

## APPENDIX B

### STATE LAW PROVISIONS REGARDING UNFAIR AND DECEPTIVE ACTS AND PRACTICES

#### *State UDAP Statutes at a Glance*

##### *Strengths and Weaknesses*

	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL
<i>Prohibition of unfairness, deception</i>														
Broad deception prohibition	○	○	○	○	○	●	○	○	○	○	○	○	○	○
Broad unfairness prohibition	○	○	●	○	○	●	○	●	○	○	○	○	○	○
Rulemaking authority	●	○	●	●	●	●	○	●	○	○	○	○	○	○
<i>Scope</i>														
Covers credit	●	●	○	●	○	○	○	●	○	●	●	○	●	●
Covers insurance	●	●	○	●	○	○	●	●	○	●	●	○	●	○
Covers utilities	●	●	○	●	○	○	○	●	○	●	●	○	●	○
Covers post-sale acts	●	○	●	○	○	○	○	●	○	●	○	○	○	○
Covers real estate	○	○	○	○	○	○	○	○	○	●	○	○	○	○
<i>State enforcement</i>														
Civil penalty amount	●	○	○	○	●	●	●	○	●	○	●	○	●	○
Deception sufficient without proof of intent or knowledge	○	○	○	●	○	●	○	○	○	○	○	○	○	○
<i>Remedies for consumers</i>														
Compensatory damages for consumers	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Multiple or punitive damages	○	○	●	●	○	○	○	●	○	●	○	○	○	●
Attorney fees for consumers	○	●	●	○	○	○	○	●	○	●	●	○	○	○
Class actions	●	○	○	○	○	○	○	○	○	○	●	○	○	○
Allows consumer suit without proof of reliance	●	○	●	●	●	○	○	○	○	●	●	●	●	○
Allows consumer suit without proof of public impact	○	○	○	○	○	●	○	○	○	○	●	○	○	○
Allows consumer suit without pre-suit notice	●	○	○	○	●	○	○	○	○	○	●	○	○	○

Key: ○ – strong    ● – mixed or undecided    ● – weak

## State UDAP Statutes at a Glance (continued)

### Strengths and Weaknesses

	IN	IA	KS	KY	LA	ME	MD	MA	MI	MN	MS	MO	MT	NE
<i>Prohibition of unfairness, deception</i>														
Broad deception prohibition	●	●	○	○	○	○	○	○	○	○	●	○	○	○
Broad unfairness prohibition	○	●	○	○	○	○	○	○	○	●	●	○	○	○
Rulemaking authority	●	○	●	●	○	○	○	○	●	●	○	○	○	●
<i>Scope</i>														
Covers credit	○	○	○	○	●	○	○	○	●	○	●	○	○	●
Covers insurance	●	○	●	●	●	○	●	○	●	○	●	●	●	○
Covers utilities	○	○	○	○	●	○	●	○	●	○	○	○	●	●
Covers post-sale acts	○	○	○	○	○	○	○	○	●	●	○	●	○	○
Covers real estate	●	○	○	●	○	○	●	○	●	○	●	○	○	●
<i>State enforcement</i>														
Civil penalty amount	●	○	○	●	●	○	●	●	○	○	○	●	○	●
Deception sufficient without proof of intent or knowledge	●	○	●	○	○	○	○	○	○	○	○	○	○	○
<i>Remedies for consumers</i>														
Compensatory damages for consumers	○	●	○	○	○	○	○	○	○	○	○	○	○	○
Multiple or punitive damages	○	●	●	○	○	●	●	○	●	●	●	○	○	●
Attorney fees for consumers	●	●	○	●	○	○	○	○	○	○	●	●	○	○
Class actions	○	●	○	○	●	○	○	○	○	○	●	○	●	○
Allows consumer suit without proof of reliance	●	●	○	●	●	●	●	○	○	●	●	○	●	●
Allows consumer suit without proof of public impact	○	●	○	○	○	○	○	○	○	●	○	○	○	●
Allows consumer suit without pre-suit notice	●	●	○	○	○	●	○	●	○	○	●	○	○	○

