hundred  
1434 thousand dollars.

1435 (B) For mortgage broker licensees and, after October 1, 2011, persons  
1436 who are sponsoring and bonding at least one mortgage loan originator  
1437 as an exempt registrant under subsection (d) of section 36a-487, as  
1438 amended by this act, and who are exempt from licensing under  
1439 subsection (b) or (c) of section 36a-487; if (i) [the] The aggregate dollar  
1440 amount of all residential mortgage loans originated by such licensee at  
1441 all licensed locations or by the exempt registrant during the preceding

1442 [twelve-month period ending July thirty-first of the current year] four  
1443 quarters ending June thirtieth is less than thirty million dollars, the  
1444 penal sum of the bond shall be fifty thousand dollars; (ii) the aggregate  
1445 dollar amount of all residential mortgage loans originated by such  
1446 licensee at all licensed locations or by the exempt registrant during the  
1447 preceding [twelve-month period ending July thirty-first of the current  
1448 year] four quarters ending June thirtieth is thirty million dollars or  
1449 more but less than fifty million dollars, the penal sum of the bond shall  
1450 be one hundred thousand dollars; and (iii) the aggregate dollar  
1451 amount of all residential mortgage loans originated by such licensee at  
1452 all licensed locations or by the exempt registrant during the preceding  
1453 [twelve-month period ending July thirty-first of the current year] four  
1454 quarters ending June thirtieth is fifty million dollars or more, the penal  
1455 sum of the bond shall be one hundred fifty thousand dollars.

1456 (7) For purposes of this subsection, the aggregate dollar amount of  
1457 all residential mortgage loans originated by such licensee or, after  
1458 October 1, 2011, such exempt registrant, includes the aggregate dollar  
1459 amount of all closed residential mortgage loans that the licensee or  
1460 exempt registrant originated, brokered or made, as applicable.

1461 (8) Financial information necessary to verify the aggregate dollar  
1462 amount of residential mortgage loans originated shall be filed with the  
1463 commissioner, as the commissioner may require, and shall be reported  
1464 on the system at such time and in such form as the system may  
1465 require.

1466 (9) The commissioner may require a change in the penal sum of the  
1467 bond if the commissioner determines at any time that the aggregate  
1468 dollar amount of all residential mortgage loans originated warrants a  
1469 change in the penal sum of the bond.

1470 Sec. 30. Subsection (d) of section 36a-487 of the general statutes is  
1471 repealed and the following is substituted in lieu thereof (*Effective from*  
1472 *passage*):

1473 (d) Any person [exempt] claiming exemption from licensure under

1474 this section may register on the system as an exempt registrant for  
1475 purposes of sponsoring a mortgage loan originator or a loan processor  
1476 or underwriter pursuant to subdivision (1) of subsection (b) of section  
1477 36a-486. Such registration shall not affect the exempt status of such  
1478 person. Any approval of such registration, or any approval of any  
1479 renewal of such registration, shall not constitute a determination by  
1480 the commissioner that such entity is exempt, but rather shall evidence  
1481 the commissioner's approval to use the system for purposes of  
1482 sponsoring and bonding.

1483 Sec. 31. Subsection (b) of section 36a-59 of the general statutes is  
1484 repealed and the following is substituted in lieu thereof (*Effective from*  
1485 *passage*):

1486 (b) The commissioner may enter into cooperative, coordinating or  
1487 information-sharing agreements with any other state or federal  
1488 supervisory agency or any organization affiliated with or representing  
1489 such supervisory agency with respect to the examination, examination  
1490 fees or other supervision of any person subject to the provisions of  
1491 sections 36a-485 to [36a-810] 36a-812, inclusive. Any such agreement  
1492 may include provisions concerning the assessment or sharing of fees  
1493 for such examination or supervision.

