

**Strength of Unfair and Deceptive Acts and Practices Law - 50-State Detail
(Scorecard based on data as of 1/15/08)**

Alabama

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Ala. Code § 8-19-5(27).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Ala. Code § 8-19-5(27).
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	No, Ala. Code § 8-19-9.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Ala. Code § 8-19-8(a).
	No compensation or restitution for consumers (2)	0	No, Ala. Code § 8-19-8(b) (allowing appointment of a receiver "whenever a person who has been ordered to make restitution under this section has failed to do so within three months"); Nunley v. State, 628 So. 2d 619, 621 (Ala. 1993).
	No civil penalty for initial violations (2)	0	No, Ala. Code § 8-19-11(b).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Ala. Code § 8-19-11(b) – up to \$2000 per violation if knowing.
	Does not allow license revocation in consumer protection suit (1)	0	No, Ala. Code § 8-19-8(c).
Points Awarded		7	
GRADE		C	

Alabama

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Ala. Code § 8-19-5(27).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Ala. Code § 8-19-5(27).
	No specific prohibitions in statute or regulations (1)	0	No, Ala. Code § 8-19-5.
Statute coverage	Excludes credit transactions (3)	3	Yes, Ala. Code § 8-19-7(3). See Deerman v. Fed. Home Loan Mortg. Corp., 955 F. Supp. 1393 (N.D. Ala. 1997), aff'd without op., 140 F.3d 1043 (11th Cir. 1998).
	Excludes insurance transactions (1)	1	Yes, Ala. Code § 8-19-7(3).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Ala. Code § 8-19-3(3).
	Excludes post-sale acts (1)	0	No. (Alabama courts have not ruled on this question yet).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. (Alabama courts have not ruled on this question yet).
	Requires clear and convincing evidence (1)	0	No. (Alabama courts have not ruled on this question yet).
	Requires pre-suit notice to the defendant (1)	1	Yes, Ala. Code § 8-19-10(e).

Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Ala. Code § 8-19-10(a)(1).
	Two-way or no attorney fees (2)	0	No, Ala. Code § 8-19-10(a)(3).
	Precludes class actions (2)	2	Yes, Ala. Code § 8-19-10(f)
	No multiple damages (1)	0	No, Ala. Code § 8-19-10(a)(2).
Points Awarded		3	
GRADE		F	

Alaska

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Alaska Stat. § 45.50.471(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Alaska Stat. § 45.50.471(a).
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Alaska Stat. § 45.50.491.
Enforcement limits	No presuit investigatory powers (2)	0	No, Alaska Stat. § 45.50.495.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Alaska Stat. § 45.50.501(a).
	No compensation or restitution for consumers (2)	0	No, Alaska Stat. § 45.50.501(b).
	No civil penalty for initial violations (2)	0	No, Alaska Stat. § 45.50.551.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	0	No, Alaska Stat. § 45.50.551 (\$1000 to \$25,000).
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		9	
GRADE		A	

Alaska

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Alaska Stat. § 45.50.471(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Alaska Stat. § 45.50.471(a).
	No specific prohibitions in statute or regulations (1)	0	No, Alaska Stat. § 45.50.471(b), and state has adopted substantive rules under Alaska Stat. § 45.50.491.
Statute coverage	Excludes credit transactions (3)	0	No. Alaska Stat. §§ 45.50.561(a)(9) (defining goods or services to include those "provided in connection with a consumer credit transaction or with a transaction involving an indebtedness secured by the consumer's residence"); 45.50.481(b) (exemption for acts or transactions regulated under Alaska Banking Code is inapplicable to transactions between banks and their customers, borrowers, depositors); Smallwood v. Central Peninsula General Hosp., 151 P.3d 319, 329 (Alaska 2006).
	Excludes insurance transactions (1)	1	Yes, O.K. Lumber Co., Inc. v. Providence Washington Ins. Co., 759 P.2d 523 (Alaska 1988).
	Excludes most other regulated industries (3)	0	No.

	Excludes real estate transactions (1)	0	No, Alaska Code § 45.50.561(a)(9) (defining "goods or services" to include those "provided in connection with a consumer credit transaction or with a transaction involving an indebtedness secured by the borrower's residence").
	Excludes post-sale acts (1)	0	No, State v. O'Neill Investigations, 609 P.2d 520 (Alaska 1980).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No, Odom v. Fairbanks Memorial Hosp., 999 P.2d 123, 132 (Alaska 2000).
	Requires clear and convincing evidence (1)	0	No. Alaska courts have not yet addressed this issue.
	Requires pre-suit notice to the defendant (1)	0	No. Alaska Stat. § 45.50.531 only requires pre-suit notice when the consumer seeks an injunction.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Alaska Stat. § 45.50.531(c).
	Two-way or no attorney fees (2)	2	Yes, Alaska Stat. § 45.50.537.
	Precludes class actions (2)	0	No.
	No multiple damages (1)	0	No, Alaska Stat. § 45.50.531(c).
Points Awarded		7	
GRADE		C	

Arizona

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Ariz. Rev. Stat. § 44-1522.
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes, Ariz. Rev. Stat. § 44-1526(A) only authorizes procedural rules.
Enforcement limits	No presuit investigatory powers (2)	0	No, Ariz. Rev. Stat. § 44-1526.
	Defendant's intent or knowledge as a condition of public enforcement (1)	1	Yes, Ariz. Rev. Stat. § 44-1522(A) requires a showing of intent that others rely.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Ariz. Rev. Stat. § 44-1528(A).
	No compensation or restitution for consumers (2)	0	No, Ariz. Rev. Stat. § 44-1528(A).
	No civil penalty for initial violations (2)	0	No, Ariz. Rev. Stat. § 44-1531(A).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Ariz. Rev. Stat. § 44-1531(A) (\$10,000 per violation if willful).
	Does not allow license revocation in consumer protection suit (1)	0	No, Ariz. Rev. Stat. § 44-1528(A)(3) (allowing court to prohibit defendant from engaging in a specified trade or occupation).
Points Awarded		4	
GRADE		F	

Arizona

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Ariz. Rev. Stat. § 44-1522.
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.

	No specific prohibitions in statute or regulations (1)	1	Yes.
Statute coverage	Excludes credit transactions (3)	0	No, Villegas v. Transamerica Fin. Servs., Inc., 708 P.2d 781 (Ariz. App. 1985).
	Excludes insurance transactions (1)	0	No. Not yet clearly decided.
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Ariz. Rev. Stat. § 44-1521(5) (defining "merchandise" to include real estate).
	Excludes post-sale acts (1)	1	Yes. Although there is no definitive ruling, see Walker v. Gallegos, 167 F.Supp.2d 1105, 1107 (D. Ariz. 2001).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. Not yet clearly resolved. See Peery v. Hansen, 585 P.2d 574, 577 (Ariz. App. 1978) (holding, over strong dissent, that reliance is required); Siemer v. Associates First Capital Corp, 2001 WL 35948712 (D. Ariz. 2001) (stating that reliance is required, but finding that simply purchasing the product amounts to reliance).
	Requires clear and convincing evidence (1)	0	No, Dunlap v. Jimmy GMC of Tucson, Inc., 666 P.2d 83 (Ariz. App. 1983).
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Sellinger v. Freeway Mobile Home Sales, Inc., 521 P.2d 1119 (Ariz. 1974) (finding that Arizona's UDAP statute creates an implied private right of action for damages).
	Two-way or no attorney fees (2)	2	Yes, Sellinger v. Freeway Mobile Home Sales, Inc., 521 P.2d 1119 (Ariz. 1974),
	Precludes class actions (2)	0	No. See, e.g., Qwest Corp. v. Kelly, 59 P.3d 789 (Ariz. App. 2002).
	No multiple damages (1)	1	Yes.
Points Awarded		3	
GRADE		F	

Arkansas

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Ark. Code § 4-88-107(a), (a)(10).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Ark. Code § 4-88-107(a) (prefatory language) & (a)(10) (catchcall).
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	No, Ark. Code § 4-88-111.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No. See Ark. Code § 4-88-107(a) and (a)(10).
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Ark. Code § 4-88-113(a)(1).
	No compensation or restitution for consumers (2)	0	No, Ark. Code § 4-88-113(a)(2).
	No civil penalty for initial violations (2)	0	No, Ark. Code § 4-88-113(a)(3).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	0	No, Ark. Code § 4-88-113(a)(3): \$10,000 per violation.
	Does not allow license revocation in consumer protection suit (1)	0	No, Ark. Code § 4-88-113(b).
Points Awarded		8	

GRADE	B
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Arkansas

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Ark. Code § 4-88-107(a), (a)(10).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Ark. Code § 4-88-107(a) (prefatory language) & (a)(10) (catchcall).
	No specific prohibitions in statute or regulations (1)	0	No, Ark. Code § 4-88-107(a) (2) through (9).
Statute coverage	Excludes credit transactions (3)	0	No. There is no definitive ruling yet. See Anderson v. Stewart, 366 Ark. 203, 2006 WL 1118892 (Ark. 2006).
	Excludes insurance transactions (1)	1	Yes. Jones v. Unum Life Ins. Co., 2006 WL 3462130 (E.D. Ark., Nov. 29, 2006), while not binding on Arkansas courts, creates an impediment for consumers.
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No. See Ark. Code § 4-88-107(a)(10) (prohibiting "any other unconscionable, false, or deceptive act or practice in business, commerce, or trade").
	Excludes post-sale acts (1)	0	No. No. See Ark. Code § 4-88-107(a)(10) (prohibiting "any other unconscionable, false, or deceptive act or practice in business, commerce, or trade").
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. There are no dispositive rulings yet. See Frelin v. Oakwood Homes Corp., 2002 WL 31863487 (Ark. Cir. 2002).
	Requires clear and convincing evidence (1)	0	No. There are no rulings requiring clear and convincing evidence.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Ark. Code § 4-88-113(f).
	Two-way or no attorney fees (2)	0	No, Ark. Code § 4-88-113(f).
	Precludes class actions (2)	0	No. See Anderson v. Stewart, 366 Ark. 203, 2006 WL 1118892 (Ark. 2006).
	No multiple damages (1)	1	Yes.
Points Awarded		8	
GRADE		B	

California

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Cal. Bus. & Prof. Code § 17200.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Cal. Bus. & Prof. Code § 17200.
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	No, Cal. Gov. Code §§ 11180, 11181.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
	Does not allow state to obtain equitable relief (3)	0	No, Cal. Bus. & Prof. Code § 17203.

Remedies	No compensation or restitution for consumers (2)	0	No, Cal. Bus. & Prof. Code § 17203 (restitution).
	No civil penalty for initial violations (2)	0	No, Cal. Bus. & Prof. Code § 17203.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Cal. Bus. & Prof. Code § 17203: up to \$2500 per violation.
	Does not allow license revocation in consumer protection suit (1)	1	Yes. No explicit authority in statute.
Points Awarded		6	
GRADE		D	

California

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, No, Cal. Bus. & Prof. Code § 17200.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, No, Cal. Bus. & Prof. Code § 17200.
	No specific prohibitions in statute or regulations (1)	0	No, Cal. Bus. & Prof. Code §§ 17510 to 17594.
Statute coverage	Excludes credit transactions (3)	0	No. See, e.g., See, e.g., Perdue v. Crocker Nat'l Bank, 702 P.2d 503 (Cal. 1985).
	Excludes insurance transactions (1)	0	No, Quelimane co. v. Stewart Title Guaranty Co., 960 P.2d 513 (Cal. 1998).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No. See, e.g., Washington Mut. Bank v. Superior Court, 89 Cal. Rptr. 2d 560 (App. 1999) (inflated settlement charges for real estate mortgages).
	Excludes post-sale acts (1)	0	No. See, e.g., Barquis v. Merchants Collection Assn., 496 P.2d 817 (Cal. 1972).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No, this issue has not yet been decided..
	Requires clear and convincing evidence (1)	0	No, Aguilar v. Atlantic Richfield Co., 25 Cal. App. 4th 826, 866, 24 P.3d 493 (2001).
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Cal. Bus. & Prof. Code § 17202 (restitution).
	Two-way or no attorney fees (2)	0	No, Cal. Civ. Proc. Code § 1021.5.
	Precludes class actions (2)	0	No.
	No multiple damages (1)	1	Yes.
Points Awarded		9	
GRADE		A	

Colorado

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	3	Yes.
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.

Enforcement limits	No presuit investigatory powers (2)	0	No, Colo. Rev. Stat. § 6-1-108.
	Defendant's intent or knowledge as a condition of public enforcement (1)	1	Yes, most of the broader substantive prohibitions, such as Colo. Rev. Stat. § 6-1-105(1)(a), (b), (c), (e), (f), (g), and (o), require knowledge.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Colo. Rev. Stat. § 6-1-110(a),
	No compensation or restitution for consumers (2)	0	No, Colo. Rev. Stat. § 6-1-110(a).
	No civil penalty for initial violations (2)	0	No, Colo. Rev. Stat. § 6-1-112(1).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Colo. Rev. Stat. § 6-1-112(1): \$2000 per violation.
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		0	
GRADE		F	

Colorado

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	3	Yes.
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	No specific prohibitions in statute or regulations (1)	0	No, Colo. Rev. Stat. § 6-1-105.
Statute coverage	Excludes credit transactions (3)	0	No, Colo. Rev. Stat. §§ 6-1-110, 6-1-105(1)(uu). See also Nienke v. Naiman Group, Ltd., 857 P.2d 446 (Colo. App. 1992).
	Excludes insurance transactions (1)	0	No, Showpiece Homes Corp. v. Assurance Co. of America, 38 P.3d 47 (Colo. 2001).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Colo. Rev. Stat. §§ 6-1-102(8) (defining "property"), 6-1-110(3) (referring to mortgage loans).
	Excludes post-sale acts (1)	0	No, Showpiece Homes Corp. v. Assurance Co. of America, 38 P.3d 47 (Colo. 2001).
Preconditions to a suit	Requires showing of public interest or public impact (2)	2	Yes, Rhino Linings USA, Inc. v. Rocky Mountain Rhino Lining, Inc., 62 P.3d 142 (Colo. 2003); Hall v. Walter, 969 P.2d 224 (Colo. 1998).
	Requires reliance (2)	0	No, Hall v. Walter, 969 P.2d 224 (Colo. 1998) (causation may be established even if the injured party did not rely on the deceptive statements).
	Requires clear and convincing evidence (1)	0	No.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Colo. Rev. Stat. § 6-1-113(2)(a)(I).
	Two-way or no attorney fees (2)	0	No, Colo. Rev. Stat. § 6-1-113(2)(b).
	Precludes class actions (2)	0	No.
	No multiple damages (1)	0	No, Colo. Rev. Stat. § 6-1-113(2)(b).
Points Awarded		3	
GRADE		F	

Connecticut

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Conn. Gen. Stat. § 42-110b(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Conn. Gen. Stat. § 42-110b(a).
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Conn. Gen. Stat. § 42-110b.
Enforcement limits	No presuit investigatory powers (2)	0	No, Conn. Gen. Stat. § 42-110d.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Conn. Gen. Stat. § 42-110d(d).
	No compensation or restitution for consumers (2)	0	No, Conn. Gen. Stat. § 42-110d(d), (e).
	No civil penalty for initial violations (2)	0	No, Conn. Gen. Stat. § 42-110o(b).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Conn. Gen. Stat. § 42-110o(b): \$5000 per violation if willful.
	Does not allow license revocation in consumer protection suit (1)	0	No, Conn. Gen. Stat. § 42-110d(e).
Points Awarded		9	
GRADE		A	

Connecticut

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Conn. Gen. Stat. § 42-110b(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Conn. Gen. Stat. § 42-110b(a).
	No specific prohibitions in statute or regulations (1)	0	No, state has adopted a number of regulations.
Statute coverage	Excludes credit transactions (3)	0	No, Normand Josef Enterprises, Inc. v. Connecticut Nat. Bank, 646 A.2d 1289 (Conn. 1994).
	Excludes insurance transactions (1)	0	No, Mead v. Burns, 509 A.2d 11 (Conn. 1986) (UDAP statute applies to insurance practices, although it cannot be used to challenge a practice that is not prohibited by the state unfair insurance practices statute).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Conn. Gen. Stat. § 42-110a (defining "trade" and "commerce" to include real property transactions).
	Excludes post-sale acts (1)	0	No. See, e.g., Pabon v. Recko, 122 F. Supp. 2d 311 (D. Conn. 2000)
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No, Conn. Gen. Stat. § 42-110g(a).
	Requires reliance (2)	0	No, Hinchliffe v. American Motors Corporation, 184 Conn. 607, 617, 440 A.2d 810 (1981).
	Requires clear and convincing evidence (1)	0	No.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Conn. Gen. Stat. § 42-110g(a).
	Two-way or no attorney fees (2)	0	No, Conn. Gen. Stat. § 110g(d).

