

Statutory CUTPA Violations

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Issue

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

The report updates OLR Report [2017-R-0171](#).

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 violated 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 contractor laws also violates CUTPA ([CGS § 20-427\(c\)](#)). For a list of all statutory *per se* violations, see Table 1.

In addition to the statutory *per se* violations listed in Table 1, CUTPA also 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\(6\)](#)).

Table 1: Per Se CUTPA Violations

Citation (§)	General Description
4-28m	Failing to affix tax stamp on cigarettes or selling cigarettes not included in the state directory
12-326b	Buying or selling cigarettes below cost, with intent to injure competition
12-572b	Conducting or accepting unauthorized off-track betting wagers or advance deposit wagers
14-15b	Violating certain requirements regarding motor vehicle rental contracts and collision damage coverage
14-16c	Selling or transferring totaled or salvaged motor vehicles or parts to unlicensed entities
14-106b	Altering or removing an odometer or selling a device to manipulate a motor vehicle's mileage
14-106d	Manufacturing, importing, installing, or selling fake air bags or selling or installing related devices
14-332a	Adding a gas surcharge
16-245o	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
16-245s	Switching electric suppliers without permission from the customer
16-247s	Disclosing cell phone information for directory use or distributing a directory with unauthorized cell phone information
16-247u	Procuring or selling telephone customer records without permission or knowingly receiving these records
16-256i	Unreasonably delaying or denying a telephone carrier switch back to a previous carrier
16a-15	Failing to properly display signs regarding fuel price at pumps
16a-21	Violating heating fuel dealer requirements, such as mandatory contract provisions
16a-22k	Conducting unfair trade practices in the business of selling fuel oil (e.g., conditioning repair service on purchase)
16a-23	Failing to provide gasoline to independent retail gas distributors at wholesale prices and in reasonable quantities
16a-23a	Failing to provide written notice of standard or substandard anthracite to purchasers
16a-23r	Violating various home heating oil sales statutes (e.g., registration requirements, contract provisions, notices)
19a-508c , as amended by PA 21-129	Collecting a health facility fee for certain outpatient health care services
19a-509f	Charging a utility installation fee to a resident of a residential care home, nursing home, or rest home when the resident switches rooms
19a-904d	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
19a-907b	Practicing or administering conversion therapy while conducting trade or commerce
20-7f	Violating unfair billing or credit reporting practices for healing arts
20-124a	Failing to disclose use of a dental referral service
20-150	Selling optical goods without the supervision of a licensed optician or at an unpermitted facility
20-341	Performing work in certain occupations without the requisite authority (e.g., license or registration) and following other related provisions
20-341y	Violating the mechanical contractor registration laws

Table 1 (continued)

Citation (§)	General Description
20-417g	Violating the new home construction contractor registration laws
20-427	Violating the home improvement contractor registration laws
20-457	Violating the community association manager registration laws
20-633a	Failing to provide a consumer with a written summary of terms and conditions for participating in a pharmacy rewards program
20-691	Violating the locksmith registration law
21-35h	Violating the closing-out sale licensing and registration laws
21-83e	Violating the mobile manufactured homes laws (e.g., licensing, document or contract, or notice requirements)
21a-222	Violating the health club laws (e.g., licensing, contracts, notice)
21a-343	Failing to allow inspection of a factory, warehouse, or other establishment under the State Child Protection Act
21a-345	Failing to post notice in a retail store that an article is a designated banned hazardous substance
21a-404	Violating the Home Food Service Plan Sales Act (e.g., required contracts, notices, receipts)
22-61m	Claiming any health impacts, medical effects, or physical or mental benefits when advertising, labeling, or marketing hemp consumables
29-265g	Reusing any part of recycled materials that contains pyrrhoite to produce concrete for residential or commercial construction
30-17c	Selling or delivering alcohol without first receiving it into a warehouse and making an inventory
30-64b as amended by PA 21-37 , § 91	Unfair pricing where a wholesaler or retail permittee sells at a price with the intent to destroy or prevent competition
33-1335	Violating the corporate accountability laws (e.g., destroying or altering records or improperly certifying records)
35-1	Using a fictitious name when conducting or transacting business or improperly using the name of a municipality in the businesses' name
36a-267	Violating the counseling and certification requirements for reverse annuity mortgages
36a-498	Engaging in an unfair or deceptive act when soliciting a residential mortgage loan application
36a-589	Violating the check cashing services laws (e.g., licensing, charging fees, records)
36a-700	Violating the credit clinic law (e.g., contract, notices, performance)
36a-701b as amended by PA 21-59	Failing to provide a required notice of a security breach or identity theft prevention/mitigation services
38a-355	Failing by a repairer to provide notice or estimate for repairs and replacement parts for a private passenger motor vehicle
38a-398	Failing by a travel retailer to properly disclose and make certain information about travel insurance available
38a-477cc	Committing a general business practice that violates the pharmacy services contract laws

