

CONSUMER CREDIT CODE AMENDMENTS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Kevin S. Garn

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

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

AMENDS:

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

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

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

70C-2-102. Delinquency charges.

(1) The parties to any consumer credit agreement may contract for a delinquency charge on any installment not paid in full [~~within ten days after~~] by its scheduled due date in an amount not exceeding the greater of [~~\$20~~] \$30 or 5% of the delinquent unpaid amount of the installment. This section may not be interpreted to require a creditor to accept a partial payment for an installment.

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