Remedies	Precludes class actions (2)	0	No, Conn. Gen. Stat. § 42-110g(b).
	No multiple damages (1)	1	No, although Conn. Gen. Stat. § 42-110g(a) authorizes punitive damages.
Points Awarded		9	
GRADE		A	

Delaware

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Del. Code Ann. tit. 6, § 2513(a).
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	Does not provide the state agency substantive rulemaking authority (2)	1	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	Yes, Del. Code Ann. Tit. 29, § 2504(4), 2508
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Del. Code Ann. tit. 6, §§ 2522, 2523.
	No compensation or restitution for consumers (2)	0	No, Del. Code Ann. tit. 6, § 2523.
	No civil penalty for initial violations (2)	0	No, Del. Code Ann. tit. 6, § 2522(b).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Del. Code Ann. tit. 6, § 2522(b) - up to \$10,000 per violation, but only if willful
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		5	
GRADE		F	

Delaware

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Del. Code Ann. tit. 6, § 2513(a).
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	No specific prohibitions in statute or regulations (1)	1	Yes.
Statute coverage	Excludes credit transactions (3)	0	No. Although courts have not ruled, Del. Code Ann. tit. 6, §§ 2513(a) and 2511(6) are broad enough to include credit transactions.
	Excludes insurance transactions (1)	1	Yes, Del. Code Ann. tit. 6, § 2513(b).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Del. Code Ann. tit. 6, § 2511(6) (defining "merchandise" to include real estate).
	Excludes post-sale acts (1)	0	No, Del. Code Ann. tit. 6, § 2513 (prohibiting deception "in connection with the sale, lease, or advertisement of any merchandise"); Lony v. E.I. du Pont de Nemours and Co., Inc., 821 F. Supp. 956 (D. Del. 1993).
	Requires showing of public interest or public impact (2)	0	No.

Preconditions to a suit	Requires reliance (2)	0	No, Stephenson v. Capano Development, Inc., 462 A.2d 1069, 1074 (Del. 1983),
	Requires clear and convincing evidence (1)	0	No, See, e.g., Wirt v. Matthews, 2002 WL 31999339 (Del. Com. Pleas 2002); Thayer v. Wise Motors, Inc., 1994 WL 1547763 (Del. Com. Pleas 1994).
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No.
	Two-way or no attorney fees (2)	2	Yes, no provision for attorney fees.
	Precludes class actions (2)	0	No.
	No multiple damages (1)	1	Yes.
Points Awarded		3	
GRADE		F	

District of Columbia

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, D.C. Code § 28-3904(e).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, D.C. Code § 28-3904(r).
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	No, D.C. Code § 28-3910 (Corp. Counsel/AG). D.C. Code § 28-3903(a)(2) also gives similar authority to the D.C. Dept. of Consumer & Regulatory Affairs, but it no longer has funding to perform this function.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, D.C. Code § 28-3909(a) (Corporation Counsel, which is now the Attorney General's office). D.C. Code § 28-3905(i)(3) also gives this authority to the D.C. Dept. of Consumer & Regulatory Affairs, but it no longer has funding to perform this function.
	No compensation or restitution for consumers (2)	0	No, D.C. Code § 28-3909(a) (Corp. Counsel/AG). D.C. Code § 28-3905(i)(3) also gives this authority to the D.C. Dept. of Consumer & Regulatory Affairs, but it no longer has funding to perform this function.
	No civil penalty for initial violations (2)	0	No, D.C. Code § 28-3909(a) (Corp. Counsel/AG). D.C. Code § 28-3905(i)(3) also authorizes the Dept. of Consumer & Regulatory Affairs to recover civil penalties, but it no longer has funding to perform this function.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, D.C. Code § 28-3909(a) (\$1000 per violation) (Corp. Counsel/AG). D.C. Code § 28-3905(i)(3) also authorizes the Dept. of Consumer & Regulatory Affairs to recover \$1000 per violation, but it no longer has funding to perform this function.
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		6	
GRADE		D	

District of Columbia

Consumer Access to Justice	Points Deducted	Comments

Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, D.C. Code § 28-3904(e).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, D.C. Code § 28-3904(r).
	No specific prohibitions in statute or regulations (1)	0	No, D.C. Code § 28-3904.
Statute coverage	Excludes credit transactions (3)	0	No, D.C. Code § 28-3901(a)(7).
	Excludes insurance transactions (1)	0	No, Atwater v. District of Columbia Dept. of Consumer & Regulatory Affairs, 566 A.2d 462 (D.C. 1989).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, D.C. Code § 28-3901(a)(7).
	Excludes post-sale acts (1)	0	No. See, e.g., Osbourne v. Capital City Mortg. Corp., 667 A.2d 1321 (D.C. 1995) (applying UDAP law to mortgage company's misrepresentation of payoff amount).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No, D.C. Code § 28-3905(k). See Wells v. Allstate Ins. Co., 210 F.R.D. 1 (D.D.C. 2002).
	Requires clear and convincing evidence (1)	1	Yes. Although it may ultimately be held to apply only to UDAP claims involving intentional misrepresentation, Osbourne v. Capital City Mortg. Corp., 727 A.2d 322, 325 (D.C. 1999) stands as an impediment to consumers.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, D.C. Code § 28-3905(k)(1)(A).
	Two-way or no attorney fees (2)	0	No, D.C. Code § 28-3905(k)(1)(B).
	Precludes class actions (2)	0	No, 28-3905(k)(1), (k)(1)(E).
	No multiple damages (1)	0	No, D.C. Code § 28-3905(k)(1)(A).
Points Awarded		9	
GRADE		A	

Florida

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Fla. Stat. Ann. § 501.204
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Fla. Stat. Ann. §§ 501.204 broadly prohibits both unfair and unconscionable acts.
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Fla. Stat. Ann. § 501.205. However, the state agency has repealed almost all of its rules.
Enforcement limits	No presuit investigatory powers (2)	0	No, Fla. Stat. Ann. § 501.206.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Fla. Stat. Ann. § 501.207(1)(b).
	No compensation or restitution for consumers (2)	0	No, Fla. Stat. Ann. § 501.207(1)(c).
	No civil penalty for initial violations (2)	0	No, Fla. Stat. Ann. § 501.2075
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Fla. Stat. Ann. § 501.2075 (\$10,000 per violation if willful).

Does not allow license revocation in consumer protection suit (1)	1	Yes, Fla. Stat. Ann. § 501.209 (AG is to refer violators to whatever state agency supervises them).
Points Awarded	8	
GRADE	B	

Florida

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Fla. Stat. Ann. § 501.204
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Fla. Stat. Ann. §§ 501.204 broadly prohibits both unfair and unconscionable acts.
	No specific prohibitions in statute or regulations (1)	0	No, Fla. Stat. Ann. §§ 501.2078, 501.2079, 501.912, 501.97, to 501.976.
Statute coverage	Excludes credit transactions (3)	3	Yes. Many credit transactions are excluded by Fla. Stat. Ann. § 501.212(4). See Bankers Trust Co. v. Basciano, 960 So.2d 773, 779 (Fla. App. 2007) (refusing to apply the state's UDAP proscriptions to a bank).
	Excludes insurance transactions (1)	1	Yes, Fla. Stat. Ann. § 501.212(4). See e.g. International Brokerage & Surplus Lines, Inc. v. Liberty Mut. Ins, 2007 WL 220172 (M.D. Fla. 2007); LaPenna v. Government Employees Ins. Co., 2006 WL 3388454 (M.D. Fla. 2006).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	1	Fla. Stat. Ann. § 501.203(8) defines "trade or commerce" to include real property. However, Fla. Stat. § 501.212(6) immunizes licensees from liability for most acts involving sale, lease, rental, or appraisal of real estate, so many aspects of real property transactions are not covered.
	Excludes post-sale acts (1)	1	Yes. Decisions are mixed. While See Schauer v. General Motors Acceptance Corp., 819 So.2d 809, 812 (Fla. App. 2002) holds that the statute covers abusive debt collection, cases such as City of Cars, Inc. v. Simms, 526 So.2d 119 (Fla. App 1988), holding that repossession is not covered, stand as an impediment to consumers.
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. Davis v. Powertel, Inc., 776 So.2d 971 (Fla. App. 2000) (reliance not required). A number of other decisions distinguish or question Davis, but it is the decision most on point.
	Requires clear and convincing evidence (1)	0	No.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Fla. Stat. Ann. § 501.211(2).
	Two-way or no attorney fees (2)	2	Yes, Fla. Stat. Ann. § 501.2105.
	Precludes class actions (2)	0	No. See, e.g., Latman v. Costa Cruise Lines, N.V. 758 So.2d 699 (Fla. App. 2000)
	No multiple damages (1)	1	Yes.
Points Awarded		1	
GRADE		F	

Georgia

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Ga. Code § 10-1-393(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Ga. Code § 10-1-393(a).
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Ga. Code § 10-1-394.
Enforcement limits	No presuit investigatory powers (2)	0	No, Ga. Code § 10-1-403.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Ga. Code § 10-1-397(a)(2)(A).
	No compensation or restitution for consumers (2)	0	No, Ga. Code § 10-1-397(a)(2)(C).
	No civil penalty for initial violations (2)	0	No, Ga. Code § 10-1-397(a)(2)(B).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Ga. Code § 10-1-397(a)(2)(B) (\$5000 per violation).
	Does not allow license revocation in consumer protection suit (1)	1	No.
Points Awarded		8	
GRADE		B	

Georgia

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Ga. Code § 10-1-393(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, No, Ga. Code § 10-1-393(a).
	No specific prohibitions in statute or regulations (1)	0	No, Ga. Code § 10-1-393(b), and state has adopted several regulations under Ga. Code § 10-1-394.
Statute coverage	Excludes credit transactions (3)	3	Yes. Decisions are in conflict on extent of exclusion created by Ga. Code § 10-1-396(1). Decisions such as In re Taylor, 292 B.R. 434 (Bankr. N.D. Ga. 2002), stand as an impediment to consumers.
	Excludes insurance transactions (1)	1	Yes, Ferguson v. United Ins. Co., 293 S.E.2d 736 (Ga. App. 1982).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Ga. Code §§ 10-1-392(3) (defining "consumer transaction" to include real estate), 10-1-392(9) (defining "trade or commerce" to include real estate)..
	Excludes post-sale acts (1)	0	No. See, e.g., Garner v. Academy Collection Service, Inc., 2005 WL 643680 (N.D. Ga. 2005).
Preconditions to a suit	Requires showing of public interest or public impact (2)	2	Yes. See, e.g., Pryor v. CCEC, Inc., 571 S.E.2d 454 (Ga. App. 2002).
	Requires reliance (2)	1	Yes, Zeeman v. Black, 156 Ga.App. 82, 273 S.E.2d 910 (Ga.App. 1980). See also Tiismann v. Linda Martin Homes Corp., 637 S.E.2d 14 (Ga. 2006) (citing Zeeman with favor).
	Requires clear and convincing evidence (1)	0	No. Georgia courts have not addressed this question.
	Requires pre-suit notice to the defendant (1)	1	Yes, Ga. Code § 10-1-399(b).

Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Ga. Code § 10-1-399(a).
	Two-way or no attorney fees (2)	0	No, Ga. Code § 10-1-399(d).
	Precludes class actions (2)	2	Yes, Ga. Code § 10-1-399(a).
	No multiple damages (1)	0	No, No, Ga. Code § 10-1-399(c).
Points Awarded		0	
GRADE		F	

Hawaii

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Haw. Rev. Stat. § 480-2(A).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Haw. Rev. Stat. § 480-2(A).
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Haw. Rev. Stat. § 487-5(5).
Enforcement limits	No presuit investigatory powers (2)	0	No, Haw. Rev. Stat. §§ 480-18, 487-9.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Haw. Rev. Stat. § 480-15.
	No compensation or restitution for consumers (2)	0	No, Haw. Rev. Stat. § 487-14(a).
	No civil penalty for initial violations (2)	0	No, Haw. Rev. Stat. § 480-3.1.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	0	No, Haw. Rev. Stat. § 480-3.1 (\$500 to \$10,000 per violation).
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		9	
GRADE		A	

Hawaii

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Haw. Rev. Stat. § 480-2(A).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Haw. Rev. Stat. § 480-2(A).
	No specific prohibitions in statute or regulations (1)	0	No, state has adopted several regulations.
Statute coverage	Excludes credit transactions (3)	0	No, Hawaii Community Federal Credit Union v. Keka, 11 P.3d 1 (Hawai'i 2000).
	Excludes insurance transactions (1)	0	No, Jenkins v. Commonwealth Land Title Ins. Co., 95 F.3d 791 (9th Cir. 1996).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Hawaii Community Federal Credit Union v. Keka, 11 P.3d 1, 16 (Hawai'i 2000).
	Excludes post-sale acts (1)	0	No. See, e.g., Ai v. Frank Huff Agency, Ltd., 607 P.2d 1304 (Hawaii 1980).
	Requires showing of public interest or public impact (2)	0	No, Haw. Rev. Stat. § 480-2(c).

Preconditions to a suit	Requires reliance (2)	0	No, Courbat v. Dahana Ranch, Inc., 141 P.3d 427, 435 (Hawaii, 2006) (test is objective, turning on whether act is likely to mislead consumers).
	Requires clear and convincing evidence (1)	0	No.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Haw. Rev. Stat. § 480-13(a)(1), (b)(1).
	Two-way or no attorney fees (2)	0	No, Haw. Rev. Stat. § 480-13(a)(1), (b)(1).
	Precludes class actions (2)	0	No, Haw. Rev. Stat. § 480-13(c).
	No multiple damages (1)	0	No, Haw. Rev. Stat. § 480-13(a)(1), (b)(1).
Points Awarded		10	
GRADE		A	

Idaho

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Idaho Code § 48-603(17).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Idaho Code §§ 48-603(18), 48-603C (broadly prohibiting unconscionable acts).
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Idaho Code § 48-604(2).
Enforcement limits	No presuit investigatory powers (2)	0	No, Idaho Code §§ 48-611, 48-612.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Idaho Code § 48-606(1)(b).
	No compensation or restitution for consumers (2)	0	No, Idaho Code §§ 48-606(1)(c), 48-607(2).
	No civil penalty for initial violations (2)	0	No, Idaho Code § 48-606(1)(e).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Idaho Code § 48-606(1)(e) (up to \$5000 per violation).
	Does not allow license revocation in consumer protection suit (1)	0	No, Idaho Code § 48-607(5).
Points Awarded		9	
GRADE		A	

Idaho

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, No, Idaho Code § 48-603(17).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Idaho Code §§ 48-603(18), 48-603C (broadly prohibiting unconscionable acts).
	No specific prohibitions in statute or regulations (1)	0	No, Idaho Code § 48-603(1)-(19). In addition, Idaho has adopted a number of rules.
Statute coverage	Excludes credit transactions (3)	3	Yes, Idaho First Nat. Bank v. Wells, 596 P.2d 429 (Idaho 1979).
	Excludes insurance transactions (1)	1	Yes, Idaho Code § 48-605(3). See Irwin Rogers Agency, Inc. v. Murphy, 833 P.2d 128 (Idaho 1992).
	Excludes most other regulated industries (3)	0	No.

Coverage	Excludes real estate transactions (1)	0	No, Idaho Code § 48-602(6) (defining "goods" to include real property).
	Excludes post-sale acts (1)	0	No, In re Western Acceptance Corp., 788 P.2d 214 (Idaho 1990).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No, courts have not yet ruled.
	Requires clear and convincing evidence (1)	0	No, courts have not yet ruled.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Idaho Code § 48-608(1),
	Two-way or no attorney fees (2)	0	No, Idaho Code § 48-608(4).
	Precludes class actions (2)	0	No, Idaho Code § 48-608(1).
	No multiple damages (1)	0	No.
Points Awarded		6	
GRADE		D	

Illinois

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, 815 Ill. Comp. Stat. Ann. § 505/2.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, 815 Ill. Comp. Stat. Ann. § 505/2.
	Does not provide the state agency substantive rulemaking authority (2)	0	No, 815 Ill. Comp. Stat. Ann. § 505/4.
Enforcement limits	No presuit investigatory powers (2)	0	No, 815 Ill. Comp. Stat. Ann. §§ 505/3, 505/4.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No, 815 Ill. Comp. Stat. Ann. § 505/7(a).
Remedies	Does not allow state to obtain equitable relief (3)	0	No, 815 Ill. Comp. Stat. Ann. § 505/7(a).
	No compensation or restitution for consumers (2)	0	No, 815 Ill. Comp. Stat. Ann. § 505/7(a).
	No civil penalty for initial violations (2)	0	No, 815 Ill. Comp. Stat. Ann. § 505/7(b).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, 815 Ill. Comp. Stat. Ann. § 505/7(b) – up to \$50,000; up to \$50,000 per violation if intent to defraud is shown.
	Does not allow license revocation in consumer protection suit (1)	0	No, 815 Ill. Comp. Stat. Ann. § 505/7(a).
Points Awarded		9	
GRADE		A	

Illinois

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, 815 Ill. Comp. Stat. Ann. § 505/2.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, 815 Ill. Comp. Stat. Ann. § 505/2.
	No specific prohibitions in statute or regulations (1)	0	No, 815 Ill. Comp. Stat. Ann. § 505/2A to 505/2XX.