1494 Sec. 32. Subparagraph (A) of subdivision (4) of subsection (a) of  
1495 section 36a-412 of the general statutes is repealed and the following is  
1496 substituted in lieu thereof (*Effective from passage*):

1497 (4) (A) The laws of this state, including laws regarding (i)  
1498 community reinvestment pursuant to sections 36a-30 to 36a-33,  
1499 inclusive; (ii) consumer protection pursuant to sections 36a-41 to 36a-  
1500 45, inclusive, 36a-290 to 36a-304, inclusive, 36a-306, 36a-307, 36a-315 to  
1501 36a-323, inclusive, 36a-645 to 36a-647, inclusive, 36a-690, as amended  
1502 by this act, 36a-695 to 36a-700, inclusive, 36a-705 to 36a-707, inclusive,  
1503 36a-715 to 36a-719l, inclusive, 36a-725, 36a-726, 36a-755 to 36a-759,  
1504 inclusive, 36a-770 to 36a-788, inclusive, as amended by this act, and  
1505 36a-800 to [36a-810] 36a-812, inclusive, as amended by this act; (iii) fair

1506 lending pursuant to sections 36a-737, 36a-740 and 36a-741; and (iv)  
1507 establishment of interstate branches pursuant to section 36a-145 shall  
1508 apply to any branch in this state of an out-of-state bank, other than a  
1509 federally chartered out-of-state bank, to the same extent as such laws  
1510 apply to a branch in this state of an out-of-state national banking  
1511 association.

1512 Sec. 33. Section 36a-800 of the general statutes is repealed and the  
1513 following is substituted in lieu thereof (*Effective from passage*):

1514 As used in sections 36a-800 to [36a-810] 36a-812, inclusive, as  
1515 amended by this act, unless the context otherwise requires:

1516 (1) "Branch office" means a location other than the main office at  
1517 which a licensee or any person on behalf of a licensee acts as a  
1518 consumer collection agency;

1519 (2) "Consumer collection agency" means any person (A) engaged as  
1520 a third party in the business of collecting or receiving for payment for  
1521 others of any account, bill or other indebtedness from a consumer  
1522 debtor, (B) engaged directly or indirectly in the business of collecting  
1523 any account, bill or other indebtedness from a consumer debtor for  
1524 such person's own account if the indebtedness was acquired from  
1525 another person and if the indebtedness was either delinquent or in  
1526 default at the time it was acquired, or (C) engaged in the business of  
1527 collecting or receiving for payment property tax from a property tax  
1528 debtor on behalf of a municipality, including any person who, by any  
1529 device, subterfuge or pretense, makes a pretended purchase or takes a  
1530 pretended assignment of accounts from any other person or  
1531 municipality of such indebtedness for the purpose of evading the  
1532 provisions of sections 36a-800 to [36a-810] 36a-812, inclusive, as  
1533 amended by this act. It includes persons who furnish collection  
1534 systems carrying a name which simulates the name of a consumer  
1535 collection agency and who supply forms or form letters to be used by  
1536 the creditor, even though such forms direct the consumer debtor or  
1537 property tax debtor to make payments directly to the creditor rather

1538 than to such fictitious agency. "Consumer collection agency" further  
1539 includes any person who, in attempting to collect or in collecting such  
1540 person's own accounts or claims from a consumer debtor, uses a  
1541 fictitious name or any name other than such person's own name which  
1542 would indicate to the consumer debtor that a third person is collecting  
1543 or attempting to collect such account or claim. "Consumer collection  
1544 agency" does not include (i) an individual employed on the staff of a  
1545 licensed consumer collection agency, or by a creditor who is exempt  
1546 from licensing, when attempting to collect on behalf of such consumer  
1547 collection agency, (ii) persons not primarily engaged in the collection  
1548 of debts from consumer debtors who receive funds in escrow for  
1549 subsequent distribution to others, including, but not limited to, real  
1550 estate brokers and lenders holding funds of borrowers for payment of  
1551 taxes or insurance, (iii) any public officer or a person acting under the  
1552 order of any court, (iv) any member of the bar of this state, (v) a person  
1553 who services loans or accounts for the owners thereof when the  
1554 arrangement includes, in addition to requesting payment from  
1555 delinquent consumer debtors, the providing of other services such as  
1556 receipt of payment, accounting, record-keeping, data processing  
1557 services and remitting, for loans or accounts which are current as well  
1558 as those which are delinquent, (vi) a bank or out-of-state bank, as  
1559 defined in section 36a-2, and (vii) a subsidiary or affiliate of a bank or  
1560 out-of-state bank, provided such affiliate or subsidiary is not primarily  
1561 engaged in the business of purchasing and collecting upon delinquent  
1562 debt, other than delinquent debt secured by real property. Any person  
1563 not included in the definition contained in this subdivision is, for  
1564 purposes of sections 36a-645 to 36a-647, inclusive, a "creditor", as  
1565 defined in section 36a-645;