Table 1 (continued)

Citation (§)	General Description
42-103k	Violating the apartment listing services laws (e.g., registration, contract, listing requirements)
42-103tt	Committing various acts concerning time shares (e.g., failing to provide certain information, making false statements)
42-103ww	Knowingly furnishing false information in a time share fee and expense statement
42-110q	Failing by a service contractor to disclose separate fees for service and labor to a potential customer
42-110aa	Refusing to properly accept returned goods and offer a refund or credit
42-115r	Selling, or representing as new, tires altered by adding a stripe to the outer sidewall unless there is a label disclosing that fact
42-115t	Failing to use cash registers that produce conspicuous read-outs for the consumer
42-115u	Violating the unfair sales practices laws (e.g., labeling, pricing, and advertising requirements)
42-125bb	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)
42-126b	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
42-126c	Failing to disclose certain information in advertising or promotional materials by mail order or catalog businesses
42-133i	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
42-133ff	Imposing a surcharge on or reducing a travel agent's commission if a customer uses a credit card to purchase a provider's services
42-141	Violating certain provisions of the Home Solicitation Sales Act (e.g., required contract provisions, cancellation requirements)
42-184	Violating the law's new or leased automobile warranty requirements
42-206	Violating provisions of the funeral service contracts laws (e.g., contract and escrow requirements)
42-210	Violating the gray market merchandise laws (e.g., notice and refund or credit requirements)
42-217	Failing to issue or properly administer a raincheck issued to a consumer for sale items that are out of stock
42-227	Violating the automobile manufacturers' warranty adjustment programs law (e.g., failing to establish a procedure to give customer's notice or provide certain disclosures)
42-230	Increasing the price of retail goods in disaster areas before the disaster declaration ends, except in the normal course of business
42-232	Selling products or services at excessive prices during a supply or energy emergency
42-234a	Selling energy resources at excessive prices during abnormal market disruptions
42-234b	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
42-235	Selling consumer goods or services for an unconscionably excessive price during a severe weather event emergency
42-251	Violating the consumer rent-to-own agreement laws (e.g., agreement requirements, prohibited charges, notice and advertising requirements)

Table 1 (continued)

Citation (§)	General Description
42-283	Violating the diet program laws (e.g., making certain representations, failing to provide certain disclosures or put certain provisions in contracts)
42-288	Violating the telemarketing laws (e.g., contract requirements, accepting payment without a contract)
42-288a	Violating the "do not call" registry law (e.g., making improper calls, using a blocking device, transmitting misleading caller information)
42-300	Violating the sweepstakes laws (e.g., advertising restrictions, required disclosures)
42-311	Violating the buying club laws (e.g., contract requirements, notice of right to cancel, honoring valid cancellations)
42-322	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
42-360	Failing to properly provide dry cleaning price information
42-370	Failing to properly disclose surcharges, fees, time computations, or other restrictions, at the time of sale by a prepaid calling card company
42-371	Selling or providing consumer information to a third party without permission from the consumer who has a discount card or device with the retailer
47-6b	Conveying real property to a land-holding nonprofit by an unsigned conveyance instrument needed to show acceptance
48-30	Misrepresenting the power to acquire property by eminent domain
53-289d	Selling nontransferable tickets to events via entertainment event ticketing systems, generally
53-289e	Using automated ticket purchasing software to purchase tickets online
PA 21-1, June Special Session, § 33	Violating recreational cannabis advertising requirements

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