Statute coverage	Excludes credit transactions (3)	0	No. See, e.g., <i>Heastie v. Community Bank</i> , 690 F. Supp. 716 (N.D. Ill. 1988); <i>Chandler v. Am. Gen. Fin., Inc.</i> , 768 N.E.2d 60 (Ill. App. 2002).. However, coverage is patchy due to decisions such as <i>Najieb v. William Chrysler-Plymouth</i> , 2002 WL 31906466 (N.D. Ill. 2002).and <i>Zekman v. Direct American Marketers, Inc.</i> , 659 N.E.2d 853 (Ill. 1998).
	Excludes insurance transactions (1)	0	No. See 815 Ill. Comp. Stat. Ann. § 505/2QQ (imposing specific restrictions on insurance transactions).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, 815 Ill. Comp. Stat. Ann. § 505/1(b), (f) (defining “merchandise” and “trade” and “commerce” to include real estate).
	Excludes post-sale acts (1)	0	No, <i>People ex rel. Daley v. Datacom Systems Corp.</i> , 585 N.E.2d 51 (Ill. 1991) (statute covers debt collection).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No, <i>Connick v. Suzuki Motor Co., Ltd.</i> , 675 N.E.2d 584 (Ill. 1996).
	Requires clear and convincing evidence (1)	0	No, <i>Avery v. State Farm Mut. Auto. Ins. Co.</i> , 835 N.E.2d 801, 856 (Ill. 2005).
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, 815 Ill. Comp. Stat. Ann. § 505/10a(c).
	Two-way or no attorney fees (2)	0	No, 815 Ill. Comp. Stat. Ann. § 505/10a(c), as interpreted by <i>Krautsack v. Anderson</i> , 861 N.E.2d 633, 645 (Ill. 2006).
	Precludes class actions (2)	0	No.
	No multiple damages (1)	1	Yes
Points Awarded		9	
GRADE		A	

Indiana

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	3	Yes.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Ind. Code § 24-5-0.5-10.
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	No, Ind. Code § 4-6-3-3.
	Defendant's intent or knowledge as a condition of public enforcement (1)	1	Yes, Ind. Code § 24-5-0.5-3 requires intent or knowledge for most substantive violations.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Ind. Code § 24-5-0.5-4(c)(1).
	No compensation or restitution for consumers (2)	0	No, Ind. Code § 24-5-0.5-4(c)(2).
	No civil penalty for initial violations (2)	0	No, Ind. Code § 24-5-0.5-4(g); see also 24-5-0.5-9-8.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Ind. Code § 24-5-0.5-4(g) (\$1500 per violation if knowing or intentional, otherwise \$500 per violation; see also 24-5-0.5-9-8 (\$500 per violation for deceptive acts done as part of scheme, artifice, or device with intent to defraud or mislead).
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		2	

GRADE	F
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Indiana

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	3	Yes.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Ind. Code § 24-5-0.5-10.
	No specific prohibitions in statute or regulations (1)	0	No, Ind. Code § 24-5-0.5-3.
Statute coverage	Excludes credit transactions (3)	0	No, Ind. Code §§ 24-5-0.5-2(a)(1) (defining “consumer transaction” as “a sale, lease, assignment, award by chance, or other disposition of an item of personal property, real property, a service, or an intangible, ... with or without an extension of credit...”), Ind. Code § 24-5-0.5-6 (narrow exemption for acts required or expressly permitted by” other law).
	Excludes insurance transactions (1)	1	Yes, Ind. Code § 24-5-0.5-6.
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	1	Yes, Ind. Code § 24-5-0.5-4(a).
	Excludes post-sale acts (1)	0	No.
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	1	Yes, Ind. Code § § 24-5-0.5-4.
	Requires clear and convincing evidence (1)	0	No.
	Requires pre-suit notice to the defendant (1)	1	Yes, Ind. Code §§ 24-5-0.5-4 and 24-5-0.5-2(a)(4)-(7) (with exception for deceptive acts done as part of scheme, artifice, or device with intent to defraud or mislead).
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Ind. Code § 24-5-0.5-4(1).
	Two-way or no attorney fees (2)	2	Yes, Ind. Code § 24-5-0.5-4(a).
	Precludes class actions (2)	0	No, Ind. Code § § 24-5-0.5-4.
	No multiple damages (1)	0	No, Ind. Code § 24-5-0.5-4(1).
Points Awarded		1	
GRADE		F	

Iowa

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Iowa Code § 714.16(2)(a), (1)(f).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Iowa Code §§ 714.16(2)(a), (1)(n).
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Iowa Code § 714.16(4)(a).
Enforcement limits	No presuit investigatory powers (2)	0	No, Iowa Code § 714.16(4)(a).
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No, Iowa Code § 714.16(7).
	Does not allow state to obtain equitable relief (3)	0	No, Iowa Code § 714.16(7).

Remedies	No compensation or restitution for consumers (2)	0	No, Iowa Code § 714.16(7).
	No civil penalty for initial violations (2)	0	No, Iowa Code § 714.16(7).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	0	No, Iowa Code § 714.16(7): \$40,000 per violation.
	Does not allow license revocation in consumer protection suit (1)	0	No, Iowa Code § 714.16(7) (authorizing court to make any orders or judgments necessary to prevent use of prohibited practices).
Points Awarded		10	
GRADE		A	

Iowa

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	0
	No broad prohibition of unfair or unconscionable acts (2)	3	No Law
	No specific prohibitions in statute or regulations (1)	2	No Law
Statute coverage	Excludes credit transactions (3)	3	No Law
	Excludes insurance transactions (1)	1	No Law
	Excludes most other regulated industries (3)	0	0
	Excludes real estate transactions (1)	0	0
	Excludes post-sale acts (1)	0	0
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	0
	Requires reliance (2)	0	0
	Requires clear and convincing evidence (1)	0	0
	Requires pre-suit notice to the defendant (1)	0	0
Remedies	Does not allow consumers to recover compensatory damages (3)	0	0
	Two-way or no attorney fees (2)	0	0
	Precludes class actions (2)	0	0
	No multiple damages (1)	0	0
Points Awarded		1	
GRADE		F	

Kansas

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Kan. Stat. § 50-626(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Kan. Stat. § 50-627.
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes, Kan. Stat. § 50-630 only allows procedural rules.
	No presuit investigatory powers (2)	0	No, Kan. Stat. § 50-631.

Enforcement limits	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No, While almost all of the specific prohibitions at § 50-626(b) require intent or knowledge, the general prohibition of deceptive acts and practices at Kan. Stat. § 50-626(a) does not.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Kan. Stat. § 50-632(a)(2).
	No compensation or restitution for consumers (2)	0	No, Kan. Stat. § 50-632(a)(3), (c)(2).
	No civil penalty for initial violations (2)	0	No, Kan. Stat. § 50-636
	Penalty less than \$10,000 or more than defendant's knowledge (1)	0	No, Kan. Stat. § 50-636 – up to \$10,000 per violation.
	Does not allow license revocation in consumer protection suit (1)	0	No, Kan. Stat. § 50-632(c)(5).
Points Awarded		8	
GRADE		B	

Kansas

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Kan. Stat. § 50-626(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Kan. Stat. § 50-627.
	No specific prohibitions in statute or regulations (1)	0	No, Kan. Stat. § 50-626(b).
Statute coverage	Excludes credit transactions (3)	0	No, State ex rel. Stephan v. Brotherhood Bank and Trust Co., 649 P.2d 419, 422 (Kan. App. 1982). See also Kan. Stat. § 50-624(j) (excluding banks and other regulated lending institutions, but only as to their disposition of repossessed collateral).
	Excludes insurance transactions (1)	1	Yes, Kan. Stat. § 50-624(c).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Kan. Stat. § 50-624(c) and (h).
	Excludes post-sale acts (1)	0	No, Kan. Stat. § 50-624(j) (defining “supplier” to include those who enforce consumer transactions), 50-627(a) (unconscionable act is a violation whether it occurs before, during, or after the transaction).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No, Kan. Stat. § 50-626(b)(1). See Cole v. Hewlett Packard Co., 2006 WL 851394 (Kan. App. Mar. 31, 2006).
	Requires clear and convincing evidence (1)	0	No, Ray v. Ponca/Universal Holdings, Inc., 913 P.2d 209, 212 (Kan. App. 1995).
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Kan. Stat. § 50-634(b), (c).
	Two-way or no attorney fees (2)	0	No, Kan. Stat. § 50-634(e).
	Precludes class actions (2)	0	No, Kan. Stat. § 50-634(c), (d).
	No multiple damages (1)	1	Yes.
Points Awarded		8	
GRADE		B	

Kentucky

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Ky. Rev. Stat. § 367.170.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Ky. Rev. Stat. § 367.170.
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes, Ky. Rev. Stat. § 15.180 gives the Attorney General authority to issue "regulations which will facilitate performing the duties and exercising the authority vested in" the AG, but because of restrictions in Ky. Rev. Stat. § 13A.222 this is not considered sufficient for substantive rules without a more specific grant of authority.
Enforcement limits	No presuit investigatory powers (2)	0	No, Ky. Rev. Stat. § 367.240.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Ky. Rev. Stat. § 367.190.
	No compensation or restitution for consumers (2)	0	No, Ky. Rev. Stat. § 367.200.
	No civil penalty for initial violations (2)	0	No, Ky. Rev. Stat. § 367.990.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Ky. Rev. Stat. § 367.990 (up to \$2000 per violation if willful).
	Does not allow license revocation in consumer protection suit (1)	0	No, Ky. Rev. Stat. § 367.200.
Points Awarded		7	
GRADE		C	

Kentucky

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Ky. Rev. Stat. § 367.170.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Ky. Rev. Stat. § 367.170.
	No specific prohibitions in statute or regulations (1)	1	Yes.
Statute coverage	Excludes credit transactions (3)	0	No. See Ky. Rev. Stat. §§ 367.110 (broad definition of "trade or commerce"), 367.610 (specific provisions regarding assignees in consumer credit transactions). See, e.g., <i>Stafford v. Cross Country Bank</i> , 262 F.Supp.2d 776 (W.D. Ky. 2003); <i>Hamilton v. York</i> , 987 F.Supp. 953 (E.D. Ky. 1997).
	Excludes insurance transactions (1)	0	No, <i>Stevens v. Motorists Mut. Ins. Co.</i> , 759 S.W.2d 819, 820-21 (Ky. 1988).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	1	Yes. See <i>Craig v. Keene</i> , 32 S.W.3d 90 (Ky. App. 2000) (greatly limiting scope of any coverage of real estate transactions by excluding "single real estate transactions.")
	Excludes post-sale acts (1)	0	No. See, e.g., <i>Hamilton v. York</i> , 987 F. Supp 953, 958 (E.D. Ky. 1997) (applying UDAP statute to debt collection).
Preconditions	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. (Kentucky courts have not addressed this question).

Practices prohibited to a suit	Requires clear and convincing evidence (1)	0	No.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Ky. Rev. Stat. § 367.220(1).
	Two-way or no attorney fees (2)	2	Yes, Ky. Rev. Stat. § 367.220(3).
	Precludes class actions (2)	0	No.
	No multiple damages (1)	1	Yes.
Points Awarded		5	
GRADE		F	

Louisiana

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, La. Stat. Ann. § 51:1405(A).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, La. Stat. Ann. § 51:1405(A) (unfair acts or practices).
	Does not provide the state agency substantive rulemaking authority (2)	0	No, La. Stat. Ann. § 51:1405(B).
Enforcement limits	No presuit investigatory powers (2)	0	No, La. Stat. Ann. § 51:1411.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, La. Stat. Ann. § 51:1407(A).
	No compensation or restitution for consumers (2)	0	No, La. Stat. Ann. § 51:1408(A).
	No civil penalty for initial violations (2)	0	No, La. Stat. Ann. § 51:1407(B).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, La. Stat. Ann. § 51:1407(B) (up to \$5000 per violation if the act is done with intent to defraud).
	Does not allow license revocation in consumer protection suit (1)	0	No, La. Stat. Ann. § 51:1408(A)(1), (3), (4).
Points Awarded		9	
GRADE		A	

Louisiana

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, La. Stat. Ann. § 51:1405(A),
	No broad prohibition of unfair or unconscionable acts (2)	0	No, La. Stat. Ann. § 51:1405(A) (unfair acts or practices).
	No specific prohibitions in statute or regulations (1)	0	No, the state has adopted a number of regulations.
Statute coverage	Excludes credit transactions (3)	3	Yes, La. Stat. Ann. § 51:1406(1) (broad exemption for most activities by most creditors).
	Excludes insurance transactions (1)	1	Yes, La. Stat. Ann. § 51:1406(1).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, La. Stat. Ann. § 51:1402 (broadly defining "trade or commerce" so that it covers real estate transactions).

	Excludes post-sale acts (1)	0	No, See Slayton v. Davis, 901 So.2d 1246 (La. App. 2005); Pelican Point Operations, L.L.C. v. Carroll Childers Co., 807 So.2d 1171 (La. App. 2002); Bryant v. Sears Consumer Financial Corp., 617 So.2d 1191 (La. App. 1993).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No, Louisiana courts have not reached this question.
	Requires clear and convincing evidence (1)	0	No, there have been no definitive rulings, and cases such as Roustabouts, Inc. v. Hamer, 447 So.2d 543 (La. App. 1984) have applied the preponderance of the evidence standard.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, La. Stat. Ann. § 51:1409(A).
	Two-way or no attorney fees (2)	0	No, La. Stat. Ann. § 51:1409(A).
	Precludes class actions (2)	2	Yes, La. Stat. Ann. § 51:1409.
	No multiple damages (1)	0	No, La. Stat. Ann. § 51:1409(A).
Points Awarded		4	
GRADE		F	

Maine

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Me. Rev. Stat. Ann. tit. 5 § 207.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Me. Rev. Stat. Ann. tit. 5 § 207.
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Me. Rev. Stat. Ann. tit. 5 § 207(2).
Enforcement limits	No presuit investigatory powers (2)	0	No, Me. Rev. Stat. Ann. tit. 5 § 211.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Me. Rev. Stat. Ann. tit. 5 § 209.
	No compensation or restitution for consumers (2)	2	Yes, Me. Rev. Stat. Ann. tit. 5 § 209 allows the Attorney General to seek restitution only if the defendant has violated an injunction.
	No civil penalty for initial violations (2)	0	No, Me. Rev. Stat. Ann. tit. 5 § 209.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Me. Rev. Stat. Ann. tit. 5 § 209 (up to \$10,000 per violation if willful).
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		6	
GRADE		D	

Maine

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Me. Rev. Stat. Ann. tit. 5 § 207.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Me. Rev. Stat. Ann. tit. 5 § 207.
	No specific prohibitions in statute or regulations (1)	0	No, state has adopted several regulations.

Statute coverage	Excludes credit transactions (3)	0	No, Me. Rev. Stat. Ann. tit. 5 §§ 206(3) (broadly defining “trade” and “commerce”), 208 (narrow exemption for specific activities authorized by federal or state agency).
	Excludes insurance transactions (1)	0	No, Me. Rev. Stat. Ann. tit. 5 §§ 206(3) (broadly defining “trade” and “commerce”), 208 (narrow exemption for specific activities authorized by federal or state agency).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Me. Rev. Stat. Ann. tit. 5 §§ 206(3) (defining trade or commerce to include real property), §213(1) (private cause of action).
	Excludes post-sale acts (1)	0	No high court rulings; see Newcombe v. Mooers, 2000 WL 33675662 (Me. Super. 2000) (improper repossession is UDAP violation).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. See State v. Weinschenk, 868 A.2d 200, 206 (Me. 2005); Tungate v. MacLean-Stevens Studios, 714 A. 2d 792, 797 (Me. 1998). The issue has not been completely resolved, however.
	Requires clear and convincing evidence (1)	0	No.
	Requires pre-suit notice to the defendant (1)	1	Yes, Me. Rev. Stat. Ann. tit. 5 § 213(1-A).
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Me. Rev. Stat. Ann. tit. 5 § 213(1).
	Two-way or no attorney fees (2)	0	No, Me. Rev. Stat. Ann. tit. 5 § 213(2).
	Precludes class actions (2)	0	No. See Oceanside at Pine Point Condominium Owners Ass'n v. Peachtree Doors, Inc. 659 A.2d 267 (Me. 1995).
	No multiple damages (1)	1	Yes.
Points Awarded		8	
GRADE		B	

Maryland

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Md. Code Comm. Law §§ 13-301(1), (3), 13-303.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Md. Code Comm. Law §13-303.
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Md. Code Comm. Law §§ 13-20(12), 13-205.
Enforcement limits	No presuit investigatory powers (2)	0	No, Md. Code Comm. Law § 13-405.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Md. Code Comm. Law § 13-406.
	No compensation or restitution for consumers (2)	0	No, Md. Code Comm. Law § 13-406.
	No civil penalty for initial violations (2)	0	No, Md. Code Comm. Law § 13-410(a), (b).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Md. Code Comm. Law § 13-410(a), (b) – up to \$1000 per violation; \$5000 per violation for repeat offenders.
	Does not allow license revocation in consumer protection suit (1)	1	No. Md. Code Comm. Law § 13-204(5) allows license revocation, but requires participation or approval of licensing agency, and also only if defendant refuses to cease and desist.
Points Awarded		8	
GRADE		B	

Maryland

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Md. Code Comm. Law § 13-301(1), (3); §13-303.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Md. Code Comm. Law §13-303.
	No specific prohibitions in statute or regulations (1)	0	No, Md. Code Comm. Law § 13-301; §13-303. State has also adopted several regulations under Md. Code Comm. Law §§ 13-20(12), 13-205.
Statute coverage	Excludes credit transactions (3)	0	No, Md. Code Comm. Law § 13-101(c)(1) (defining consumer to include a recipient of consumer credit).
	Excludes insurance transactions (1)	1	Yes, Md. Code Comm. Law § 13-104(1).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Md. Code Comm. Law §§ 13-101(c)(1) (defining consumer to include a purchaser, lessee, or recipient of consumer realty), § 13-303(1), (2)
	Excludes post-sale acts (1)	0	No, Md. Code Comm. Law §§ 13-301(14)(iii), 13-303(4).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	1	Yes. Although the issue has not been resolved by Maryland's highest court, decisions such as State v. Andrews, 533 A.2d 282 (Md. Spec. App. 1987) and Hoffman v. Stamper, 843 A.2d 153, 191 (Md. Civ. App. 2004), aff'd in part, rev'd in part on other grounds, 867 A.2d 276 (Md. 2005), impose impediments to consumers.
	Requires clear and convincing evidence (1)	0	No, Devine Seafood, Inc. v. Attorney General of Maryland, 377 A.2d 1194 (Md. Spec. App. 1977).
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Md. Code Comm. Law § 13-408.
	Two-way or no attorney fees (2)	0	No, Md. Code Comm. Law § 13-408(b).
	Precludes class actions (2)	0	No. See, e.g., Green v. H & R Block, Inc., 735 A.2d 1039 (Md. 1999).
	No multiple damages (1)	1	Yes.
Points Awarded		7	
GRADE		C	

Massachusetts

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Mass. Gen. Laws Ch. 93A, § 2(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Mass. Gen. Laws Ch. 93A, § 2(a).
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Mass. Gen. Laws Ch. 93A, § 2(c).
Enforcement limits	No presuit investigatory powers (2)	0	No, Mass. Gen. Laws Ch. 93A, § 6.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
	Does not allow state to obtain equitable relief (3)	0	No, Mass. Gen. Laws Ch. 93A, § 4.