1566 (3) "Consumer debtor" means any natural person, not an  
1567 organization, who has incurred indebtedness or owes a debt for  
1568 personal, family or household purposes, including current or past due  
1569 child support, or who has incurred indebtedness or owes a debt to a  
1570 municipality due to a levy by such municipality of a personal property  
1571 tax;

1572 (4) "Creditor" means a person, including a municipality, that retains,  
1573 hires, or engages the services of a consumer collection agency;

1574 (5) "Main office" means the main address designated on the  
1575 application;

1576 (6) "Municipality" means any town, city or borough, consolidated  
1577 town and city, consolidated town and borough, district as defined in  
1578 section 7-324 or municipal special services district established under  
1579 chapter 105a;

1580 (7) "Organization" means a corporation, partnership, association,  
1581 trust or any other legal entity or an individual operating under a trade  
1582 name or a name having appended to it a commercial, occupational or  
1583 professional designation;

1584 (8) "Property tax" has the meaning given to the term in section 7-560;

1585 (9) "Property tax debtor" means any natural person or organization  
1586 who has incurred indebtedness or owes a debt to a municipality due to  
1587 a levy by such municipality of a property tax.

1588 Sec. 34. Section 36a-801 of the general statutes is repealed and the  
1589 following is substituted in lieu thereof (*Effective from passage*):

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

1602 debtors who reside within this state for creditors who are located  
1603 outside this state; or (4) has its place of business located outside this  
1604 state and is engaged in the business of collecting child support for  
1605 creditors located within this state from consumer debtors who are  
1606 located outside this state.

1607 (b) Any person desiring to act within this state as a consumer  
1608 collection agency shall make a written application to the commissioner  
1609 for such license in such form as the commissioner prescribes. Such  
1610 application shall be accompanied by (1) a financial statement prepared  
1611 by a certified public accountant or a public accountant, the accuracy of  
1612 which is sworn to under oath before a notary public by the proprietor,  
1613 a general partner or a corporate officer or a member duly authorized to  
1614 execute such documents, (2) (A) the history of criminal convictions of  
1615 the (i) applicant; (ii) partners, if the applicant is a partnership; (iii)  
1616 members, if the applicant is a limited liability company or association;  
1617 or (iv) officers, directors and principal employees, if the applicant is a  
1618 corporation, and (B) sufficient information pertaining to the history of  
1619 criminal convictions of such applicant, partners, members, officers,  
1620 directors and principal employees as the commissioner deems  
1621 necessary to make the findings under subsection (c) of this section, (3)  
1622 a license fee of eight hundred dollars, or in the case of an initial  
1623 application that is filed not earlier than one year before the date such  
1624 license will expire, a license fee of four hundred dollars, and (4) an  
1625 investigation fee of one hundred dollars. The commissioner shall cause  
1626 to be made such inquiry and examination as to the qualifications of  
1627 each such applicant or any partner, member, officer, director or  
1628 principal employee of the applicant as the commissioner deems  
1629 necessary. The commissioner, in accordance with section 29-17a, may  
1630 conduct a state and national criminal history records check of the  
1631 applicant and of each partner, member, officer, director and principal  
1632 employee of such applicant. Each applicant shall furnish satisfactory  
1633 evidence to the commissioner that the applicant is a person of good  
1634 moral character and is financially responsible.