Key: ○ = strong    ● = mixed or undecided    ● = weak

## State UDAP Statutes at a Glance (continued)

### Strengths and Weaknesses

	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SC	SD
<i>Prohibition of unfairness, deception</i>														
Broad deception prohibition	○	○	○	○	○	○	○	○	○	●	●	○	○	●
Broad unfairness prohibition	●	○	○	○	●	○	●	○	○	○	●	○	○	●
Rulemaking authority	○	●	○	○	●	●	○	○	●	○	○	○	●	●
<i>Scope</i>														
Covers credit	○	●	○	○	○	○	○	●	●	●	○	●	○	○
Covers insurance	○	●	○	○	●	○	○	●	●	●	○	●	●	○
Covers utilities	○	●	●	○	○	○	○	●	●	○	○	●	○	○
Covers post-sale acts	○	○	○	○	○	○	○	○	●	○	○	○	○	○
Covers real estate	○	○	○	●	○	○	○	●	○	○	○	●	○	●
<i>State enforcement</i>														
Civil penalty amount	●	○	○	●	●	●	●	○	○	○	●	●	●	●
Deception sufficient without proof of intent or knowledge	●	○	○	●	○	○	●	○	○	○	○	○	○	○
<i>Remedies for consumers</i>														
Compensatory damages for consumers	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Multiple or punitive damages	●	○	○	○	●	○	○	○	●	○	○	○	○	●
Attorney fees for consumers	○	○	○	○	○	○	○	○	○	●	○	○	○	●
Class actions	○	○	○	○	○	○	○	○	○	○	○	○	●	○
Allows consumer suit without proof of reliance	●	●	○	○	○	●	●	○	●	●	●	●	●	○
Allows consumer suit without proof of public impact	○	○	○	○	●	○	○	○	○	○	○	○	●	○
Allows consumer suit without pre-suit notice	○	○	○	○	○	○	○	○	○	○	○	○	○	○

Key: ○ - strong    ● - mixed or undecided    ● - weak

# State UDAP Statutes at a Glance (continued)

## Strengths and Weaknesses

	TN	TX	UT	VT	VA	WA	WV	WI	WY
<i>Prohibition of unfairness, deception</i>									
Broad deception prohibition	○	●	○	○	○	○	○	○	○
Broad unfairness prohibition	○	○	○	○	●	○	○	○	○
Rulemaking authority	●	●	○	○	●	●	○	○	●
<i>Scope</i>									
Covers credit	●	●	●	○	●	●	●	●	○
Covers insurance	○	○	●	●	●	○	○	●	●
Covers utilities	●	○	●	○	●	●	●	○	○
Covers post-sale acts	●	○	○	○	●	○	○	●	○
Covers real estate	○	○	○	○	●	○	●	○	○
<i>State enforcement</i>									
Civil penalty amount	●	○	●	○	●	●	●	○	○
Deception sufficient without proof of intent or knowledge	○	○	○	○	○	○	○	○	●
<i>Remedies for consumers</i>									
Compensatory damages for consumers	○	○	○	○	○	○	○	○	○
Multiple or punitive damages	○	○	●	○	○	○	●	○	●
Attorney fees for consumers	○	○	○	○	○	○	○	○	●
Class actions	●	○	○	○	●	○	○	○	○
Allows consumer suit without proof of reliance	○	●	●	○	●	○	●	○	●
Allows consumer suit without proof of public impact	○	○	○	○	○	●	○	○	○
Allows consumer suit without pre-suit notice	○	●	○	○	○	○	●	○	●

Key: ○ - strong    ● - mixed or undecided    ● - weak

**Source:** Carolyn L. Carter. 2009. "Consumer Protection in the States: A 50-State Report on Unfair and Deceptive Acts and Practices Statutes." Boston, MA: National Consumer Law Center, Inc. [[http://www.nclc.org/images/pdf/udap/report\\_50\\_states.pdf](http://www.nclc.org/images/pdf/udap/report_50_states.pdf)], pp. 7-10.