

## Statutory CUTPA Violations

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### Issue

This report lists the state's statutory CUTPA (Connecticut Unfair Trade Practices Act) violations. It provides the following information for each violation: the statutory reference, the public act creating the violation, and a brief description of the violation.

The report updates related information contained in OLR Report [2011-R-0494](#).

### Summary

Enacted in 1973, CUTPA is a state law that protects people, businesses, and other entities from unfair competition and unfair or deceptive acts or practices in trade or commerce ([CGS § 42-110b](#)). It is modeled after the Federal Trade Commission Act ([15 U.S.C. § 45\(a\)\(1\)](#)).

There are two types of CUTPA violations. The first is judicially determined, where a court decides if an action is a violation of the law. The second is a *per se* violation, which is a specific statutorily prohibited action that automatically constitutes a CUTPA violation. For example, anyone who violates the state's Home Improvement Act also violates CUTPA ([CGS § 20-427\(c\)](#)). For a list of all statutory *per se* violations, see Attachment 1.

In addition to statutory *per se* violations, CUTPA allows the consumer protection commissioner to issue regulations defining certain actions as an unfair trade practice ([CGS § 42-110b\(c\)](#)). For example, it is a CUTPA violation for car dealers to advertise a price without disclosing certain fees ([Conn. Agencies Regs. § 42-110b-28\(6\)](#)).

### Attachment 1: Per Se CUTPA Violations

Citation (§)	General Description
<a href="#">4-28m</a>	Failing to affix tax stamp on cigarettes or selling cigarettes not included in the state directory
<a href="#">12-326b</a>	Buying or selling cigarettes below cost, with intent to injure competition
<a href="#">14-15b</a>	Violating certain requirements regarding motor vehicle rental contracts and collision damage coverage
<a href="#">14-16c</a>	Selling or transferring totaled or salvaged motor vehicles or parts to unlicensed entities
<a href="#">14-106b</a>	Altering or removing an odometer or selling a device to manipulate a motor vehicle's mileage
<a href="#">14-106d</a>	Manufacturing, importing, installing, or selling fake air bags or selling or installing related devices
<a href="#">14-332a</a>	Adding a gas surcharge
<a href="#">16-245o</a>	Violating provisions on (1) protecting electric customers' information; (2) requiring specific information in electric bills and as part of electric service contracts; and (3) providing certain written notices to consumers
<a href="#">16-245s</a>	Switching electric suppliers without permission from the customer
<a href="#">16-247s</a>	Disclosing cell phone information for directory use or distributing a directory with unauthorized cell phone information
<a href="#">16-247u</a>	Procuring or selling telephone customer records without permission or knowingly receiving these records
<a href="#">16-256i</a>	Unreasonably delaying or denying a telephone carrier switch back to a previous carrier
<a href="#">16a-15</a>	Failing to properly display signs regarding fuel price at pumps
<a href="#">16a-21</a>	Violating heating fuel dealer requirements, such as mandatory contract provisions
<a href="#">16a-22k</a>	Conducting unfair trade practices in the business of selling fuel oil (e.g., conditioning repair service on purchase)
<a href="#">16a-23</a>	Failing to provide gasoline to independent retail gas distributors at wholesale prices and in reasonable quantities
<a href="#">16a-23a</a>	Failing to provide written notice of standard or substandard anthracite to purchasers
<a href="#">16a-23r</a>	Violating various home heating oil sales statutes (e.g., registration requirements, contract provisions, notices)
<a href="#">19a-508c</a>	Collecting a health facility fee for certain outpatient health care services
<a href="#">19a-509f</a>	Charging a utility installation fee to a resident of a residential care home, nursing home, or rest home when the resident switches rooms
<a href="#">19a-904d</a>	Blocking health information by a hospital, health system, or seller or if any seller makes a false, misleading, or deceptive representation that an electronic health record system is certified
<a href="#">20-7f</a>	Violating unfair billing or credit reporting practices for healing arts
<a href="#">20-124a</a>	Failing to disclose use of a dental referral service
<a href="#">20-150</a>	Selling optical goods without the supervision of a licensed optician or at an unpermitted facility
<a href="#">20-341</a>	Performing work in certain occupations without the requisite authority (e.g., license or registration) and following other related provisions
<a href="#">20-341y</a>	Violating the mechanical contractor registration laws
<a href="#">20-417g</a>	Violating the new home construction contractor registration laws
<a href="#">20-427</a>	Violating the home improvement contractor registration laws
<a href="#">20-457</a>	Violating the community association manager registration laws
<a href="#">20-633a</a>	Failing to provide a consumer with a written summary of terms and conditions for participating in a pharmacy rewards program

