

CONSUMER PROTECTION IN THE STATES

A 50-STATE EVALUATION OF UNFAIR AND DECEPTIVE PRACTICES LAWS

<http://bit.ly/2DJKbGp>

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STATE UDAP STATUTES STRENGTHS AND WEAKNESSES

This chart summarizes the factors analyzed in the National Consumer Law Center's report *Consumer Protection in the States: A 50-State Evaluation of Unfair and Deceptive Practices Laws*

Key: ○ = Strong
◐ = Mixed
● = Weak
? = Undecided*

	AL	AK	AZ	AR	CA	CO	CT	DE	DC	FL	GA	HI	ID	IL
PRACTICES PROHIBITED														
Broad deception prohibition	○	○	○	○	○	●	○	○	○	○	○	○	○	○
Broad unfairness prohibition	○	○	○	○	○	●	○	●	○	○	○	○	○	○
Rulemaking authority	●	○	●	●	●	●	○	●	◐	◐	○	○	○	○
SCOPE														
Covers credit	●	◐	○	○	○	○	○	○	○	●	?	○	?	◐
Covers insurance	●	●	○	○	○	○	◐	?	○	●	●	○	●	○
Covers utilities	●	○	○	?	○	○	○	?	○	●	?	○	?	○
Covers post-sale acts	?	○	?	○	○	○	○	?	?	?	○	○	○	○
Covers real estate	○	●	○	○	○	○	○	○	○	◐	○	○	○	○
STATE ENFORCEMENT														
Civil penalty amount	●	○	○	○	●	●	◐	○	●	○	◐	○	◐	○
Does not require proof of intent or knowledge	○	○	○	◐	○	●	○	○	○	○	○	○	○	○
REMEDIES FOR CONSUMERS														
No major gaps in scope of consumers' ability to enforce	○	○	○	○	○	○	○	○	○	○	○	○	○	○
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	●	○	○	○	◐	○	○	○	○	◐	●	○	○	○
Allows consumer suit for any type of injury	●	●	○	●	●	○	●	○	○	○	○	○	●	○

*The statute is unclear and courts have not resolved the question, or courts have issued conflicting interpretations.

	IN	IA	KS	KY	LA	ME	MD	MA	MI	MN	MS	MO	MT	NE
PRACTICES PROHIBITED														
Broad deception prohibition	○	○	○	○	○	○	○	○	○	○	◐	○	○	○
Broad unfairness prohibition	○	○	○	○	○	○	○	○	○	●	◐	○	○	○
Rulemaking authority	●	○	●	●	○	○	○	○	●	●	◐	○	○	●
SCOPE														
Covers credit	○	◐	?	○	●	◐	○	○	●	○	?	○	○	●
Covers insurance	●	◐	●	○	●	○	●	○	●	○	◐	?	●	○
Covers utilities	○	◐	○	◐	●	○	●	○	●	○	○	○	?	●
Covers post-sale acts	○	○	○	●	○	○	○	○	?	●	●	○	○	○
Covers real estate	◐	◐	○	◐	○	○	◐	○	◐	○	?	○	○	◐
State enforcement														
Civil penalty amount	◐	○	○	●	◐	○	●	◐	○	○	○	●	○	●
Does not require proof of intent or knowledge	◐	○	◐	○	○	○	○	○	○	◐	○	○	○	○
REMEDIES FOR CONSUMERS														
No major gaps in scope of consumers' ability to enforce	●	●	○	●	○	○	○	○	○	○	●	○	○	○
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	●	○	○	○	○	●	○	●	○	○	●	○	○	○
Allows consumer suit for any type of injury	○	●	○	●	●	●	○	○	○	○	●	●	●	○

	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SC	SD
PRACTICES PROHIBITED														
Broad deception prohibition	○	○	○	○	○	○	○	○	○	●	○	○	○	◐
Broad unfairness prohibition	●	○	○	○	◐	○	○	○	○	◐	?	○	○	●
Rulemaking authority	○	●	○	○	●	●	◐	○	●	○	○	◐	●	●
SCOPE														
Covers credit	○	●	○	○	○	○	○	●	?	○	○	●	○	○
Covers insurance	○	●	○	○	◐	○	○	●	●	●	○	●	●	○
Covers utilities	○	●	●	○	○	○	○	●	●	○	○	●	○	○
Covers post-sale acts	○	◐	?	○	○	○	○	◐	?	○	○	?	○	?
Covers real estate	○	○	○	●	○	○	○	●	○	○	○	◐	○	○
STATE ENFORCEMENT														
Civil penalty amount	◐	○	○	◐	◐	◐	◐	○	○	○	●	●	◐	●
Does not require proof of intent or knowledge	●	○	○	◐	○	○	◐	○	○	○	○	○	○	○
REMEDIES FOR CONSUMERS														
No major gaps in scope of consumers' ability to enforce	○	○	○	○	●	○	○	○	○	●	○	○	○	○
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	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Allows consumer suit for any type of injury	○	○	●	○	○	○	○	○	○	●	●	●	●	○

	TN	TX	UT	VT	VA	WA	WV	WI	WY
PRACTICES PROHIBITED									
Broad deception prohibition	◐	◐	○	○	○	○	○	○	○
Broad unfairness prohibition	◐	○	○	○	●	○	○	◐	○
Rulemaking authority	●	●	○	○	●	●	○	○	●
SCOPE									
Covers credit	?	◐	?	○	●	○	?	◐	○
Covers insurance	●	○	●	◐	●	○	◐	●	◐
Covers utilities	?	○	●	○	●	●	◐	○	○
Covers post-sale acts	?	○	○	○	?	○	?	●	○
Covers real estate	○	○	○	○	◐	○	?	○	○
State enforcement									
Civil penalty amount	●	○	●	○	●	●	◐	○	○
Does not require proof of intent or knowledge	○	○	◐	○	○	○	○	○	●
REMEDIES FOR CONSUMERS									
No major gaps in scope of consumers' ability to enforce	●	●	○	?	○	○	○	●	○
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	○	●	○	○	○	○	●	○	●
Allows consumer suit for any type of injury	●	○	○	○	○	●	●	●	○