Remedies	No compensation or restitution for consumers (2)	0	No, Mass. Gen. Laws Ch. 93A, § 4.
	No civil penalty for initial violations (2)	0	No, Mass. Gen. Laws Ch. 93A, § 4.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Mass. Gen. Laws Ch. 93A, § 4 (\$500 per violation if defendant knew or should have known that practice was a violation).
	Does not allow license revocation in consumer protection suit (1)	0	No, Mass. Gen. Laws Ch. 93A, § 8.
Points Awarded		9	
GRADE		A	

Massachusetts

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Mass. Gen. Laws Ch. 93A, § 2(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Mass. Gen. Laws Ch. 93A, § 2(a).
	No specific prohibitions in statute or regulations (1)	0	No, state has adopted a number of specific regulations.
Statute coverage	Excludes credit transactions (3)	0	No. See, e.g., Gossels v. Fleet Nat. Bank, 2007 WL 2367535 (Mass. App. 2007); Mass. Regs. Code tit. 940, §§ 3.07, 8.01 to 8.08.
	Excludes insurance transactions (1)	0	No. Hopkins v. Liberty Mut. Ins. Co., 750 N.E.2d 943, 949-50 (Mass. 2001).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Mass. Gen. Laws ch. 93A, § 1(b).
	Excludes post-sale acts (1)	0	No, Mass. Gen. Laws Ch. 93A, § 2(a) (broad definition of "trade" and "commerce"); Mass. Regs. Code tit. 940, §§ 7.01 to 7.11 (debt collection regulation).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No, Heller Fin. v. INA, 573 N.E.2d 8 (Mass. 1991); International Fidelity Ins. Co. v. Wilson, 443 N.E. 2d 1308 (Mass. 1983); Slaney v. Westwood Auto, Inc., 322 N.E.2d 768 (Mass. 1975). See also Aspinall v. Philip Morris Cos., 813 N.E.2d 476, 486 (Mass. 2004).
	Requires clear and convincing evidence (1)	0	No, Zimbovsky v. Tokar, 2005 Mass.App.Div. 100, 2005 WL 2219683 (Mass. App. 2005); Blanchflower Realty Trust, Inc. v. Goodhue, 2006 WL 3292663 (Mass. Super. 2006); CBI Consulting, Inc. v. Cubellis & Associates, Inc., 2005 WL 3627257 (Mass. Super. 2005).
	Requires pre-suit notice to the defendant (1)	1	Yes, Mass. Gen. Laws ch. 93A, § 9(3).
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Mass. Gen. Laws ch. 93A, § 9(1).
	Two-way or no attorney fees (2)	0	No, Mass. Gen. Laws ch. 93A, § 9(4).
	Precludes class actions (2)	0	No, Mass. Gen. Laws ch. 93A, § 9(2).
	No multiple damages (1)	0	No, Mass. Gen. Laws § 9(3).
Points Awarded		9	
GRADE		A	

Michigan

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Mich. Comp. Laws Ann. § 445.903(1)(s), (bb), (cc).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Mich. Comp. Laws Ann. § 445.903(1)(x), (z)..
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Mich. Comp. Laws Ann. § 445.903(2).
Enforcement limits	No presuit investigatory powers (2)	0	No, Mich. Comp. Laws Ann. § 445.907; Mich. Admin. Code R. 14.61.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Mich. Comp. Laws Ann. § 445.905.
	No compensation or restitution for consumers (2)	0	No, Mich. Comp. Laws Ann. § 445.910(2).
	No civil penalty for initial violations (2)	0	No, Mich. Comp. Laws Ann. § 445.905(1).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Mich. Comp. Laws Ann. § 445.905(1) – up to \$25,000 per violation if knowing and persistent.
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		8	
GRADE		B	

Michigan

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Mich. Comp. Laws Ann. § 445.903(1)(s), (bb), (cc).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Mich. Comp. Laws Ann. § 445.903(1)(x), (z)..
	No specific prohibitions in statute or regulations (1)	0	No, Mich. Comp. Laws Ann. § 445.903..
Statute coverage	Excludes credit transactions (3)	3	Yes. See <i>Cowles v. Bank West</i> , 687 N.W.2d 603, 607 (Mich. App. 2004), <i>aff'd in part, rev'd in part on other grounds</i> , 719 N.W.2d 94 (Mich. 2006).
	Excludes insurance transactions (1)	1	Yes, Mich. Comp. Laws Ann. § 445.904((1)(a), (3).
	Excludes most other regulated industries (3)	3	Yes, <i>Liss v. Lewiston-Richards, Inc.</i> , 732 N.W.2d 514 (Mich. 2007).
	Excludes real estate transactions (1)	1	Yes. Michigan courts have not addressed this issue directly, but <i>Liss v. Lewiston-Richards, Inc.</i> , 732 N.W.2d 514 (Mich. 2007) stands as an impediment to claims against real estate brokers or any other licensed party.
	Excludes post-sale acts (1)	1	Yes. Michigan courts have not addressed this issue directly, but <i>Liss v. Lewiston-Richards, Inc.</i> , 732 N.W.2d 514 (Mich. 2007) stands as an impediment to claims against licensed debt collectors or any other licensed party.
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No, , <i>Dix. v. Am. Bankers Life Assurance Co.</i> , 15 N.W.2d 206 (Mich. 1987); <i>Evans v. Ameriquest Mortg. Co.</i> , 2003 WL 734169, at *3 (Mich.App. 2003).
	Requires clear and convincing evidence (1)	0	No. See <i>Regnier v. Payter</i> , 2003 WL 21246635 (Mich.App. 2003).

	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Mich. Comp. Laws Ann. § 445.911(2).
	Two-way or no attorney fees (2)	0	No, Mich. Comp. Laws Ann. § 445.911(2).
	Precludes class actions (2)	0	No, Mich. Comp. Laws Ann. § 445.911(3).
	No multiple damages (1)	1	Yes.
Points Awarded		0	
GRADE		F	

Minnesota

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Minn. Stat. § 325F.69(1).
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	No, Minn. Stat. § 8.31(2).
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Minn. Stat. §§ 8.31(3), 325F.70.
	No compensation or restitution for consumers (2)	0	No, Minn. Stat. §§ 8.31(3a) (AG may obtain the remedies an individual may obtain, which include damages); § 8.31(2c) (referring to sums recovered for the benefit of injured persons); State by Humphrey v. Alpine Air Products, Inc., 500 N.W.2d 888, 896 n. 4 (Minn. 1993) (allowing recovery of restitution under parens patriae doctrine).
	No civil penalty for initial violations (2)	0	No, Minn. Stat. § 8.31(3) - up to \$25,000.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	0	No, Minn. Stat. § 8.31(3) - up to \$25,000.
	Does not allow license revocation in consumer protection suit (1)	1	No.
Points Awarded		5	
GRADE		F	

Minnesota

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Minn. Stat. § 325F.69(1).
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	No specific prohibitions in statute or regulations (1)	0	No, Minn. Stat. § 325F.69(2)-(6), 325F.691 to 325F.695.
	Excludes credit transactions (3)	0	No, Minn. Stat. §§ 325F.68(2) (defining "merchandise" to include loans), 325F.691 (specific prohibition regarding mortgage loan closings).

Statute coverage	Excludes insurance transactions (1)	0	No, Minn. Stat. § 325F.68(2) (broad definition of “merchandise”). See, e.g, Mitchell v. Chicago Title Ins. Co. 2004 WL 2137815, 2 (Minn.Dist.Ct. 2004)
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Minn. Stat. § 325F.68(2) (defining “merchandise” to include real estate).
	Excludes post-sale acts (1)	1	Yes. Law is unsettled, and decisions such as Thinesen v. JBC Legal Group, P.C., 2005 WL 2346991 (D. Minn. 2005) and Maneval v. Jon R. Hawks, Ltd., 1999 WL 33911242 (D. Minn. 1999) create an impediment to consumers.
Preconditions to a suit	Requires showing of public interest or public impact (2)	2	Yes, Ly v. Nystrom, 615 N.W.2d 302 (Minn. 2000).
	Requires reliance (2)	0	No, issue is not fully settled in Minnesota, but view that reliance is not required is supported by Wiegand v. Walsler Automotive Groups, Inc., 683 N.W.2d 807, 811 (Minn. 2004) and Group Health Plan, Inc. v. Philip Morris Inc., 621 N.W.2d 2 (Minn. 2001), (“[a]llegations of reliance are... not necessary to state a claim under section 8.31, subdivision 3a, for damages resulting from a violation”).
	Requires clear and convincing evidence (1)	0	No, State by Humphrey v. Alpine Air Products, Inc., 500 N.W.2d 788 (Minn. 1993).
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Minn. Stat. § 8.31(3a).
	Two-way or no attorney fees (2)	0	No, Minn. Stat. § 8.31(3a).
	Precludes class actions (2)	0	No.
	No multiple damages (1)	1	Yes.
Points Awarded		4	
GRADE		F	

Mississippi

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Miss. Code § 75-24-5(1).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Miss. Code § 75-24-5(1).
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Miss. Code § 75-24-27(1)(f).
Enforcement limits	No presuit investigatory powers (2)	0	No, Miss. Code § 75-24-27(1)(a).
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Miss. Code § 75-24-9.
	No compensation or restitution for consumers (2)	0	No, Miss. Code § 75-24-11.
	No civil penalty for initial violations (2)	0	No, Miss. Code § 75-24-19(1)(b)
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Miss. Code § 75-24-19(1)(b) (\$10,000 per violation, but only if a knowing and willful violation is established by clear and convincing evidence).
	Does not allow license revocation in consumer protection suit (1)	0	No, Miss. Code § 75-24-11.

Points Awarded	9	
GRADE	A	

Mississippi

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	3	Yes, Miss. Code § 75-24-5(1) broadly prohibits deceptive practices, but only allows AG enforcement of this prohibition.
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes, Miss. Code § 75-24-5(1) broadly prohibits unfair practices, but only allows AG enforcement of this prohibition.
	No specific prohibitions in statute or regulations (1)	0	No, Miss. Code § 75-24-5. In addition, Mississippi has adopted several regulations under Miss. Code § 75-24-27(1)(f).
Statute coverage	Excludes credit transactions (3)	0	No. (Mississippi courts have not yet ruled on this question).
	Excludes insurance transactions (1)	1	Yes, Taylor v. Southern Farm Bureau Cas. Co., 954 So.2d 1045 (Miss. App. 2007),
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No. (Mississippi courts have not yet ruled on this question).
	Excludes post-sale acts (1)	0	No. (Mississippi courts have not yet ruled on this question).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No, there are no decisions requiring reliance.
	Requires clear and convincing evidence (1)	0	No, there are no decisions requiring clear and convincing evidence.
	Requires pre-suit notice to the defendant (1)	1	Yes, Miss. Code § 75-24-15(2) (requiring pre-suit participation in AG-approved dispute settlement program).
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Miss. Code § 75-24-15(1).
	Two-way or no attorney fees (2)	2	Yes, Miss. Code § 75-24-15(4).
	Precludes class actions (2)	2	Yes, Mississippi has no class action rule or statute and Mississippi state courts do not recognize class actions.
	No multiple damages (1)	1	Yes.
Points Awarded		-2	
GRADE		F	

Missouri

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Mo. Rev. Stat. § 407.020(1).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Mo. Rev. Stat. § 407.020(1).
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Mo. Rev. Stat. § 407.145.
Enforcement limits	No presuit investigatory powers (2)	0	No, Mo. Rev. Stat. § 407.040.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
	Does not allow state to obtain equitable relief (3)	0	No, Mo. Rev. Stat. § 407.100(1).
	No compensation or restitution for consumers (2)	0	No, Mo. Rev. Stat. § 407.100(4).

Remedies	No civil penalty for initial violations (2)	0	No, Mo. Rev. Stat. § 407.100(6).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Mo. Rev. Stat. § 407.100(6) - up to \$1000 per violation.
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		8	
GRADE		B	

Missouri

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Mo. Rev. Stat. § 407.020(1).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Mo. Rev. Stat. § 407.020(1).
	No specific prohibitions in statute or regulations (1)	0	No, Mo. Rev. Stat. §§ 407.200 to 407.309 and 407.405 include a few specific prohibitions, and the state has adopted a number of regulations under Mo. Rev. Stat. § 407.145.
Statute coverage	Excludes credit transactions (3)	0	No. State courts have not yet resolved this question, but see Mo. Rev. Stat. § 407.010(2), (4) (broad definitions of "trade or commerce" and "merchandise"), Mo. Rev. Stat. § 407.020(2)(2) (excluding small subset of creditors, and then only if Attorney General or consumers are not authorized to bring suit); Mo. Rev. Stat. § 407.025 (authorizing consumers to bring suit); Fielder v. Credit Acceptance Corp., 19 F.Supp.2d 966 (W.D.Mo. 1998), rev'd on other grounds Fielder v. Credit Acceptance Corp. 188 F.3d 1031 (8th Cir. 1999).
	Excludes insurance transactions (1)	0	No. State courts have not yet resolved this question, but see Mo. Rev. Stat. § 407.010(2), (4) (broad definitions of "trade or commerce" and "merchandise"), Mo. Rev. Stat. § 407.020(2)(2) (excluding insurers, but then only if Attorney General or consumers are not authorized to bring suit); Mo. Rev. Stat. § 407.025 (authorizing consumers to bring suit);
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Mo. Rev. Stat. § 407.010(4).
	Excludes post-sale acts (1)	1	Yes. The issue has not been decided by state courts, but Williams v. Regency Financial Corp., 309 F.3d 1045, 1050 (8th Cir. 2002), although it failed to acknowledge language in the statute that an unfair or deceptive practice is a violation "whether committed before, during or after the sale," stands as an impediment to consumers.
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No, Hess v. Chase Manhattan Bank, USA, N.A., 220 S.W.3d 758 (Mo. 2007).
	Requires clear and convincing evidence (1)	0	No. State courts have not yet ruled on this question, but see See Fielder v. Credit Acceptance Corp., 19 F.Supp.2d 966 (W.D. Mo. 1998), rev'd on other grounds, Fielder v. Credit Acceptance Corp., 188 F.3d 1031 (8th Cir. 1999).
	Requires pre-suit notice to the defendant (1)	0	No.
	Does not allow consumers to recover compensatory damages (3)	0	No, Mo. Rev. Stat. § 407.025(1).

Remedies	Two-way or no attorney fees (2)	2	Yes, Mo. Rev. Stat. § 407.025(1).
	Precludes class actions (2)	0	No, Mo. Rev. Stat. § 407.025(2).
	No multiple damages (1)	1	Yes.
Points Awarded		6	
GRADE		D	

Montana

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Mont. Code § 30-14-103.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Mont. Code § 30-14-103.
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Mont. Code § 30-14-104(2).
Enforcement limits	No presuit investigatory powers (2)	0	No, Mont. Code § 30-14-113.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No, Mont. Code § 30-14-111(1) requires a showing of knowledge only if the state seeks an injunction against a defendant who is about to use, but has not yet used, an unlawful practice.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Mont. Code § 30-14-111(1).
	No compensation or restitution for consumers (2)	0	No, Mont. Code § 30-14-131(1).
	No civil penalty for initial violations (2)	0	No, Mont. Code § 30-14-142(2).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Mont. Code § 30-14-142(2) – up to \$10,000 per violation if willful.
	Does not allow license revocation in consumer protection suit (1)	0	No, Mont. Code § 30-14-131(1).
Points Awarded		9	
GRADE		A	

Montana

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Mont. Code § 30-14-103.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Mont. Code § 30-14-103.
	No specific prohibitions in statute or regulations (1)	0	No, state has adopted several rules under Mont. Code § 30-14-104(2).
Statute coverage	Excludes credit transactions (3)	0	No, Baird v. Norwest Bank, 843 P.2d 327 (Mont. 1992) (UDAP statute “applies to consumer loans by banks in the lending and collecting of such loans”).
	Excludes insurance transactions (1)	0	No, Britton v. Farmers Ins. Group (Truck Ins. Exchange), 721 P.2d 303, 323 (Mont. 1986).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Mont. Code § 30-14-102(1) and (8).
	Excludes post-sale acts (1)	0	No, Baird v. Norwest Bank, 843 P.2d 327 (Mont. 1992).
Preconditions	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. Montana courts have not addressed this question.