## Attachment 1 (continued)

<b>Citation (§)</b>	<b>General Description</b>
<a href="#">20-691</a>	Violating the locksmith registration law
<a href="#">21-35h</a>	Violating the closing-out sale licensing and registration laws
<a href="#">21-83e</a>	Violating the mobile manufactured homes laws (e.g., licensing, document or contract, or notice requirements)
<a href="#">21a-222</a>	Violating the health club laws (e.g., licensing, contracts, notice)
<a href="#">21a-343</a>	Failing to allow inspection of a factory, warehouse, or other establishment under the State Child Protection Act
<a href="#">21a-345</a>	Failing to post notice that an article is a designated banned hazardous substance
<a href="#">21a-404</a>	Violating the Home Food Service Plan Sales Act (e.g., required contracts, notices, receipts)
<a href="#">33-1335</a>	Violating the corporate accountability laws (e.g., destroying or altering records or improperly certifying records)
<a href="#">35-1</a>	Using a fictitious name when conducting or transacting business or improperly using the name of a municipality in the businesses' name
<a href="#">36a-498</a>	Engaging in an unfair or deceptive act when soliciting a residential mortgage loan application
<a href="#">36a-589</a>	Violating the check cashing services laws (e.g., licensing, charging fees, records)
<a href="#">36a-700</a>	Violating the credit clinic law (e.g., contract, notices, performance)
<a href="#">36a-701b</a>	Failing to provide a required notice of a breach of security or identity theft prevention/mitigation services
<a href="#">38a-355</a>	Failing to provide notice or estimate for repairs and replacement parts by a repairer
<a href="#">42-103k</a>	Violating the apartment listing services laws (e.g., registration, contract, listing requirements)
<a href="#">42-103tt</a>	Committing various acts concerning time shares (e.g., failing to provide certain information, making false statements)
<a href="#">42-103ww</a>	Knowingly furnishing false information in a time share fee and expense statement
<a href="#">42-110q</a>	Failing to disclose to a potential customer of separate fees for service and labor by a service contractor
<a href="#">42-110aa</a>	Refusing to properly accept returned goods and offer a refund or credit
<a href="#">42-115r</a>	Selling, or representing as new, tires altered by adding a stripe to the outer sidewall unless there is a label disclosing that fact
<a href="#">42-115t</a>	Failing to use cash registers that produce conspicuous read-outs for the consumer
<a href="#">42-115u</a>	Violating the unfair sales practices laws (e.g., labeling, pricing, and advertising requirements)
<a href="#">42-125bb</a>	Violating requirements for layaway plans (e.g., failing to provide an agreement to the consumer with certain specific information or a receipt, misrepresenting the sellers policy, increasing a good's price, failing to deliver the goods)
<a href="#">42-126b</a>	Sending unsolicited goods in anticipation of payment or failing to provide proper notice concerning (1) trial offers at introductory rates that will subsequently change or (2) contracts that will automatically renew
<a href="#">42-126c</a>	Failing to disclose certain information in advertising or promotional materials by mail order or catalog businesses
<a href="#">42-133i</a>	Failing to (1) provide notice of a magazine subscription's expiration date or (2) make clear that certain magazine solicitations are not invoices or bills
<a href="#">42-133ff</a>	Imposing a surcharge on or reducing a travel agent's commission if a customer uses a credit card to purchase a provider's services