1635 (c) If the commissioner finds, upon the filing of an application for a

1636 consumer collection agency, that (1) the financial responsibility,  
1637 character, reputation, integrity and general fitness of the applicant and  
1638 the partners of such applicant if the applicant is a partnership, of the  
1639 members if the applicant is a limited liability company or association,  
1640 and of the officers, directors and principal employees if the applicant is  
1641 a corporation, are such to warrant belief that the business will be  
1642 operated soundly and efficiently, in the public interest and consistent  
1643 with the purposes of sections 36a-800 to [36a-810] 36a-812, inclusive, as  
1644 amended by this act, and (2) the applicant is solvent and no  
1645 proceeding in bankruptcy, receivership or assignment for the benefit of  
1646 creditors has been commenced against the applicant, the commissioner  
1647 may, upon such finding, issue the applicant a consumer collection  
1648 agency license. If the commissioner fails to make such findings, the  
1649 commissioner shall not issue a license and shall notify the applicant of  
1650 the reasons for such denial. The commissioner may deny an  
1651 application if the commissioner finds that the applicant or any partner,  
1652 member, officer, director or principal employee of such applicant has  
1653 been convicted of any misdemeanor involving any aspect of the  
1654 consumer collection agency business, or any felony. Any denial of an  
1655 application by the commissioner shall, when applicable, be subject to  
1656 the provisions of section 46a-80. Any such license issued by the  
1657 commissioner shall expire at the close of business on September  
1658 thirtieth of the odd-numbered year following its issuance, unless such  
1659 license is renewed. The commissioner may renew such application, in  
1660 the commissioner's discretion, upon filing of a proper renewal  
1661 application accompanied by a license fee of eight hundred dollars, and  
1662 satisfactory proof that such applicant at that time possesses the  
1663 required qualifications for the license. The commissioner may deny a  
1664 renewal application if the commissioner finds that the applicant has  
1665 been convicted of any misdemeanor involving any aspect of the  
1666 consumer collection agency business, or any felony. Any denial of an  
1667 application by the commissioner shall, when applicable, be subject to  
1668 the provisions of section 46a-80. Such renewal application shall be filed  
1669 with the commissioner on or before September first of the year in  
1670 which the license expires. Any renewal application filed with the

1671 commissioner after September first shall be accompanied by a one-  
1672 hundred-dollar late fee and any such filing shall be deemed to be  
1673 timely and sufficient for purposes of subsection (b) of section 4-182.  
1674 Whenever an application for a license, other than a renewal  
1675 application, is filed under sections 36a-800 to [36a-810] 36a-812,  
1676 inclusive, as amended by this act, by any person who was a licensee  
1677 under said sections 36a-800 to [36a-810] 36a-812, inclusive, and whose  
1678 license expired less than sixty days prior to the date such application  
1679 was filed, such application shall be accompanied by a one-hundred-  
1680 dollar processing fee in addition to the application fee.

1681 (d) To further the enforcement of this section and to determine the  
1682 eligibility of any person holding a license, the commissioner may, as  
1683 often as the commissioner deems necessary, examine the licensee's  
1684 books and records, and may, at any time, require the licensee to submit  
1685 such a financial statement for the examination of the commissioner, so  
1686 that the commissioner may determine whether the licensee is  
1687 financially responsible to carry on a consumer collection agency  
1688 business within the intents and purposes of sections 36a-800 to [36a-  
1689 810] 36a-812, inclusive, as amended by this act. Any financial  
1690 statement submitted by a licensee shall be confidential and shall not be  
1691 a public record unless introduced in evidence at a hearing conducted  
1692 by the commissioner.

1693 (e) The applicant or licensee shall notify the commissioner, in  
1694 writing, of any change in the information provided in its initial  
1695 application for a license or most recent renewal application for such  
1696 license, as applicable, not later than ten business days after the  
1697 occurrence of the event that results in such information becoming  
1698 inaccurate.

1699 (f) The commissioner may deem an application for a license to act as  
1700 a consumer collection agency abandoned if the applicant fails to  
1701 respond to any request for information required under sections 36a-  
1702 801 to [36a-810] 36a-812, inclusive, as amended by this act, or any  
1703 regulations adopted pursuant to said sections 36a-801 to [36a-810] 36a-

1704 812, inclusive. The commissioner shall notify the applicant, in writing,  
1705 that if the applicant fails to submit such information not later than  
1706 sixty days after the date on which such request for information was  
1707 made, the application shall be deemed abandoned. An application  
1708 filing fee paid prior to the date an application is deemed abandoned  
1709 pursuant to this subsection shall not be refunded. Abandonment of an  
1710 application pursuant to this subsection shall not preclude the applicant  
1711 from submitting a new application for a license under sections 36a-801  
1712 to [36a-810] 36a-812, inclusive, as amended by this act.

1713 (g) If the commissioner determines that a check filed with the  
1714 commissioner to pay a fee under subsection (b) of this section has been  
1715 dishonored, the commissioner shall automatically suspend the license  
1716 or a renewal license that has been issued but is not yet effective. The  
1717 commissioner shall give the licensee notice of the automatic  
1718 suspension pending proceedings for revocation or refusal to renew  
1719 and an opportunity for a hearing on such actions in accordance with  
1720 section 36a-51.

1721 (h) No abatement of the license fee shall be made if the license is  
1722 surrendered, revoked or suspended prior to the expiration of the  
1723 period for which it was issued. All fees required by this section shall be  
1724 nonrefundable.