Practices prohibited	Requires clear and convincing evidence (1)	0	No. Montana courts have not addressed this question.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Mont. Code § 30-14-133(1).
	Two-way or no attorney fees (2)	0	No, Tripp v. Jeld-Wen, Inc. 112 P.3d 1018, 1026-27 (Mont. 2005).
	Precludes class actions (2)	2	Yes, Mont. Code § 30-14-133(1).
	No multiple damages (1)	0	No, Mont. Code § 30-14-133(1)
Points Awarded		8	
GRADE		B	

Nebraska

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Neb. Rev. Stat. § 59-1602.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Neb. Rev. Stat. § 59-1602.
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	No, Neb. Rev. Stat. § 59-1611.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Neb. Rev. Stat. § 59-1608(1).
	No compensation or restitution for consumers (2)	0	No, Neb. Rev. Stat. § 59-1608(2).
	No civil penalty for initial violations (2)	0	No, Neb. Rev. Stat. § 59-1614.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Neb. Rev. Stat. § 59-1614 (up to \$2000 per violation)
	Does not allow license revocation in consumer protection suit (1)	0	No, Neb. Rev. Stat. § 59-1615
Points Awarded		7	
GRADE		C	

Nebraska

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Neb. Rev. Stat. § 59-1602.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Neb. Rev. Stat. § 59-1602.
	No specific prohibitions in statute or regulations (1)	1	Yes.
Statute coverage	Excludes credit transactions (3)	3	Yes, Neb. Rev. Stat. § 59-1617(1) excludes many credit transactions.
	Excludes insurance transactions (1)	0	No, Neb. Rev. Stat. § 59-1617(2).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Neb. Rev. Stat. § 59-1601(2), (3).

	Excludes post-sale acts (1)	0	No, Hage v. General Service Bureau, 306 F.Supp.2d 883 (D.Neb. 2003).
Preconditions to a suit	Requires showing of public interest or public impact (2)	2	Yes, Nelson v. Lusterstone Surfacing Co., 605 N.W.2d 136 (Neb. 2000).
	Requires reliance (2)	0	No, statute is silent and courts to date have not imposed a reliance requirement.
	Requires clear and convincing evidence (1)	0	No, statute is silent and courts to date have not imposed anything beyond the usual standard of proof.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Neb. Rev. Stat. § 59-1609.
	Two-way or no attorney fees (2)	0	No, Neb. Rev. Stat. § 59-1609.
	Precludes class actions (2)	0	No.
	No multiple damages (1)	1	Yes.
Points Awarded		3	
GRADE		F	

Nevada

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Nev. Rev. Stat. Ann. § 598.0915(15); § 598.0923(2), (3)
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Nev. Rev. Stat. Ann. § 598.0967(1)
Enforcement limits	No presuit investigatory powers (2)	0	No, Nev. Rev. Stat. Ann. § 598.0963(4)
	Defendant's intent or knowledge as a condition of public enforcement (1)	1	Yes, almost all of the prohibitions require that the act be knowing or intentional.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Nev. Rev. Stat. Ann. §§ 598.0963(3), 598.0979
	No compensation or restitution for consumers (2)	0	No, Nev. Rev. Stat. Ann. §§ 598.0971(2)(c), (4), 598.0979(1)
	No civil penalty for initial violations (2)	0	No, Nev. Rev. Stat. Ann. § 598.0999(2)
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Nev. Rev. Stat. Ann. § 598.0999(2) - up to \$5000 per violation if willful
	Does not allow license revocation in consumer protection suit (1)	0	No, Nev. Rev. Stat. Ann. § 598.0999(5)
Points Awarded		6	
GRADE		D	

Nevada

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Nev. Rev. Stat. Ann. § 598.0915(15); § 598.0923(2), (3)
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	No specific prohibitions in statute or regulations (1)	0	No, specific prohibitions are found in Nev. Rev. Stat. Ann. §§ 598.0915 to 598.0925 and in regulations adopted under Nev. Rev. Stat. Ann. § 598.0967(1)

Statute coverage	Excludes credit transactions (3)	0	No, Nev. Rev. Stat. §§ 598.0915 (prohibiting deceptive trade practices in the course of the defendant's "business or occupation"); 598.0955(a) (excluding "conduct in compliance with the orders or rules of, or a statute administered by, a federal, state, or local governmental agency"; focus on conduct makes it unlikely to be interpreted as blanket exemption for credit transactions).
	Excludes insurance transactions (1)	0	No, Nev. Rev. Stat. §§ 598.0915 (prohibiting deceptive trade practices in the course of the defendant's "business or occupation"); 598.0955(a) (excluding "conduct in compliance with the orders or rules of, or a statute administered by, a federal, state, or local governmental agency"; focus on conduct makes it unlikely to be interpreted as blanket exemption for insurance transactions).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Nev. Rev. Stat. §§ 598.0915 (prohibiting deceptive trade practices in the course of the defendant's "business or occupation").
	Excludes post-sale acts (1)	0	No, Nev. Rev. Stat. §§ 598.0915 (prohibiting deceptive trade practices in the course of the defendant's "business or occupation").
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. Not yet addressed by Nevada courts.
	Requires clear and convincing evidence (1)	0	No. Not yet addressed by Nevada courts.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Nev. Rev. Stat. Ann. § 41.600(3)(a)
	Two-way or no attorney fees (2)	0	No, Nev. Rev. Stat. Ann. § 41.600(3)(b)
	Precludes class actions (2)	0	No.
	No multiple damages (1)	1	Yes.
Points Awarded		7	
GRADE		C	

New Hampshire

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, N.H. Rev. Stat. § 358-A:2.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, N.H. Rev. Stat. § 358-A:2.
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	No, N.H. Rev. Stat. § 358-A:8.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, N.H. Rev. Stat. § 358-A:4(III)(a).
	No compensation or restitution for consumers (2)	0	No, N.H. Rev. Stat. § 358-A:4(III)(a),
	No civil penalty for initial violations (2)	0	No, N.H. Rev. Stat. § 358-A:4(III)(b).

	Penalty less than \$10,000 or more than defendant's knowledge (1)	0	No, N.H. Rev. Stat. § 358-A:4(III)(b) – up to \$10,000 per violation.
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		7	
GRADE		C	

New Hampshire

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, N.H. Rev. Stat. § 358-A:2.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, N.H. Rev. Stat. § 358-A:2.
	No specific prohibitions in statute or regulations (1)	0	No, N.H. Rev. Stat. § 358-A:2.
Statute coverage	Excludes credit transactions (3)	3	Yes, N.H. Rev. Stat. § 358-A:3(I) (broad exclusion).
	Excludes insurance transactions (1)	1	Yes, N.H. Rev. Stat. § 358-A:3(I).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, N.H. Rev. Stat. § 358-A:1(II) (defining trade and commerce to include real estate).
	Excludes post-sale acts (1)	0	No, neither the statutory language nor any decisions exclude post-sale acts.
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. See Mulligan v. Choice Mortgage Corp. USA, 1998 WL 544431 (D. N.H. 1998).
	Requires clear and convincing evidence (1)	0	No. See In re Mullen, 2007 WL 2712957 (Bkrtcy. D. N.H. 2007) (referring to preponderance of evidence standard).
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, N.H. Rev. Stat. § 358-A:10(1).
	Two-way or no attorney fees (2)	0	No, N.H. Rev. Stat. § 358-A:10(1).
	Precludes class actions (2)	0	No, N.H. Rev. Stat. § 358-A:10-a See LaChance v. U.S. Smokeless Tobacco Co., 2007 WL 2404495 (N.H. 2007)
	No multiple damages (1)	0	No, N.H. Rev. Stat. § 358-A:10(1).
Points Awarded		6	
GRADE		D	

New Jersey

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, N.J. Stat. Ann. § 56:8-2.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, N.J. Stat. Ann. § 56:8-2.
	Does not provide the state agency substantive rulemaking authority (2)	0	No, N.J. Stat. Ann. § 56:8-4.
Enforcement limits	No presuit investigatory powers (2)	0	No, N.J. Stat. Ann. §§ 56:8-3, 56:8-4.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
	Does not allow state to obtain equitable relief (3)	0	No, N.J. Stat. Ann. § 56:8-8.

Remedies	No compensation or restitution for consumers (2)	0	No, N.J. Stat. Ann. §§ 56:8-8, 56:8-14, 56:8-15.
	No civil penalty for initial violations (2)	0	No, N.J. Stat. Ann. § 56:8-13.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	0	No, N.J. Stat. Ann. § 56:8-13 (up to \$10,000 for first offense, up to \$20,000 for second and subsequent offense)
	Does not allow license revocation in consumer protection suit (1)	0	No, N.J. Stat. Ann. § 56:8-8.
Points Awarded		10	
GRADE		A	

New Jersey

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, N.J. Stat. Ann. § 56:8-2.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, N.J. Stat. Ann. § 56:8-2.
	No specific prohibitions in statute or regulations (1)	0	No, N.J. Stat. Ann. §§ 56:8-2.1 to 56:8-2.10 and 56:8-21 to 56:8-166. In addition, New Jersey has adopted a number of regulations under N.J. Stat. Ann. § 56:8-4.
Statute coverage	Excludes credit transactions (3)	0	No, Lemelledo v. Beneficial Management Corp., 696 A.2d 546 (N.J. 1997).
	Excludes insurance transactions (1)	0	No, Lemelledo v. Beneficial Management Corp., 696 A.2d 546 (N.J. 1997).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, N.J. Stat. Ann. § 56:8-1(c) (broad definition of "merchandise"). See, e.g., Gennari v. Weichert Co. Realtors, 691 A.2d 350, 366 (N.J. 1997).
	Excludes post-sale acts (1)	0	No, N.J. Stat. Ann. § 56:8-2 (prohibiting unlawful acts "in connection with the sale or advertisement of any merchandise or real estate, or with the subsequent performance of" the defendant). See, e.g., Whittingham v. Amended Mortg. Elec. Registration Services, Inc., 2007 WL 1456196 (D.N.J. 2007).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No, Gennari v. Weichert Co. Realtors, 691 A.2d 350, 366 (N.J. 1997). See also International Union of Operating Engineers Local No. 68 Welfare Fund v. Merck & Co., Inc., 929 A.2d 1076, 1086 (N.J. 2007).
	Requires clear and convincing evidence (1)	0	No, Liberty Mut. Ins. Co. v. Land, 892 A.2d 1240, 1249 (N.J. 2006); Sabelli v. All American Chevrolet, Inc., 2007 WL 92609 (N.J. Super., App. Div. 2007); Gennari v. Weichert Co. Realtors, 288 N.J. Super. 504, 541 (App. Div. 1996), aff'd, 148 N.J. 582 (1997).
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, N.J. Stat. Ann. § 56:8-19.
	Two-way or no attorney fees (2)	0	No, N.J. Stat. Ann. § 56:8-19.
	Precludes class actions (2)	0	No. See, e.g., Laufer v. U.S. Life Ins. Co., 896 A.2d 1101 (N.J. Super., App. Div. 2006).
	No multiple damages (1)	0	No, N.J. Stat. Ann. § 56:8-19.
Points Awarded		10	
GRADE		A	

New Mexico

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, N.M. Stat. Ann. §§ 57-12-2(D), 57-12-3.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, N.M. Stat. Ann. §§ 57-12-2(E), 57-12-3.
	Does not provide the state agency substantive rulemaking authority (2)	0	No, N.M. Stat. Ann. § 57-12-13.
Enforcement limits	No presuit investigatory powers (2)	0	No, N.M. Stat. Ann. § 57-12-12.
	Defendant's intent or knowledge as a condition of public enforcement (1)	1	Yes. N.M. Stat. Ann. §§ 57-12-2(D) (requiring knowledge as an element of a deceptive practice); <i>Stevenson v. Louis Dreyfus Corp.</i> , 811 P.2d 1308 (N.M. 1991).
Remedies	Does not allow state to obtain equitable relief (3)	0	No, N.M. Stat. Ann. § 57-12-8.
	No compensation or restitution for consumers (2)	0	No, N.M. Stat. Ann. § 57-12-8(B).
	No civil penalty for initial violations (2)	0	No, N.M. Stat. Ann. § 57-12-11.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, N.M. Stat. Ann. § 57-12-11 (up to \$5000 per violation).
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		7	
GRADE		C	

New Mexico

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, N.M. Stat. Ann. §§ 57-12-2(D), 57-12-3.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, N.M. Stat. Ann. §§ 57-12-2(E), 57-12-3.
	No specific prohibitions in statute or regulations (1)	0	No, N.M. Stat. Ann. §§ 57-12-2(D), 57-12-3.1, 57-12-5, 57-12-6. State has also adopted several regulations under N.M. Stat. Ann. § 57-12-13.
Statute coverage	Excludes credit transactions (3)	0	No, N.M. Stat. Ann. § 57-12-2(D) (prohibiting false or misleading statements "in connection with ... the extension of credit"); <i>Ashlock v. Sunwest Bank</i> , 753 P.2d 346 (N.M. 1988) (narrowly interpreting N.M. Stat. Ann. § 57-12-7 exemption).
	Excludes insurance transactions (1)	0	No. See, e.g., <i>Azar v. Prudential Ins. Co.</i> , 68 P.3d 909, 928 (N.M.App. 2003).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, N.M. Stat. Ann. § 57-12-2(C) (defining trade or commerce to include "any property" and "any thing of value").
	Excludes post-sale acts (1)	0	No. See, e.g., See also <i>Campos v. Brooksbank</i> , 120 F. Supp. 2d 1271 (D.N.M. 2000); <i>Russey v. Rankin</i> , 911 F. Supp. 1449 (D.N.M. 1995).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No, <i>Lohman v. Daimler-Chrysler Corp.</i> , 166 P.3d 1091, 1098 (N.M. App. 2007).
	Requires clear and convincing evidence (1)	0	No. (New Mexico courts have not addressed this question).

	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, N.M. Stat. Ann. § 57-12-10.
	Two-way or no attorney fees (2)	0	No, N.M. Stat. Ann. § 57-12-10(C).
	Precludes class actions (2)	0	No. See, e.g., Lohman v. Daimler-Chrysler Corp., 166 P.3d 1091 (N.M. App. 2007).
	No multiple damages (1)	0	No, N.M. Stat. Ann. § 57-12-10(B).
Points Awarded		10	
GRADE		A	

New York

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, N.Y. Gen. Bus. Law §§ 349(a), 350-a(1).
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	No, N.Y. Gen. Bus. Law § 349(f) and N.Y. Exec. Law § 63(8).
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, N.Y. Gen. Bus. Law § 349(b).
	No compensation or restitution for consumers (2)	0	No, N.Y. Gen. Bus. Law § 349(b).
	No civil penalty for initial violations (2)	0	No, N.Y. Gen. Bus. Law § 350-d .
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, N.Y. Gen. Bus. Law § 350-d (up to \$5000 per violation).
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		4	
GRADE		F	

New York

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, N.Y. Gen. Bus. Law §§ 349(a), 350-a(1).
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	No specific prohibitions in statute or regulations (1)	2	Yes.
Statute coverage	Excludes credit transactions (3)	0	No, N.Y. Gen. Bus. Law § 349(d) (creating narrow defense for conduct in compliance with regulations). See Sclafani v. Barilla America, Inc., 19 A.D.3d 577, 796 N.Y.S.2d 548 (2005).
	Excludes insurance transactions (1)	1	Yes, although insurance is covered in some respects, see Harvey v. Metropolitan Life Ins. Co., 34 A.D.3d 364, 827 N.Y.S.2d 6 (2006), many cases, such as See, e.g., Hassett v. N.Y. Central Mut. Fire Ins. Co., 753 N.Y.S.2d 788 (App. Div. 2003), hold that mishandling of a consumer's claim does not meet the public interest test.

	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No. See, e.g., Banks v. Consumer Home Mortg., Inc., 2003 WL 21251584 (E.D.N.Y. 2003).
	Excludes post-sale acts (1)	0	No, See Fontana v. C. Barry & Associates, LLC, 2007 WL 2580490 (W.D.N.Y. 2007).
Preconditions to a suit	Requires showing of public interest or public impact (2)	2	Yes, Oswego Laborers' Local 214 Pension Fund v. Marine Midland Bank, 647 N.Y.S.2d 20 (N.Y. 1995).
	Requires reliance (2)	0	No, Oswego Laborers' Local 214 Pension Fund v. Marine Midland Bank, 647 N.Y.S.2d 20 (N.Y. 1995).
	Requires clear and convincing evidence (1)	0	No. See, e.g., Boule v. Hutton, 320 F.Supp.2d 132, 138 (S.D.N.Y. 2004) (referring to preponderance of evidence as standard).
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, N.Y. Gen. Bus. Law §§ 349(h), 350-3(3).
	Two-way or no attorney fees (2)	0	No, N.Y. Gen. Bus. Law §§ 349(h), 350-e(3).
	Precludes class actions (2)	0	No.
	No multiple damages (1)	0	No, N.Y. Gen. Bus. Law § 349(h) allows treble damages, but capped at \$1000. N.Y. Gen. Bus. Law § 350-e(3) allows treble damages with a \$10,000 cap.
Points Awarded		3	
GRADE		F	

North Carolina

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, N.C. Gen. Stat. § 75-1.1(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, N.C. Gen. Stat. § 75-1.1(a).
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	No, N.C. Gen. Stat. §§ 75-10, 75-9.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, N.C. Gen. Stat. § 75-14.
	No compensation or restitution for consumers (2)	0	No, N.C. Gen. Stat. § 75-15.1.
	No civil penalty for initial violations (2)	0	No, N.C. Gen. Stat. § 75-15.2.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, N.C. Gen. Stat. § 75-15.2 (up to \$500 per violation if knowing).
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		6	
GRADE		D	

North Carolina

Consumer Access to Justice		Points Deducted	Comments
	No broad prohibition of deceptive acts (3)	0	No, N.C. Gen. Stat. § 75-1.1(a).

