



General Assembly

Substitute Bill No. 269

February Session, 2022



**AN ACT CONCERNING PROTECTION OF THE ELDERLY FROM
FINANCIAL EXPLOITATION AND REQUIRING PAPER STATEMENTS.**

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

1 Section 1. (*Effective July 1, 2022*) (a) There is established a working
2 group to (1) analyze potential procedures to be used by financial
3 institutions or their employees when they believe that a transaction or
4 disbursement involving an account of an elderly person may involve,
5 facilitate, result in or contribute to the financial exploitation of such
6 elderly person, and (2) make recommendations concerning such
7 procedures.

8 (b) The working group shall consist of the following members:

9 (1) The Banking Commissioner, or the Banking Commissioner's
10 designee;

11 (2) A representative of the Connecticut Bankers' Association;

12 (3) A representative of the Credit Union League of Connecticut;

13 (4) The president of AARP Connecticut, or the president's designee;

14 (5) The president of the Connecticut Chapter of the National
15 Academy of Elder Law Attorneys, or the president's designee; and

16 (b) The chairperson of the elder law section of the Connecticut Bar
17 Association, or the chairperson's designee.

18 (c) The speaker of the House of Representatives and the president pro
19 tempore of the Senate shall select the chairpersons of the working group
20 from among the members of the working group. Such chairpersons shall
21 schedule the first meeting of the working group, which shall be held not
22 later than sixty days after the effective date of this section.

23 (d) The administrative staff of the joint standing committee of the
24 General Assembly having cognizance of matters relating to banking
25 shall serve as administrative staff of the working group.

26 (e) Not later than January 1, 2023, the working group shall submit a
27 report on its findings and recommendations to the joint standing
28 committee of the General Assembly having cognizance of matters
29 relating to banking, in accordance with the provisions of section 11-4a
30 of the general statutes. The working group shall terminate on the date
31 that it submits such report or January 1, 2023, whichever is later.

32 Sec. 2. Subsection (b) of section 36a-290 of the general statutes is
33 repealed and the following is substituted in lieu thereof (*Effective October*
34 *1, 2022*):

35 (b) The establishment of a deposit account or share account which is
36 a joint account under subsection (a) of this section is, in the absence of
37 fraud or undue influence, or [other clear and convincing] a
38 preponderance of the evidence to the contrary, prima facie evidence of
39 the intention of all of the named owners thereof to vest title to such
40 account, including all subsequent deposits and additions made thereto,
41 in such survivor or survivors, in any action or proceeding between any
42 two or more of the depositors, respecting the ownership of such account
43 or its proceeds.

44 Sec. 3. Section 36a-318 of the general statutes is repealed and the
45 following is substituted in lieu thereof (*Effective October 1, 2022*):

46 (a) Except as provided in subsection (c) of this section, prior to
47 opening a new deposit account for any depositor or prospective
48 depositor: (1) Each financial institution shall deliver to such depositor
49 or prospective depositor in written form which the depositor can keep
50 a copy of (A) the deposit contract, (B) a listing of deposit account charges
51 and the conditions under which such charges will be imposed
52 including, but not limited to, failure to maintain a minimum balance,
53 and (C) if such account is a time account, deposit account disclosures
54 that govern such account; and (2) each financial institution, other than a
55 Connecticut credit union or federal credit union, shall deliver to each
56 depositor or prospective depositor deposit account disclosures that
57 govern such account if such account is a savings account.

58 (b) The deposit account disclosures and listing of deposit account
59 charges may be contained in more than one document and may be
60 combined with disclosures, fees and contract terms for other accounts
61 as long as the deposit account disclosures and deposit account charges
62 are disclosed clearly and conspicuously and it is clear which deposit
63 account disclosures and deposit account charges are applicable to the
64 types of deposit accounts maintained by the depositor.

65 (c) If all or any part of a maturing or otherwise expiring time account
66 is automatically deposited by renewal, roll-over or otherwise in a new
67 deposit account within thirty days after expiration, the provisions of
68 subsection (a) of this section shall not apply to such new account, except
69 that if the annual percentage yield on such new account is lower than
70 the annual percentage yield on the expiring account, and the maturing
71 time account has a term to maturity of longer than thirty-one days, the
72 financial institution shall deliver to the depositor the notice as required
73 by this subsection. Such notice shall be delivered at least thirty calendar
74 days before the maturity of the existing time account. Alternatively,
75 such notice may be delivered at least twenty calendar days before the
76 end of the grace period on the existing account, provided a grace period
77 of at least five calendar days is allowed. For purposes of this subsection,
78 a grace period means a period following the maturity of an

79 automatically renewing time account during which the depositor may
80 withdraw funds without being assessed a penalty. The notice shall recite
81 the deposit account disclosures and deposit account charges, including
82 the conditions under which such charges will be imposed, applicable to
83 the new account, along with the date the existing account matures and
84 the new maturity date if the account is renewed; provided if the interest
85 rate and annual percentage yield that will be paid for the new account
86 are unknown when the notice is provided, the notice shall state that
87 those rates have not yet been determined, the date when they will be
88 determined and a telephone number the depositor may call to obtain the
89 interest rate and the annual percentage yield that will be paid for the
90 new account. Notwithstanding any provisions of the general statutes to
91 the contrary, if the term to maturity of the maturing time account is one
92 year or less but longer than thirty-one days, the notice is not required to
93 contain the information recited in this subsection other than (1) the date
94 the existing account matures and the new maturity date if the account
95 is renewed; (2) the interest rate and the annual percentage yield if they
96 are known, or if the rates have not yet been determined, the date they
97 will be determined and a telephone number the depositor may call to
98 obtain the interest rate and the annual percentage yield that will be paid
99 for the new account; and (3) any difference in the terms of the new
100 account compared to the deposit account disclosures and deposit
101 account charges governing the existing account.

102 (d) Except for deposit accounts for which a financial institution sends
103 periodic statements, each financial institution that has a policy of
104 imposing dormancy fees in connection with inactive deposit accounts
105 shall, not less than fifteen days prior to the date the institution may
106 impose a dormancy fee, mail a notice to the depositor. The notice shall
107 be printed in capital letters in no less than twelve-point boldface type
108 and shall state that the account will become inactive and that a
109 dormancy fee may be imposed by the financial institution as a result of
110 such inactivity. Such notice shall be mailed to the last-known mailing
111 address maintained by the institution for the deposit account.

112 (e) (1) Each financial institution shall comply with the applicable
113 provisions of the Electronic Signatures in Global and National
114 Commerce Act, 15 USC 7001 et seq., that (A) require a consumer's
115 consent prior to providing such consumer with periodic statements in
116 electronic form, (B) allow a consumer to withdraw such consent, and (C)
117 require a financial institution to provide a paper copy of any
118 electronically provided periodic statement upon a consumer's request.

119 (2) Each such financial institution shall comply with the applicable
120 provisions of the Connecticut Uniform Electronic Transactions Act,
121 sections 1-266 to 1-286, inclusive, before providing a consumer with
122 periodic statements in electronic form.

123 (3) Each financial institution shall comply with the applicable
124 provisions of the Truth in Savings Act, 12 USC 4301 et seq., and the
125 regulations promulgated pursuant to said act, before providing a
126 consumer with periodic statements in electronic form.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	New section
Sec. 2	October 1, 2022	36a-290(b)
Sec. 3	October 1, 2022	36a-318

BA Joint Favorable Subst.