

**70C-2-102 Delinquency charges.**

- (1)
  - (a) The parties to any consumer credit agreement may contract for a delinquency charge on any installment not paid in full by its scheduled due date in an amount not exceeding the greater of:
    - (i) \$30; or
    - (ii) 5% of the delinquent unpaid amount of the installment.
  - (b) Notwithstanding Subsection (1)(a), in a contract, renewed, executed, or modified on or after May 3, 1999, a depository institution as defined in Section 7-1-103 may contract for and collect a delinquency charge on an installment not paid in full by its scheduled due date in excess of the limitation imposed under Subsection (1)(a).
- (2) This section may not be interpreted to require a creditor to accept a partial payment for an installment.
- (3)
  - (a) A delinquency charge as authorized by this section may be collected only once on each installment regardless of how long it remains delinquent.
  - (b) A delinquency charge may not be collected if:
    - (i) the installment has been deferred; and
    - (ii) a deferral charge under Section 70C-2-103 has been paid or incurred.
  - (c) A delinquency charge may be collected:
    - (i) at the time it accrues; or
    - (ii) any time after it accrues.

Amended by Chapter 171, 1999 General Session