Practices prohibited	No broad prohibition of unfair or unconscionable acts (2)	0	No, N.C. Gen. Stat. § 75-1.1(a).
	No specific prohibitions in statute or regulations (1)	0	No, N.C. Gen. Stat. §§ 75-17 to 75-39.
Statute coverage	Excludes credit transactions (3)	0	No. See, e.g., Richardson v. Bank of America, N.A., 643 S.E.2d 410 (N.C. App. 2007). See also In re Kittrell, 115 B.R. 873 (Bkrcty.M.D.N.C. 1990).
	Excludes insurance transactions (1)	0	No, Pearce v. American Defender Life Ins. Co., 343 S.E.2d 174 (N.C. 1986); Page v. Lexington Ins. Co., 628 S.E.2d 427 (N.C. App. 2006).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, N.C. Gen. Stat. § 75-1.1(b) (defining "commerce" broadly as all business activities). See Willen v. Hewson, 622 S.E.2d 187 (N.C. App. 2005); State Properties, LLC v. Ray, 574 S.E.2d 180 (N.C. App. 2002).
	Excludes post-sale acts (1)	0	No, N.C. Gen. Stat. §§ 75-50 to 75-56; Eley v. Mid/East Acceptance Corp., 614 S.E.2d 555 (N.C. App. 2005).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	1	Yes. Although cases are mixed, and Pearce v. American Defender Life Ins. Co., 343 S.E.2d 174, 180 (N.C. 1986) supports the view that reliance is not required, decisions such as Business Cabling, Inc. v. Yokeley, 643 S.E.2d 63 (N.C. App. 2007) create an impediment for consumers.
	Requires clear and convincing evidence (1)	0	No. See Llera v. Security Credit Systems, Inc., 93 F.Supp.2d 674, 676 (W.D.N.C. 2000) (referring to preponderance of evidence standard).
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, N.C. Gen. Stat. § 75-16.
	Two-way or no attorney fees (2)	0	No, N.C. Gen. Stat. § 75-16.1.
	Precludes class actions (2)	0	No. See Richardson v. Bank of America., 643 S.E.2d 410 (N.C. App. 2007).
	No multiple damages (1)	0	No, N.C. Gen. Stat. § 75-16.
Points Awarded		9	
GRADE		A	

North Dakota

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, N.D. Century Code § 51-15-02.
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	Does not provide the state agency substantive rulemaking authority (2)	0	No, N.D. Century Code § 51-15-05.
Enforcement limits	No presuit investigatory powers (2)	0	No, N.D. Century Code §§ 51-15-04, 51-15-05.
	Defendant's intent or knowledge as a condition of public enforcement (1)	1	Yes, N.D. Century Code § 51-15-02 (requiring showing of intent that others rely on the misrepresentation).
	Does not allow state to obtain equitable relief (3)	0	No, N.D. Century Code § 51-15-07.
	No compensation or restitution for consumers (2)	0	No, N.D. Century Code § 51-15-07.

Remedies	No civil penalty for initial violations (2)	0	No, N.D. Century Code § 51-15-11.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, N.D. Century Code § 51-15-11 (up to \$5000 per violation).
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		5	
GRADE		F	

North Dakota

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, N.D. Century Code § 51-15-02.
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	No specific prohibitions in statute or regulations (1)	0	No, N.D. Century Code § 51-15-02.1 to 51-15-02.3 create three relatively narrow specific prohibitions, plus state has adopted a number of regulations under N.D. Century Code § 51-15-05.
Statute coverage	Excludes credit transactions (3)	0	No. North Dakota courts have not addressed this question, but statutory language is broad: N.D. Century Code §§ 51-15-02 ("in connection with the sale or advertisement of any merchandise"), 51-15-01(3) (broad definition of "merchandise").
	Excludes insurance transactions (1)	0	No. See, e.g., Hanson v. Acceleration Life Ins. Co., 1999 WL 33283345 (D. N.D. 1999).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, N.D. Century Code § 51-15-01(3) (defining "merchandise" to include real estate).
	Excludes post-sale acts (1)	0	No. North Dakota Courts have not addressed this question, but statutory language is broad: N.D. Century Code §§ 51-15-02 ("in connection with the sale or advertisement of any merchandise").
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. North Dakota courts have not addressed this question.
	Requires clear and convincing evidence (1)	0	No. See, e.g., Hanson v. Acceleration Life Ins. Co., 1999 WL 33283345 (D.N.D. 1999).
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, N.D. Century Code § 51-15-09.
	Two-way or no attorney fees (2)	0	No, N.D. Century Code § 51-15-09.
	Precludes class actions (2)	0	No. See, e.g., See Hanson v. Acceleration Life Ins. Co., 1999 WL 33283345 (D. N.D. 1999).
	No multiple damages (1)	0	No, N.D. Century Code § 51-15-09.
Points Awarded		8	
GRADE		B	

Ohio

State Enforcement Potential		Points Deducted	Comments
	No broad prohibition of deceptive acts (3)	0	No, Ohio Rev. Code § 1345.02.

Practices prohibited	No broad prohibition of unfair or unconscionable acts (2)	0	No, Ohio Rev. Code §§ 1345.02 (unfair acts and practices), 1345.03 (unconscionable acts and practices).
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Ohio Rev. Code § 1345.05(B)(2).
Enforcement limits	No presuit investigatory powers (2)	0	No, Ohio Rev. Code § 1345.06(B).
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No, knowledge is only required for unconscionable acts (Ohio Rev. Code § 1345.03).
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Ohio Rev. Code § 1345.07(A)(2).
	No compensation or restitution for consumers (2)	0	No, Ohio Rev. Code § 1345.07(B).
	No civil penalty for initial violations (2)	0	No, Ohio Rev. Code § 1345.07(D)
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Ohio Rev. Code § 1345.07(D) (up to \$25,000 per violation if defendant violated a rule or a prior court decision).
	Does not allow license revocation in consumer protection suit (1)	1	Yes. Ohio Rev. Code §§ 1345.11(D) and 1345.08 only authorize the Attorney General to refer violations to the licensing authority.
Points Awarded		8	
GRADE		B	

Ohio

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Ohio Rev. Code § 1345.02.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Ohio Rev. Code §§ 1345.02 (unfair acts and practices), 1345.03 (unconscionable acts and practices).
	No specific prohibitions in statute or regulations (1)	0	No, Ohio Rev. Code §§ 1345.02, 1345.031. In addition, state has adopted a number of regulations under Ohio Rev. Code § 1345.05(B)(2).
Statute coverage	Excludes credit transactions (3)	3	Yes, Ohio Rev. Code § 1345.01(A) (excluding financial institutions and dealers in intangibles). (Mortgage brokers, nonbank mortgage lenders and their loan officers are subject to some special predatory lending provisions, however. See Ohio Rev. Code § 1345.01(A), (K)).
	Excludes insurance transactions (1)	1	Yes, Ohio Rev. Code § 1345.01(A).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	1	Yes, Heritage Hills, Ltd. v. Deacon, 543 N.E.2d 783 (Ohio 1989).
	Excludes post-sale acts (1)	0	No, Ohio Rev. Code § 1345.02(A). See, e.g., Liggins v. May Co., 373 N.E.2d 404 (Ohio Com. Pleas 1977).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. See, e.g., Delahunt v. Cytodyne Technologies, 241 F. Supp. 2d 827 (S.D. Ohio 2003).
	Requires clear and convincing evidence (1)	0	No, Robinson v. McDougal, 575 N.E.2d 469 (Ohio App. 1998).
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Ohio Rev. Code § 1345.09(B) (weakened in 2007 by capping non-economic damages at \$5000).
	Two-way or no attorney fees (2)	0	No, Ohio Rev. Code § 1345.09(F).
	Precludes class actions (2)	0	No, Ohio Rev. Code § 1345.09(B).
	No multiple damages (1)	0	No, Ohio Rev. Code § 1345.09(B).

Points Awarded	5	
GRADE	F	

Oklahoma

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Okla. Stat. Ann. tit. 15, §§ 753, 752(13).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Okla. Stat. Ann. tit. 15, §§ 753, 752(14).
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	No, Okla. Stat. Ann. tit. 15, § 758.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No, Okla. Stat. Ann. tit. 15, § 756.1(C)(5).
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Okla. Stat. Ann. tit. 15, § 756.1(A)(2),
	No compensation or restitution for consumers (2)	0	No, Okla. Stat. Ann. tit. 15, § 756.1(A)(3), (C)(2).
	No civil penalty for initial violations (2)	0	No, Okla. Stat. Ann. tit. 15, § 761.1(C) (up to \$10,000 per violation).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	0	No, Okla. Stat. Ann. tit. 15, § 761.1(C) (up to \$10,000 per violation).
	Does not allow license revocation in consumer protection suit (1)	0	No, Okla. Stat. Ann. tit. 15, § 756.1(C)(5).
Points Awarded		8	
GRADE		B	

Oklahoma

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Okla. Stat. Ann. tit. 15, §§ 753, 752(13).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Okla. Stat. Ann. tit. 15, §§ 753, 752(14).
	No specific prohibitions in statute or regulations (1)	0	No, Okla. Stat. Ann. tit. 15, § 753.
Statute coverage	Excludes credit transactions (3)	0	No, Brannon v. Boatmen's Nat. Bank, 976 P.2d 1077 (Okla. Civ.App. 1998).
	Excludes insurance transactions (1)	1	Yes. Issue is not completely settled, but Conatzer v. American Mercury Ins. Co., Inc., 15 P.3d 1252 (Okla. Civ. App. 2000) implies that UDAP statute does not apply to activities of insurers that are covered by insurance laws.
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Okla. Stat. Ann. tit. 15, §§ 752(2) (defining "consumer transaction" to include real estate), § 752(7) (defining "merchandise" to include real estate).
	Excludes post-sale acts (1)	1	Yes, decisions such as Terry v. Nuvel Credit Corp., 2007 WL 2746919 (W.D. Okla. 2007), although probably inconsistent with Okla. Stat. Ann. tit. 15, § 752(13), stand as an impediment to consumers.
Preconditions	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. Oklahoma courts have not addressed this issue.

Practices prohibited to a suit	Requires clear and convincing evidence (1)	0	No.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Okla. Stat. Ann. tit. 15, § 761.1(A).
	Two-way or no attorney fees (2)	0	No, Okla. Stat. Ann. tit. 15, § 761.1(A).
	Precludes class actions (2)	0	No.
	No multiple damages (1)	1	Yes.
Points Awarded		7	
GRADE		C	

Oregon

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Or. Rev. Stat. § 646.608(1)(u) prohibits “any other unfair or deceptive conduct in trade or commerce.” Although Or. Rev. Stat. § 646.608(4) prohibits suit under this section unless the Attorney General has “first established a rule ... declaring the conduct to be unfair or deceptive in trade or commerce,” this restriction is less significant for Attorney General enforcement than for private enforcement.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Or. Rev. Stat. § 646.607(1) (unconscionable tactics).
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Or. Rev. Stat. § 646.608(4).
Enforcement limits	No presuit investigatory powers (2)	0	No, Or. Rev. Stat. § 646.618.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Or. Rev. Stat. § 646.632.
	No compensation or restitution for consumers (2)	0	No, Or. Rev. Stat. § 646.636.
	No civil penalty for initial violations (2)	0	No, Or. Rev. Stat. § 646.642.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Or. Rev. Stat. § 646.642 - up to \$25,000 per violation if willful.
	Does not allow license revocation in consumer protection suit (1)	0	No, Or. Rev. Stat. § 646.646.
Points Awarded		9	
GRADE		A	

Oregon

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	3	Yes, Or. Rev. Stat. § 646.608(1)(u) prohibits “any other unfair or deceptive conduct in trade or commerce,” but Or. Rev. Stat. § 646.608(4) prohibits suit under this section unless the AG has “first established a rule ... declaring the conduct to be unfair or deceptive in trade or commerce.”
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Or. Rev. Stat. § 646.607(1) (unconscionable tactics).
	No specific prohibitions in statute or regulations (1)	0	No, Or. Rev. Stat. § 646.608. In addition, the state has adopted a number of regulations under Or. Rev. Stat. § 646.608(4).

Statute coverage	Excludes credit transactions (3)	3	Yes. While the Oregon Supreme Court has not yet addressed the question, Haeger v. Johnson, 548 P.2d 532 (Or. App. 1976) stands as an impediment to consumers.
	Excludes insurance transactions (1)	1	Yes, Or. Rev. Stat. § 646.605(6).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Or. Rev. Stat. § 646.605(6) . See, e.g., Rathgeber v. James Hemenway, Inc., 69 P.3d 710 (Or. 2003).
	Excludes post-sale acts (1)	0	No, Or. Rev. Stat. §§ 646.607(1), 646.639.
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. Although the issue has not been fully resolved, see Sanders v. Francis, 561 P.2d 1003 (Or. 1971) (not required in case of non-disclosure); Feitler v. Animation Celection, Inc., 13 P.3d 1044 (Or. App. 2000) (reliance not always required, but reliance-in-fact must be shown when consumer bases claim on express representation)
	Requires clear and convincing evidence (1)	0	No. Oregon courts have not addressed this issue.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Or. Rev. Stat. § 646.638(1).
	Two-way or no attorney fees (2)	2	Yes, Or. Rev. Stat. § 646.638(3).
	Precludes class actions (2)	0	No, Or. Rev. Stat. § 646.638(4).
	No multiple damages (1)	1	Yes.
Points Awarded		0	
GRADE		F	

Pennsylvania

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, 73 Pa. Stat. § 201-2(4) has a broad prohibition of deception, and the intermediate appellate court that handles appeals from cases brought by the Attorney General has construed this provision according to its terms. Com. v. Parisi, 873 A.2d 3 (Pa. Commw. 2005).
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes, 73 Pa. Stat. § 201-2(4) only forbids a few narrowly defined examples of unfair acts.
	Does not provide the state agency substantive rulemaking authority (2)	0	No, 73 Pa. Stat. § 201-3.1.
Enforcement limits	No presuit investigatory powers (2)	0	No, 71 Pa. Stat. § 307-3.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, 73 Pa. Stat. § 201-4.
	No compensation or restitution for consumers (2)	0	No, 73 Pa. Stat. § 201-4.1.
	No civil penalty for initial violations (2)	0	No, if willful: 73 Pa. Stat. § 201-8(b).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Yes, 73 Pa. Stat. § 201-8(b) (if willful, \$1000 per violation, \$3000 per violation if victim is age 60 or older).
	Does not allow license revocation in consumer protection suit (1)	0	No, 73 Pa. Stat. § 201-9..
Points Awarded		7	
GRADE		C	

Pennsylvania

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	3	Yes, 73 Pa. Stat. § 201-2(4) has a broad prohibition of deception, but the intermediate appellate court that handles appeals from cases brought by private parties has read into it a requirement that the consumer prove common law fraud. See, e.g., Feeney v. Disston Manor Personal Care Home, 849 A.2d 590 (Pa. Super. 2004).
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes, 73 Pa. Stat. § 201-2(4) only forbids a few narrowly defined examples of unfair acts.
	No specific prohibitions in statute or regulations (1)	0	No, 73 Pa. Stat. § 201-2(4). Attorney General has also adopted several specific regulations.
Statute coverage	Excludes credit transactions (3)	0	No, Pennsylvania Bankers Ass'n v. Pennsylvania Bur. of Consumer Protection, 427 A.2d 730 (Pa. Copmmw. 1981); Safeguard Investment Corp. v. Commonwealth by Colville, 404 A.2d 720 (Pa. Commw. 1979).
	Excludes insurance transactions (1)	0	No, Culbreth v. Lawrence J. Miller, Inc., 477 A.2d 491 (Pa. Super. 1984).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Gabriel v. O'Hara, 534 A.2d 488 (Pa. Super. 1987).
	Excludes post-sale acts (1)	0	No, Pennsylvania Retailers Ass'n v. Lazin, 426 A.2d 712 (Pa. Commw. 1981).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	1	Yes, Toy v. Metropolitan Life Ins. Co., 928 A.2d 186 (Pa. 2007); Yocca v. Pittsburgh Steelers Sports, Inc., 854 A.2d 425 (Pa. 2004).
	Requires clear and convincing evidence (1)	0	No.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, 73 Pa. Stat. § 201-9.2(a).
	Two-way or no attorney fees (2)	0	No, 73 Pa. Stat. § 201-9.2(a).
	Precludes class actions (2)	0	No.
	No multiple damages (1)	0	No, 73 Pa. Stat. § 201-9.2(a).
Points Awarded		4	
GRADE		F	

Rhode Island

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, R.I. Gen. Laws §§ 6-13.1-1(6)(xii), (xiii), (xiv), 6-13.1-2.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, R.I. Gen. Laws §§ 6-13.1-1(6)(xiii), 6-13.1-2.
	Does not provide the state agency substantive rulemaking authority (2)	0	No, R.I. Gen. Laws § 6-13.1-7(c) (but state has adopted rules only regarding time shares and odometer tampering).
Enforcement limits	No presuit investigatory powers (2)	0	No, R.I. Gen. Laws § 6-13.1-7.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.