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

1737 business licensed, or to be licensed, or a single bond, naming each  
1738 place of business, in an amount equal to twenty-five thousand dollars  
1739 for each place of business.

1740 Sec. 35. Section 36a-804 of the general statutes is repealed and the  
1741 following is substituted in lieu thereof (*Effective from passage*):

1742 (a) The commissioner may suspend, revoke or refuse to renew any  
1743 license or take any other action, in accordance with the provisions of  
1744 section 36a-51, for any reason which would be sufficient grounds for  
1745 the commissioner to deny an application for a license under sections  
1746 36a-800 to [36a-810] 36a-812, inclusive, as amended by this act, or if the  
1747 commissioner finds that the licensee or any proprietor, director, officer,  
1748 member, partner, shareholder, trustee, employee or agent of such  
1749 licensee has done any of the following: (1) Made any material  
1750 misstatement in the application; (2) committed any fraud or  
1751 misrepresentation or misappropriated funds; or (3) violated any of the  
1752 provisions of sections 36a-800 to [36a-810] 36a-812, inclusive, as  
1753 amended by this act, or of any regulations adopted pursuant thereto,  
1754 or any other law or regulation applicable to the conduct of its business.

1755 (b) Whenever it appears to the commissioner that any person has  
1756 violated, is violating or is about to violate any of the provisions of  
1757 sections 36a-800 to [36a-810] 36a-812, inclusive, as amended by this act,  
1758 or any regulation adopted pursuant thereto, or the licensee or any  
1759 proprietor, director, officer, member, partner, shareholder, trustee,  
1760 employee or agent of such licensee has committed any fraud, made  
1761 any misrepresentation or misappropriated funds, the commissioner  
1762 may take action against such person or licensee in accordance with  
1763 sections 36a-50 and 36a-52.

1764 Sec. 36. Subsection (a) of section 36a-805 of the general statutes is  
1765 repealed and the following is substituted in lieu thereof (*Effective from*  
1766 *passage*):

1767 (a) No consumer collection agency shall: (1) Furnish legal advice or  
1768 perform legal services or represent that it is competent to do so, or

1769 institute judicial proceedings on behalf of others; (2) communicate with  
1770 consumer debtors or property tax debtors in the name of an attorney  
1771 or upon the stationery of an attorney, or prepare any forms or  
1772 instruments which only attorneys are authorized to prepare; (3) receive  
1773 assignments as a third party of claims for the purpose of collection or  
1774 institute suit thereon in any court; (4) assume authority on behalf of a  
1775 creditor to employ or terminate the services of an attorney unless such  
1776 creditor has authorized such agency in writing to act as such creditor's  
1777 agent in the selection of an attorney to collect the creditor's accounts;  
1778 (5) demand or obtain in any manner a share of the proper  
1779 compensation for services performed by an attorney in collecting a  
1780 claim, whether or not such agency has previously attempted collection  
1781 thereof; (6) solicit claims for collection under an ambiguous or  
1782 deceptive contract; (7) refuse to return any claim or claims upon  
1783 written request of the creditor, claimant or forwarder, which claims are  
1784 not in the process of collection after the tender of such amounts, if any,  
1785 as may be due and owing to the agency; (8) advertise or threaten to  
1786 advertise for sale any claim as a means of forcing payment thereof,  
1787 unless such agency is acting as the assignee for the benefit of creditors;  
1788 (9) refuse or fail to account for and remit to its clients all money  
1789 collected which is not in dispute within sixty days from the last day of  
1790 the month in which said money is collected; (10) refuse or intentionally  
1791 fail to return to the creditor all valuable papers deposited with a claim  
1792 when such claim is returned; (11) refuse or fail to furnish at intervals of  
1793 not less than ninety days, upon the written request of the creditor,  
1794 claimant or forwarder, a written report upon claims received from  
1795 such creditor, claimant or forwarder; (12) add any post charge-off  
1796 charge or fee for cost of collection, unless such cost is a court cost, to  
1797 the amount of any claim which it receives for collection or knowingly  
1798 accept for collection any claim to which any such charge or fee has  
1799 already been added to the amount of the claim unless (A) the  
1800 consumer debtor is legally liable for such charge or fee as determined  
1801 by the contract or other evidence of an agreement between the  
1802 consumer debtor and creditor, a copy of which shall be obtained by or  
1803 available to the consumer collection agency from the creditor and