Attachment 1 (continued)

Citation (§)	General Description
<a href="#">42-141</a>	Violating certain provisions of the Home Solicitation Sales Act (e.g., required contract provisions, cancellation requirements)
<a href="#">42-184</a>	Violating the law's new or leased automobile warranty requirements
<a href="#">42-206</a>	Violating provisions of the funeral service contracts laws (e.g., contract and escrow requirements)
<a href="#">42-210</a>	Violating the gray market merchandise laws (e.g., notice and refund or credit requirements)
<a href="#">42-217</a>	Failing to issue or properly administer a raincheck issued to a consumer for sale items that are out of stock
<a href="#">42-227</a>	Violating the automobile manufacturers' warranty adjustment programs law (e.g., failing to establish a procedure to give customer's notice or provide certain disclosures)
<a href="#">42-230</a>	Increasing the price of retail goods in disaster areas before the disaster declaration ends, except in the normal course of business
<a href="#">42-232</a>	Selling products or services at excessive prices during a supply or energy emergency
<a href="#">42-234a</a>	Selling energy resources at excessive prices during abnormal market disruptions
<a href="#">42-234b</a>	Including in a billing for the first sale of petroleum products any amount representing the gross earnings tax that exceeds the gross earnings tax liability
<a href="#">42-235</a>	Selling consumer goods or services for an unconscionably excessive price during a severe weather event emergency
<a href="#">42-251</a>	Violating the consumer rent-to-own agreement laws (e.g., agreement requirements, prohibited charges, notice and advertising requirements)
<a href="#">42-283</a>	Violating the diet program laws (e.g., making certain representations, failing to provide certain disclosures or put certain provisions in contracts)
<a href="#">42-288</a>	Violating the telemarketing laws (e.g., contract requirements, accepting payment without a contract)
<a href="#">42-288a</a>	Violating the "do not call" registry law (e.g., making improper calls, using a blocking device, transmitting misleading caller information)
<a href="#">42-300</a>	Violating the sweepstakes laws (e.g., advertising restrictions, required disclosures)
<a href="#">42-311</a>	Violating the buying club laws (e.g., contract requirements, notice of right to cancel, honoring valid cancellations)
<a href="#">42-322</a>	Failing to include certain provisions in social referral (dating) services contracts and provide the buyer with a copy of the contract or failing to properly issue refunds
<a href="#">42-360</a>	Failing to properly provide dry cleaning price information
<a href="#">42-370</a>	Failing to properly disclose surcharges, fees, time computations, or other restrictions, at the time of sale by a prepaid calling card company
<a href="#">42-371</a>	Selling or providing consumer information to a third party without permission from the consumer who has a discount card or device with the retailer
<a href="#">47-6b</a>	Conveying real property to a land-holding nonprofit by an unsigned conveyance instrument needed to show acceptance
<a href="#">48-30</a>	Misrepresenting the power to acquire property by eminent domain
<a href="#">PA 17-5</a>	Practicing or administering conversion therapy
<a href="#">PA 17-28</a>	Selling nontransferable tickets to events via entertainment event ticketing systems, generally

Attachment 1 (continued)

<b>Citation (§)</b>	<b>General Description</b>
<a href="#">PA 17-77, § 17</a>	Using automated ticket purchasing software to purchase tickets online
<a href="#">PA 17-187</a>	Failing to properly disclose and make certain information available by travel retailers
<a href="#">PA 17-241</a>	Committing any general business practice that violates the pharmacy services contract laws
<a href="#">PA 17-2, § 263 (June Special Session)</a>	Selling or delivering alcohol without first receiving it into a warehouse and making an inventory
<a href="#">PA 17-2, § 338 (June Special Session)</a>	Reusing any part of recycled materials that contains pyrrhite to produce concrete for residential or commercial construction

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