Remedies	Does not allow state to obtain equitable relief (3)	0	No, R.I. Gen. Laws § 6-13.1-5(a).
	No compensation or restitution for consumers (2)	0	No, R.I. Gen. Laws § 6-13.1-5(c).
	No civil penalty for initial violations (2)	2	Yes.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	0	0
	Does not allow license revocation in consumer protection suit (1)	1	Yes, R.I. Gen. Laws § 6-13.1-5(c) allows license revocation, but only if necessary for restitution.
Points Awarded		7	
GRADE		C	

Rhode Island

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, R.I. Gen. Laws §§ 6-13.1-1(6)(xii), (xiii), (xiv), 6-13.1-2.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, R.I. Gen. Laws §§ 6-13.1-1(6)(xiii), 6-13.1-2.
	No specific prohibitions in statute or regulations (1)	0	No, R.I. Gen. Laws §§ 6-13.1-1(6), 6-13.1-2.
Statute coverage	Excludes credit transactions (3)	3	Yes, Chavers v. Fleet Bank, 844 A.2d 666 (R.I. 2004).
	Excludes insurance transactions (1)	1	Yes, State v. Piedmont Funding Corp., 382 A.2d 819, 822 (R.I. 1978).
	Excludes most other regulated industries (3)	3	Yes, Lynch v. Conley, 853 A.2d 1212 (R.I. 2004).
	Excludes real estate transactions (1)	1	Yes. See Doyle v. Chihoski, 443 A.2d 1243 (R.I. 1982) (statute does not cover real estate licensees). See also Lynch v. Conley, 853 A.2d 1212 (R.I. 2004) (statute does not cover failure to disclose lead paint in sale of home).
	Excludes post-sale acts (1)	0	No. (No definitive decisions on this question to date).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. (No definitive decisions on this question to date).
	Requires clear and convincing evidence (1)	0	No.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, R.I. Gen. Laws § 6-13.1-5.2(a).
	Two-way or no attorney fees (2)	0	No, R.I. Gen. Laws § 6-13.1-5.2(d) appears to be a one-way fee award provision, although courts have not yet interpreted it.
	Precludes class actions (2)	0	No, R.I. Gen. Laws § 6-13.1-5.2(b).
	No multiple damages (1)	1	Yes.
Points Awarded		1	
GRADE		F	

South Carolina

State Enforcement Potential		Points Deducted	Comments
Practices	No broad prohibition of deceptive acts (3)	0	No, S.C. Code § 39-5-20(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, S.C. Code § 39-5-20(a).

Practices prohibited	Does not provide the state agency substantive rulemaking authority (2)	2	Yes. S.C. Code § 39-5-80 allows the AG to “promulgate such rules and prescribe such regulations as may be necessary,” but this authority is included in a statutory section that deals solely with investigations and hearings, and the AG has not adopted any substantive rules.
Enforcement limits	No presuit investigatory powers (2)	0	No, S.C. Code § 39-5-70..
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, S.C. Code § 39-5-50(a).
	No compensation or restitution for consumers (2)	0	No, S.C. Code § 39-5-50(b).
	No civil penalty for initial violations (2)	0	No, S.C. Code § 39-5-110(a).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, S.C. Code § 39-5-110(a) – up to \$5000 per violation if willful.
	Does not allow license revocation in consumer protection suit (1)	1	Yes. S.C. Code § 39-5-50(b) allows license revocation only if necessary to secure restitution. § 39-5-120 allows a court to dissolve a corporate charter or franchise if a corporation violates an injunction, but this section does not mention license suspension.
Points Awarded		6	
GRADE		D	

South Carolina

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, S.C. Code § 39-5-20(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, S.C. Code § 39-5-20(a).
	No specific prohibitions in statute or regulations (1)	0	No, S.C. Code §§ 39-5-30 to 39-5-39, and 39-5-145, 39-5-147, 39-5-170.
Statute coverage	Excludes credit transactions (3)	0	No. See S.C. Code § 39-5-10(b) (broad definition of “trade” and “commerce”); Beattie v. Nations Credit Financial Services Corp., 69 Fed. Appx. 585 (4th Cir. 2003); McTeer v. Provident Life and Acc. Ins., 712 F.Supp. 512 (D.S.C. 1989).
	Excludes insurance transactions (1)	1	Yes. See S.C. Code § 39-5-40; Trustees of Grace Reformed Episcopal Church v. Charleston Ins. Co., 868 F. Supp. 128, 132 (D.S.C. 1994); Colonial Life & Acc. Ins. Co. v. American Family Life Assur. Co. of Columbus, 846 F. Supp. 454 (D.S.C. 1994).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, S.C. Code § 39-5-10(b). See Payne v. Holiday Towers, Inc., 321 S.E.2d 179 (S.C.App. 1984).
	Excludes post-sale acts (1)	0	No. See Craig v. Andrew Aaron & Associates, Inc., 947 F. Supp. 208 (D.S.C. 1996); In re Daniel, 137 B.R. 884 (D.S.C. 1992).
Preconditions to a suit	Requires showing of public interest or public impact (2)	2	Yes, Daisy Outdoor Advertising Co. v. Abbott, 473 S.E.2d 47 (S.C. 1996).
	Requires reliance (2)	0	No, most decisions, e.g., City of Charleston, SC v. Hotels.com, LP, 487 F.Supp.2d 676 (D.S.C. 2007), list the elements of a claim without including a reliance requirement.
	Requires clear and convincing evidence (1)	0	No, Charleston Lumber Co., Inc. v. Miller Housing Corp., 458 S.E.2d 431, 438 (S.C.App. 1995)..
	Requires pre-suit notice to the defendant (1)	0	No.

Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, S.C. Code § 39-5-140(a)..
	Two-way or no attorney fees (2)	0	No, S.C. Code § 39-5-140(a)..
	Precludes class actions (2)	2	Yes, S.C. Code § 39-5-140 allows suit only by consumer who is not acting "in a representative capacity."
	No multiple damages (1)	0	No, S.C. Code § 39-5-140(a)..
Points Awarded		5	
GRADE		F	

South Dakota

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, S.D. Codified Laws § 37-24-6(1).
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	No, S.D. Codified Laws §§ 37-24-12, 37-24-14.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No, S.D. Codified Laws § 37-24-8.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, S.D. Codified Laws § 37-24-23.
	No compensation or restitution for consumers (2)	0	No, S.D. Codified Laws § 37-24-29.
	No civil penalty for initial violations (2)	0	No, S.D. Codified Laws § 37-24-27.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, S.D. Codified Laws § 37-24-27 (up to \$2000 per violation if intentional).
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		4	
GRADE		F	

South Dakota

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, No, S.D. Codified Laws § 37-24-6(1).
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	No specific prohibitions in statute or regulations (1)	0	No, S.D. Codified Laws § 37-24-6(2) through (13).
Statute coverage	Excludes credit transactions (3)	0	No. Although South Dakota courts have not addresssd the question, S. D. Codified Law § 37-24-1(7) broadly defines "merchandise," and S.D. Codified Laws § 37-24-10 only exempts practices permitted by other laws.
	Excludes insurance transactions (1)	0	No. Although South Dakota courts have not addresssd the question, S. D. Codified Law § 37-24-1(7) broadly defines "merchandise," and S.D. Codified Laws § 37-24-10 only exempts practices permitted by other laws.
	Excludes most other regulated industries (3)	0	No.

	Excludes real estate transactions (1)	1	Yes. While "trade or commerce" is defined by S.D. Codified Laws § 37-24-1(13) to include real estate, the critical term "merchandise" is defined by § 37-24-1(7) without mentioning real estate, creating uncertainty about coverage.
	Excludes post-sale acts (1)	0	No, S.D. Codified Laws § 37-24-6(1) prohibits deceptive acts "in connection with the sale or advertisement of any merchandise."
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No, Nygaard v. Sioux Valley Hospitals & Health System, 731 N.W.2d 184, 196, 197 n.3 (S.D. 2007) (contrasting UDAP claims with intentional and negligent misrepresentation claims).
	Requires clear and convincing evidence (1)	0	No. (Courts have not addressed this question).
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, S.D. Codified Laws § 37-24-31.
	Two-way or no attorney fees (2)	2	Yes.
	Precludes class actions (2)	0	No.
	No multiple damages (1)	1	Yes.
Points Awarded		4	
GRADE		F	

Tennessee

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Tenn. Code § 47-18-104(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Tenn. Code § 47-18-104(a).
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	2	Yes, Tenn. Code § 47-18-106(a)(2).
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Tenn. Code § 47-18-108(a).
	No compensation or restitution for consumers (2)	0	No, Tenn. Code § 47-18-108(b)(1).
	No civil penalty for initial violations (2)	0	No, Tenn. Code § 47-18-108(b)(3).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Tenn. Code § 47-18-108(b)(3) - \$1000 per violation.
	Does not allow license revocation in consumer protection suit (1)	0	No, Tenn. Code § 47-18-108(b)(2).
Points Awarded		5	
GRADE		F	

Tennessee

Consumer Access to Justice		Points Deducted	Comments
	No broad prohibition of deceptive acts (3)	0	No, No, Tenn. Code § 47-18-104(a)..

Practices prohibited	No broad prohibition of unfair or unconscionable acts (2)	0	No, No, Tenn. Code § 47-18-104(a)..
	No specific prohibitions in statute or regulations (1)	0	No, Tenn. Code § 47-18-104(b).
Statute coverage	Excludes credit transactions (3)	3	Yes, Tenn. Code § 47-18-111(a)(1) and (3) (excluding many aspects of credit transactions).
	Excludes insurance transactions (1)	0	No, Myint v. Allstate Ins. Co., 970 S.W.2d 920 (Tenn. 1998); Gaston v. Tennessee Farmers Mut. Ins. Co., 120 S.W.3d 815 (Tenn. 2003).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Tenn. Code §§ 47-18-103(2), 47-18-103(11) (definition of "trade," "commerce," and "consumer transaction"), 47-18-104(b)(42) (specific prohibitions that relate to real estate sales).
	Excludes post-sale acts (1)	1	Yes, Pursell v. First American Nat. Bank, 937 S.W.2d 838 (Tenn. 1996) (repossession not covered).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. See, e.g., Fleming v. Murphy, Slip Copy, 2007 WL 2050930 (Tenn. Ct. App. 2007).
	Requires clear and convincing evidence (1)	0	No, Tucker v. Sierra Builders, 180 S.W.3d 109 (Tenn. Ct. App. 2005).
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Tenn. Code § 47-18-109(a)(1).
	Two-way or no attorney fees (2)	0	No, Tenn. Code § 47-18-109(e).
	Precludes class actions (2)	2	Yes, Tenn. Code § 47-18-109(a)(1) (allowing action for damages to be brought "individually," although this restriction does not apply to suits for declaratory or injunctive relief).
	No multiple damages (1)	0	No, Tenn. Code § 47-18-109(a)(3).
Points Awarded		4	
GRADE		F	

Texas

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Tex. Bus. & Com. Code § 17.46(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Tex. Bus. & Com. Code §§ 17.45(5), 17.50(a)(3).
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	No, Tex. Bus. & Com. Code § 17.61.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Tex. Bus. & Com. Code § 17.47(a).
	No compensation or restitution for consumers (2)	0	No, Tex. Bus. & Com. Code § 17.47(d).
	No civil penalty for initial violations (2)	0	No, Tex. Bus. & Com. Code § 17.47(c) .
	Penalty less than \$10,000 or more than defendant's knowledge (1)	0	No, Tex. Bus. & Com. Code § 17.47(c) (up to \$20,000 per violation).
	Does not allow license revocation in consumer protection suit (1)	1	Yes.

Points Awarded	7	
GRADE	C	

Texas

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	3	Yes, Tex. Bus. & Com. Code § 17.46(d) and 17.50(a)(1)(A) make the broad general definition of deception at Tex. Bus. & Com. Code § 17.46(a) inapplicable to private suits.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Tex. Bus. & Com. Code §§ 17.45(5), 17.50(a)(3).
	No specific prohibitions in statute or regulations (1)	0	No, Tex. Bus. & Com. Code § 17.46(b).
Statute coverage	Excludes credit transactions (3)	3	Yes, credit is covered only if it was used to purchase goods or services. <i>Riverside Nat'l Bank v. Lewis</i> , 603 S.W.2d 169 (Tex. 1980).
	Excludes insurance transactions (1)	0	No, <i>Progressive County Mut. Ins. Co. v. Boyd</i> , 177 S.W.3d 919 (Tex. 2005); <i>Stewart Title Guar. Co. v. Aiello</i> , 941 S.W.2d 68, 72 (Tex. 1997).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Tex. Bus. & Com. Code § 17.45(1) (defining goods to include real property).
	Excludes post-sale acts (1)	0	No. See, e.g., <i>EMC Mortg. Corp. v. Jones</i> , 2007 WL 2447122 (Tex.App. 2007), a Texas appellate court upheld an award for damages based in part on a UDAP claim for unreasonable collection practices. Additionally, in <i>Kheir v. Progressive County Mut. Ins. Co.</i> , 2006 WL 1594031 (Tex. App. 2006).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	1	Yes, Tex. Bus. & Com. Code § 17.50(a)(1)(B).
	Requires clear and convincing evidence (1)	0	No, <i>Martin v. Lou Poliquin Enterprises, Inc.</i> , 696 S.W.2d 180 (Tex. App. 1985).
	Requires pre-suit notice to the defendant (1)	1	Yes, Tex. Bus. & Com. Code § 17.505.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Tex. Bus. & Com. Code § 17.50(b)(1), (3).
	Two-way or no attorney fees (2)	0	No, Tex. Bus. & Com. Code § 17.50(d).
	Precludes class actions (2)	0	No, Tex. Bus. & Com. Code § 17.501. See also <i>Bally Total Fitness Corp. v. Jackson</i> , 53 S.W.3d 352 (Tex. 2001).
	No multiple damages (1)	0	No, Tex. Bus. & Com. Code § 17.50(b)(1).
Points Awarded		2	
GRADE		F	

Utah

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Utah Code Ann. § 13-11-4(1).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Utah Code Ann. § 13-11-5.
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Utah Code Ann. § 13-11-8.
Enforcement	No presuit investigatory powers (2)	0	No, Utah Code Ann. § 13-11-16.

limits	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Utah Code Ann. § 13-11-17(1)(b).
	No compensation or restitution for consumers (2)	0	No, Utah Code Ann. § 13-11-17(1)(c), (2)(b).
	No civil penalty for initial violations (2)	0	No, Utah Code Ann. § 13-11-17(4).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Utah Code Ann. § 13-11-17(4) - \$2,500 per violation.
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		8	
GRADE		B	

Utah

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Utah Code Ann. § 13-11-4(1).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Utah Code Ann. § 13-11-5.
	No specific prohibitions in statute or regulations (1)	0	No, Utah Code Ann. § 13-11-4(2). State has also adopted several regulations under Utah Code Ann. § 13-11-8.
Statute coverage	Excludes credit transactions (3)	3	Yes, Utah Code Ann. § 13-11-22(1)(d) (exempting "Credit terms of a transaction otherwise subject to this act").
	Excludes insurance transactions (1)	1	Yes, Utah Code Ann. § 13-11-3(2)(a).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Utah Code Ann. § 13-11-3(2)(a) (broad definition of "consumer transaction"). See Iadanza v. Mather, 820 F.Supp. 1371 (D.Utah 1993).
	Excludes post-sale acts (1)	0	No, Utah Code Ann. §§ 13-11-4(1), 13-11-5(1) (act is violation whether it occurs before, during, or after the transaction).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. Not yet resolved, but Utah courts construe the statute's loss requirement liberally. See Andreason v. Felsted, 137 P.3d 1, 4 (Utah App. 2006).
	Requires clear and convincing evidence (1)	0	No.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Utah Code Ann. § 13-11-19(2).
	Two-way or no attorney fees (2)	0	No, Utah Code Ann. § 13-11-19(5).
	Precludes class actions (2)	0	No, Utah Code Ann. §§ 13-11-19(3), (4), 13-11-20.
	No multiple damages (1)	1	Yes.
Points Awarded		5	
GRADE		F	

Vermont

State Enforcement Potential	Points Deducted	Comments
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Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Vt. Stat. Ann. tit. 9, § 2453(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Vt. Stat. Ann. tit. 9, § 2453(a).
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Vt. Stat. Ann. tit. 9, § 2453(c).
Enforcement limits	No presuit investigatory powers (2)	0	No, Vt. Stat. Ann. tit. 9, § 2460.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Vt. Stat. Ann. tit. 9, § 2458,
	No compensation or restitution for consumers (2)	0	No, Vt. Stat. Ann. tit. 9, § 2458(b)(2).
	No civil penalty for initial violations (2)	0	No, Vt. Stat. Ann. tit. 9, § 2458(b)(1).
	Penalty less than \$10,000 or more than defendant's knowledge (1)	0	No, Vt. Stat. Ann. tit. 9, § 2458(b)(1) - up to \$10,000 per violation.
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		9	
GRADE		A	

Vermont

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, No, Vt. Stat. Ann. tit. 9, § 2453(a).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, No, Vt. Stat. Ann. tit. 9, § 2453(a).
	No specific prohibitions in statute or regulations (1)	0	No, state has adopted a number of rules under Vt. Stat. Ann. tit. 9, § 2453(c).
Statute coverage	Excludes credit transactions (3)	0	No. Although Vermont courts have not fully addressed the issue, Vt. Stat. Ann. tit. 9, § 2451a(b) defines "goods" and "services" broadly to include "intangibles" and "other property or services of any kind." See also Gramatan Home Investors Corp. v. Starling, 470 A.2d 1157 (Vt. 1983) (applying home solicitation provisions of UDAP statute to creditor that financed home improvement work).
	Excludes insurance transactions (1)	1	Yes. Although the issue is uncertain, Wilder v. Aetna Life & Cas. Ins. Co., 433 A.2d 309 (Vt. 1981) stands as an impediment to consumers. See Greene v. Stevens Gas Service, 858 A.2d 238 (Vt. 2004) (declining to decide whether 1985 amendments overruled Wilder).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Vt. Stat. Ann. tit. 9, § 2451a(b) (defining "goods" to include real estate).
	Excludes post-sale acts (1)	0	No, Vt. Consumer Fraud Rules, Vt. Code R. 06 031 004 CF 104 (UDAP rules governing debt collection).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No. Question is not fully resolved, but Vt. Stat. Ann. tit. 9, § 2461(b) requires either reliance or that consumer "sustain damages or injury as a result of" a prohibited practice.
	Requires clear and convincing evidence (1)	0	No, Poulin v. Ford Motor Co., 513 A.2d 1168 (Vt. 1986).