1804 maintained as part of the records of the consumer collection agency or  
1805 the creditor, or both, and (B) the total charge or fee for cost of collection  
1806 does not exceed fifteen per cent of the total amount actually collected  
1807 and accepted as payment in full satisfaction of the debt; (13) use or  
1808 attempt to use or make reference to the term "bonded by the state of  
1809 Connecticut", "bonded" or "bonded collection agency" or any  
1810 combination of such terms or words, except that the word "bonded"  
1811 may be used on the stationery of any such agency in type not larger  
1812 than twelve-point; (14) when the debt is beyond the statute of  
1813 limitations, fail to provide the following disclosure in type not less  
1814 than ten-point informing the consumer debtor in its initial  
1815 communication with such consumer debtor that (A) when collecting  
1816 on debt that is not past the date for obsolescence provided for in  
1817 Section 605(a) of the Fair Credit Reporting Act, 15 USC 1681c: "The law  
1818 limits how long you can be sued on a debt. Because of the age of your  
1819 debt, (INSERT OWNER NAME) will not sue you for it. If you do not  
1820 pay the debt, (INSERT OWNER NAME) may report or continue to  
1821 report it to the credit reporting agencies as unpaid"; and (B) when  
1822 collecting on debt that is past the date for obsolescence provided for in  
1823 Section 605(a) of the Fair Credit Reporting Act, 15 USC 1681c: "The law  
1824 limits how long you can be sued on a debt. Because of the age of your  
1825 debt, (INSERT OWNER NAME) will not sue you for it and (INSERT  
1826 OWNER NAME) will not report it to any credit reporting agencies."; or  
1827 (15) engage in any activities prohibited by sections 36a-800 to [36a-810]  
1828 36a-812, inclusive, as amended by this act.

1829       Sec. 37. Section 36a-810 of the general statutes is repealed and the  
1830 following is substituted in lieu thereof (*Effective from passage*):

1831       Any person who operates a consumer collection agency without a  
1832 license as required by sections 36a-800 to [36a-810] 36a-812, inclusive,  
1833 as amended by this act, shall be fined not more than one thousand  
1834 dollars or imprisoned not more than one year, or both. Any person  
1835 who violates any other provision of said sections shall be fined not  
1836 more than five hundred dollars, or imprisoned not more than six  
1837 months, or both. The state's attorney or assistant state's attorney for the

1838 superior court having jurisdiction in each town shall diligently inquire  
 1839 and make due complaint to the court of all violations of said sections  
 1840 which come to his knowledge, by investigation of report.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	36a-675
Sec. 2	<i>October 1, 2015</i>	36a-676
Sec. 3	<i>October 1, 2015</i>	36a-677
Sec. 4	<i>October 1, 2015</i>	36a-678
Sec. 5	<i>October 1, 2015</i>	36a-679
Sec. 6	<i>October 1, 2015</i>	36a-680
Sec. 7	<i>October 1, 2015</i>	36a-681
Sec. 8	<i>October 1, 2015</i>	36a-682
Sec. 9	<i>October 1, 2015</i>	36a-683
Sec. 10	<i>October 1, 2015</i>	36a-684
Sec. 11	<i>October 1, 2015</i>	New section
Sec. 12	<i>October 1, 2015</i>	36a-3
Sec. 13	<i>October 1, 2015</i>	36a-555
Sec. 14	<i>October 1, 2015</i>	42-133c(a)
Sec. 15	<i>October 1, 2015</i>	42-133d
Sec. 16	<i>October 1, 2015</i>	36a-746a
Sec. 17	<i>October 1, 2015</i>	36a-760(a)
Sec. 18	<i>October 1, 2015</i>	36a-563(b)
Sec. 19	<i>October 1, 2015</i>	36a-690
Sec. 20	<i>October 1, 2015</i>	36a-770(c)(13)
Sec. 21	<i>October 1, 2015</i>	36a-771(b)
Sec. 22	<i>October 1, 2015</i>	36a-772(c)
Sec. 23	<i>October 1, 2015</i>	36a-774
Sec. 24	<i>October 1, 2015</i>	36a-440b(a)
Sec. 25	<i>October 1, 2015</i>	36a-82(c)
Sec. 26	<i>October 1, 2015</i>	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

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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