

1                                   **CONSUMER CREDIT CODE AMENDMENTS**

2   1998 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: Kevin S. Garn**

5 AN ACT RELATING TO THE UTAH CONSUMER CREDIT CODE; INCREASING THE  
6 AMOUNT OF THE DELINQUENCY CHARGE WHICH MAY BE ASSESSED IN A  
7 CONSUMER CREDIT AGREEMENT; AND ELIMINATING THE GRACE PERIOD FOR  
8 LATE INSTALLMENT PAYMENTS.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11               **70C-2-102**, as last amended by Chapter 133, Laws of Utah 1991

12 *Be it enacted by the Legislature of the state of Utah:*

13               Section 1. Section **70C-2-102** is amended to read:

14               **70C-2-102. Delinquency charges.**

15               (1) The parties to any consumer credit agreement may contract for a delinquency charge  
16 on any installment not paid in full [~~within ten days after~~] by its scheduled due date in an amount  
17 not exceeding the greater of [~~\$20~~] \$35 or 5% of the delinquent unpaid amount of the installment.  
18 This section may not be interpreted to require a creditor to accept a partial payment for an  
19 installment.

20               (2) A delinquency charge as authorized by this section may be collected only once on each  
21 installment, however long it remains delinquent. No delinquency charge may be collected if the  
22 installment [~~is paid in full within ten days after its scheduled due date or if it~~] has been deferred  
23 and a deferral charge under Section 70C-2-103 has been paid or incurred. A delinquency charge  
24 may be collected at the time it accrues or at any time thereafter.

**Legislative Review Note**  
**as of 12-12-97 9:42 AM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**