	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Vt. Stat. Ann. tit. 9, § 2461(b).
	Two-way or no attorney fees (2)	0	No, Vt. Stat. Ann. tit. 9, § 2461(b).
	Precludes class actions (2)	0	No. See Elkins v. Microsoft Corp., 174 Vt. 328, 817 A.2d 9 (Vt. 2002).
	No multiple damages (1)	0	No, Vt. Stat. Ann. tit. 9, § 2461(b).
Points Awarded		9	
GRADE		A	

Virginia

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Va. Code Ann. § 59.1-200(A)(14).
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	No, Va. Code Ann. §§ 59.1-9.10, 59.1-201.1,
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Va. Code Ann. § 59.1-203.
	No compensation or restitution for consumers (2)	0	No, Va. Code Ann. § 59.1-205.
	No civil penalty for initial violations (2)	0	No, Va. Code Ann. § 59.1-206.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Va. Code Ann. § 59.1-206 (up to \$2500 per violation if willful).
	Does not allow license revocation in consumer protection suit (1)	0	No, Va. Code Ann. §§ 59.1-9.10, 59.1-201.1.
Points Awarded		5	
GRADE		F	

Virginia

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Va. Code Ann. § 59.1-200(A)(14).
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes.
	No specific prohibitions in statute or regulations (1)	0	No, Va. Code Ann. § 59.1-200(A).
Statute coverage	Excludes credit transactions (3)	3	Yes, Va. Code Ann. § 59.1-199(D) excludes wide range of creditors (banks, savings institutions, credit unions, small loan companies, and mortgage lenders)
	Excludes insurance transactions (1)	1	Yes, Va. Code Ann. § 59.1-199(D).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	1	Yes, Va. Code Ann. § 59.1-199(F) (excluding licensed real estate brokers, salespersons, and rental location agents).

	Excludes post-sale acts (1)	0	No, Va. Code Ann. § 59.1-200 (applying prohibitions to acts "in connection with" consumer transactions).
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	1	Yes. Although higher courts have not yet ruled, cases such as Key v. Lewis Aquatech Pool Supply, Inc., 58 Va. Cir. 344, 2002 WL 920936 (Va.Cir.Ct. 2002) and Jefferson v. Briner Inc., 2006 WL 1720692, 9 (E.D. Va. 2006) stand as an impediment to consumers.
	Requires clear and convincing evidence (1)	0	No, Kelley v. Little Charle's Auto Sales, 2006 WL 1075025 (W.D.Va. 2006).
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Va. Code Ann. § 59.1-204(A).
	Two-way or no attorney fees (2)	0	No, Va. Code Ann. § 59.1-204(A).
	Precludes class actions (2)	2	Yes. Virginia does not allow class actions.
	No multiple damages (1)	0	No, Va. Code Ann. § 59.1-204(B).
Points Awarded		0	
GRADE		F	

Washington

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Wash. Rev. Code § 19.86.020.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Wash. Rev. Code § 19.86.020.
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	No, Wash. Rev. Code § 19.86.110.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Wash. Rev. Code § 19.86.080(1),
	No compensation or restitution for consumers (2)	0	No, Wash. Rev. Code § 19.86.080(2).
	No civil penalty for initial violations (2)	0	No, Wash. Rev. Code § 19.86.140.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Wash. Rev. Code § 19.86.140 - up to \$2000 per violation.
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		6	
GRADE		D	

Washington

Consumer Access to Justice		Points Deducted	Comments
	No broad prohibition of deceptive acts (3)	0	No, Wash. Rev. Code § 19.86.020.

Practices prohibited	No broad prohibition of unfair or unconscionable acts (2)	0	No, Wash. Rev. Code § 19.86.020.
	No specific prohibitions in statute or regulations (1)	1	Yes. The statute does not include specific prohibitions, although judicial decisions incorporate violations of many other statutes into UDAP statute.
Statute coverage	Excludes credit transactions (3)	3	Yes, as a result of Wash. Rev. Code § 19.86.170 many credit transactions are excluded.
	Excludes insurance transactions (1)	0	No, Wash. Rev. Code § 19.86.170. See Besel v. Viking Ins. Co. of Wisconsin, 49 P.3d 887 (Wash. 2002).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Wash. Rev. Code § 19.86.010(2) and (3) (defining "trade," "commerce," and "asset" to include real estate).
	Excludes post-sale acts (1)	0	No. See, e.g., See, e.g., Stephens v. Omni Ins. Co., 159 P.3d 10 (Wash.App. 2007) (UDAP statute applies to debt collection).
Preconditions to a suit	Requires showing of public interest or public impact (2)	2	Yes, Hangman Ridge Training Stables, Inc. v. Safeco Title. Ins. Co., 719 P.2d 531 (Wash. 1986).
	Requires reliance (2)	0	No, Indoor Billboard/Washington, Inc. v. Integra Telecom of Washington, Inc., 2007 WL 3025836 (Wash. 2007).
	Requires clear and convincing evidence (1)	0	No.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Wash. Rev. Code § 19.86.090.
	Two-way or no attorney fees (2)	0	No, Wash. Rev. Code § 19.86.090.
	Precludes class actions (2)	0	No. See, e.g., See, e.g., Schnall v. AT & T Wireless Services, Inc., 161 P.3d 395, 401 (Wash. App. 2007).
	No multiple damages (1)	0	No, Wash. Rev. Code § 19.86.090 (but capped at \$10,000).
Points Awarded		4	
GRADE		F	

West Virginia

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, W. Va. Code §§ 46A-6-102(7) (prefatory language), 46A-6-104.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, W. Va. Code §§ 46A-6-102(7) (prefatory language), 46A-6-104.
	Does not provide the state agency substantive rulemaking authority (2)	0	No, W. Va. Code §§ 46A-6-103, 46A-7-102(e).
Enforcement limits	No presuit investigatory powers (2)	0	No, W. Va. Code § 46A-7-104.
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, W. Va. Code § 46A-7-108.
	No compensation or restitution for consumers (2)	0	No, W. Va. Code § 46A-7-108; State by and through McGraw v. Imperial Marketing, 506 S.E.2d 799, 811-2 (W. Va. 1998).
	No civil penalty for initial violations (2)	0	No, W. Va. Code § 46A-7-111(2)
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, W. Va. Code § 46A-7-111(2) – up to \$5000 per violation if repeated and willful
	Does not allow license revocation in consumer protection suit (1)	1	Yes.

Points Awarded	8
GRADE	B

West Virginia

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, W. Va. Code §§ 46A-6-102(7) (prefatory language), 46A-6-104.
	No broad prohibition of unfair or unconscionable acts (2)	0	No, W. Va. Code §§ 46A-6-102(7) (prefatory language), 46A-6-104.
	No specific prohibitions in statute or regulations (1)	0	No, W. Va. Code §§ 46A-6-102(7)(A)-(P), 46A-6-104. In addition, state has adopted several rules under W. Va. Code §§ 46A-6-103, 46A-7-102(e).
Statute coverage	Excludes credit transactions (3)	0	No, W. Va. Code §§ 46A-6-102(7)(N), 46A-6-102(5), 46A-1-105(b).
	Excludes insurance transactions (1)	0	No.
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No. There are no decisions holding that real estate is excluded.
	Excludes post-sale acts (1)	0	No, W. Va. Code §§ 46A-2-124 to 46A-2-129; Thomas v. Firestone Tire and Rubber Co., 164 W.Va. 763, 266 S.E.2d 905 (W.Va. 1980); State ex rel. McGraw v. Telecheck Servs., Inc., 582 S.E.2d 885, 897 n. 20 (W. Va. 2003)
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No, decisions do not require reliance. See W. Va. Code § 46A-6-102(7)(M). In In re West Virginia Rezulin Litigation, 585 S.E.2d 52, 75 (W.Va. 2003).
	Requires clear and convincing evidence (1)	0	No, no decisions require clear and convincing evidence.
	Requires pre-suit notice to the defendant (1)	1	Yes, W. Va. Code § 46A-6-106(b).
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, W. Va. Code § 46A-6-106(a).
	Two-way or no attorney fees (2)	0	No, W. Va. Code § 46A-5-104.
	Precludes class actions (2)	0	No.
	No multiple damages (1)	1	Yes.
Points Awarded		8	
GRADE		B	

Wisconsin

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Wis. Stat. Ann. § 100.18(1) (false advertisements).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Wis. Stat. Ann. § 100.20(1).
	Does not provide the state agency substantive rulemaking authority (2)	0	No, Wis. Stat. Ann. § 100.20(2).
Enforcement limits	No presuit investigatory powers (2)	0	No, Wis. Stat. Ann. § 100.18(11)(c).
	Defendant's intent or knowledge as a condition of public enforcement (1)	0	No.

Remedies	Does not allow state to obtain equitable relief (3)	0	No, Wis. Stat. Ann. § 100.18(11)(a), (d).
	No compensation or restitution for consumers (2)	0	No, Wis. Stat. Ann. §§ 100.18(11)(a), 100.20(6).
	No civil penalty for initial violations (2)	0	No, Wis. Stat. Ann. § 100.26.
	Penalty less than \$10,000 or more than defendant's knowledge (1)	0	No, Wis. Stat. Ann. § 100.26 (\$100 to \$10,000 for each violation of a regulation).
	Does not allow license revocation in consumer protection suit (1)	0	No, Wis. Stat. Ann. § 100.24.
Points Awarded		10	
GRADE		A	

Wisconsin

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Wis. Stat. Ann. § 100.18(1) (false advertisements).
	No broad prohibition of unfair or unconscionable acts (2)	2	Yes, Wis. Stat. Ann. § 100.20(1) broadly prohibits unfair trade practices, but consumers are not able to enforce this broad prohibition, but are limited to the specific regulations under the statute.
	No specific prohibitions in statute or regulations (1)	0	No, Wis. Stat. Ann. §§ 100.18(2) to (10r), 100.20(1n) to (1t). State has also adopted a number of specific regulations under Wis. Stat. Ann. § 100.20(2).
Statute coverage	Excludes credit transactions (3)	0	No. No definitive decisions, but Wis. Stat. Ann. § 100.18a) is broad enough to apply to credit.
	Excludes insurance transactions (1)	1	Yes, Wis. Stat. Ann. § 100.18(12)(a).
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Wis. Stat. Ann. § 100.18(a). See <i>Rach v. Kleiber</i> , 367 N.W.2d 824 (Wis. App. 1985).
	Excludes post-sale acts (1)	1	Yes. Wis. Stat. Ann. § 100.18 only covers advertisements, and the regulations under which consumers can bring Wis. Stat. Ann. § 100.20 suits do not include any directed toward debt collection.
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	0	No, <i>Tool & Die Corp. v. Perfection Machinery Sales, Inc.</i> , 732 N.W.2d 792 (Wis. 2007).
	Requires clear and convincing evidence (1)	1	Yes. Cases are in conflict, but <i>Pliss v. Peppertree Resort Villas, Inc.</i> , 663 N.W.2d 851, 856 (Wis. App. 2003), holding that a UDAP violation must be established to a reasonable certainty by clear, satisfactory and convincing evidence, stands as an obstacle to consumers.
	Requires pre-suit notice to the defendant (1)	0	No.
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Wis. Stat. Ann. §§ 100.18(b)(2) (false advertising); 100.20(5) (violation of regulation).
	Two-way or no attorney fees (2)	0	No, Wis. Stat. Ann. §§ 100.18(11)(b)(2), 100.20(5).
	Precludes class actions (2)	0	No. See, e.g. <i>Gallego v. Wal-Mart Stores, Inc.</i> , 707 N.W.2d 539 (Wis.App. 2005).
	No multiple damages (1)	0	No, Wis. Stat. Ann. § 100.20(5) (double damages for violation of a regulation).
Points Awarded		5	
GRADE		F	

Wyoming

State Enforcement Potential		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Wyo. Stat. Ann. § 40-12-105(a)(xv).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Wyo. Stat. Ann. § 40-12-105(a)(xv).
	Does not provide the state agency substantive rulemaking authority (2)	2	Yes.
Enforcement limits	No presuit investigatory powers (2)	0	No, Wyo. Stat. Ann. § 40-12-112.
	Defendant's intent or knowledge as a condition of public enforcement (1)	1	Yes, Definition of unlawful practices at Wyo. Stat. Ann. § 40-12-105 requires that defendant act knowingly.
Remedies	Does not allow state to obtain equitable relief (3)	0	No, Wyo. Stat. Ann. § 40-12-106.
	No compensation or restitution for consumers (2)	0	No, Wyo. Stat. Ann. § 40-12-106.
	No civil penalty for initial violations (2)	0	No, Wyo. Stat. Ann. § 40-12-113
	Penalty less than \$10,000 or more than defendant's knowledge (1)	1	Yes, Wyo. Stat. Ann. § 40-12-113 - up to \$10,000 per violation if willful.
	Does not allow license revocation in consumer protection suit (1)	1	Yes.
Points Awarded		5	
GRADE		F	

Wyoming

Consumer Access to Justice		Points Deducted	Comments
Practices prohibited	No broad prohibition of deceptive acts (3)	0	No, Wyo. Stat. Ann. § 40-12-105(a)(xv).
	No broad prohibition of unfair or unconscionable acts (2)	0	No, Wyo. Stat. Ann. § 40-12-105(a)(xv).
	No specific prohibitions in statute or regulations (1)	0	No, Wyo. Stat. Ann. § 40-12-105.
Statute coverage	Excludes credit transactions (3)	0	No. See Wyo. Stat. Ann. §§ 40-12-102(a)(vi) (broadly defining "merchandise" to include "any property, tangible, intangible, real, personal, or mixed"), 40-12-110(a) (relatively narrow exemption for "acts or practices required or permitted by state or federal law, rule, or regulation or judicial or administrative decision").
	Excludes insurance transactions (1)	1	Yes. Although Wyoming courts have not ruled on all aspects of coverage of insurance, Herrig v. Herrig, 844 P.2d 487 (Wyo. 1992) held that third-party claimants could not bring a UDAP claim against an insurer.
	Excludes most other regulated industries (3)	0	No.
	Excludes real estate transactions (1)	0	No, Wyo. Stat. Ann. § 40-12-102(a)(vi) (defining "merchandise" to include real property).
	Excludes post-sale acts (1)	0	No, under Wyo. Stat. Ann. § 40-12-105(a), a deceptive act need only be "in connection with" a consumer transaction.
Preconditions to a suit	Requires showing of public interest or public impact (2)	0	No.
	Requires reliance (2)	1	Yes, Wyo. Stat. Ann. § 40-12-108(a).
	Requires clear and convincing evidence (1)	0	No. Wyoming courts have not addressed this issue.

	Requires pre-suit notice to the defendant (1)	1	Yes, Wyo. Stat. Ann. §§ 40-12-102(a)(ix), 40-12-108(a).
Remedies	Does not allow consumers to recover compensatory damages (3)	0	No, Wyo. Stat. Ann. § 40-12-108(a).
	Two-way or no attorney fees (2)	2	Yes. Wyo. Stat. Ann. § 40-12-108(b) authorizes attorney fees in class actions, but there is no similar authorization for individual actions.
	Precludes class actions (2)	0	No, Wyo. Stat. Ann. § 40-12-108(b).
	No multiple damages (1)	1	Yes.
Points Awarded		4	
GRADE		F	