

Deceptive Trade Practices laws - Information on the law about Deceptive Trade Practices

attorney damages fees consumer actual tit misdemeanor injunction

A deceptive trade practice is an activity in which an individual or business engages that is calculated to mislead or lure the public into purchasing a product or service. False advertising and odometer tampering are two of the most blatant examples of this commercial lying. Such activities are given special status as offenses against the citizenry in general and are therefore accorded by law special enforcement status.

Deceptive trade practices result in criminal prosecution in some states; in others, statutes provide for private enforcement, whereby a citizen is entitled to sue a business for violating deceptive trade practice laws and may be able to recover punitive damages and/or statutory fines. The attorney general of the state may also bring a lawsuit against an offending business enterprise.

Because a deceptive trade practice may affect individuals or businesses from more than one state, a number of states have adopted the standardized Uniform Deceptive Trade Practices Act (UDTPA). The Uniform Act does not add or detract from the law of any one state; rather, it is inclusive and tends to cover, in general terms, all the prohibitions and issues addressed in state law in this area. For example, the Uniform Act prohibits making deceptive representations in connection with commercial goods. This obviously covers odometer tampering, but it also addresses all forms of deception in the marketing or advertising of goods and services. Those states that have not adopted the UDTPA have laws similar to it.

There is little controversy among the states over what activity amounts to a deceptive trade practice. However, there is a great deal of variety concerning the remedies available for the violations and who may sue for those violations. There are two main purposes of the statutes providing for remedies for businesses engaging in unlawful activity: (1) injunctions or restraining orders forbidding the continued deceptive trade practice and (2) punishment via fines, damages, and imprisonment. But because businesses are generally in violation of deceptive trade practice laws, and because it is difficult to determine whom to punish in the violating business, fines are generally the most effective method of extracting restitution.

Table 3: Deceptive Trade Practices

State	Uniform Deceptive Trade Practices Act Adopted	False Advertising Forbidden	Who May Bring Suit	Remedies Available	Auto Odometer Tampering Forbidden
ALABAMA	No §§8-19-1 et seq.	Yes (§13A-9-42)	Private parties, attorney general, district attorney (§8-19-8)	Restraining orders (§8-19-8); actual damages or \$100, whichever is greater, or in court's discretion up to three times actual damages (§8-19-10); continuous willful violation is Class A misdemeanor (§8-19-12); civil penalty up to \$25,000 per violation (§8-19-11)	Yes §8-19-5(15)
ALASKA	No; Article 3. Unfair Trade Practices	Yes §45.50.471(b)	Attorney general (§45.50.501); private or class action suites (§45.50.531)	Injunction; \$500 or 3 times actual damages, whichever is greater; treble damages or equitable relief (§45.50.531)	Yes §45.50.471(b)(18)

	and Consumer Protection				
ARIZONA	No	Yes (§44-1522; §13-2203); Class 1 misdemeanor	Attorney general (§44-1524); No language that indicates a consumer or private party may bring an action.	Subpoena; injunction, civil damages (§44-1526-1528); if willfully violated: \$10,000 civil penalty (§44-1531); violating injunction: \$25,000 penalty (§44-1532).	Yes; Class 1 misdemeanor (§44-1223)
ARKANSAS	No; Chap. 88 Deceptive Trade Practices	Yes (exception for those falsely advertising unknowingly) (§4-88-107)	(§4-88-111) Attorney general will bring claim, private party files petition with attorney general.	Injunction and return any money for purchased good to consumer; suspend corporate charter or business permit; possible \$10,000 fine per violation if violation of injunction willful; actual damages and reasonable attorney's fee §4-88-113; if willful deceptive trade practice, Class A misdemeanor (4-88-103)	Yes; license may be denied, suspended or revoked for violation (§23-112-308(21))
CALIFORNIA	No	Yes (Bus. & Prof. §17500 et seq.)	Attorney general; district attorney or other prosecuting attorney may bring suit for injunctive and civil penalties (Bus & Prof. §17535); any individual may bring suit for injunction or restitution (Bus. & Prof. §17203)	Violation of provision misdemeanor punishable by imprisonment in county jail not exceeding 6 months or a fine not exceeding \$2500/both. (Bus. & Prof. §17500) May be both imprisoned and fined.	Yes (Veh. C. §28050, et seq.); misdemeanor (Veh. §40000.15)

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COLORADO	Yes; "Colorado Consumer Protection Act, an Update" (6-1-101)	Yes (§6-1-105)	Class action; attorney general; private citizens; district attorney (§6-1-113)	The amount of actual damages, \$500, or 3 times the actual damages, whichever is greatest if established by clear and convincing evidence that the person engaged in bad faith; cost of reasonable attorney's fee	Yes (§42-6-202)
CONNECTICUT	Connecticut Unfair Trade Practices Act (§§42-110a to 42-110q; 42-144 to 42-149)	None generally but §42-110b describes "unfair or deceptive acts" in trade, defined as including advertising by §42-110a(4)	Private parties; attorney general; class action; Commissioner of Consumer Protection (§§42-110d, g)	Willful violation: \$5,000 for each offense; costs; attorney's fees; injunctive or equitable relief; punitive damages	Yes (§14-106b); class A misdemeanor
DELAWARE	Yes (Tit. 6 §§2531, et	Yes (Tit. 6 §2532)	Attorney general and victims of	Violation of Tit.6 §2501 is \$100 (Tit. 6 §2503); not more than \$10,000 for each willful	Yes (Tit. 21 §§6401,

	seq.) Uniform Deceptive Trade Practices Act (6 §2536)		deceptive trade practices (6 §2522) Service in accordance with 6 §2514	violation, enjoin practice or other appropriate relief (Tit. 6 §§2522 to 2524); actual damages (Tit. 6 §2524); treble damages (Tit. 6 §2533(c)); injunction, attorney's fees (Tit. 6 §2533)	6404)
DISTRICT OF COLUMBIA	Yes (§28-3904)	Yes (§28-3904)	Director of Department of Consumer and Regulatory Affairs; consumer (§28-3905)	Appropriate civil penalties: injunction, actual and treble damages, attorney's fees; consumer redress remedies; punitive damages (§28-3905)	No

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FLORIDA	No (§§501.201, et seq.) Florida Deceptive & Unfair Trade Practices Act	Yes	Enforcing authority for specific industry; consumer in private action §501.203	False advertising: 2nd degree misdemeanor (§817.45); food: 2nd degree misdemeanor (§500.177); actual damages if in bad faith; injunction; declaratory judgment that act is violation (§501.207). Damages vary based on industry where deceptive trade practice is used. Generally false advertising is a 2nd degree misdemeanor; willful unfair trade practices in any industry may result in up to \$10,000 civil penalty for each violation; reasonable attorney's fees and costs (§501.2075)	Yes; 3rd degree felony (§319.35)
GEORGIA	Yes (§10-1-370 to 375; 390 to 407) Uniform Deceptive Trade Practices Act	Yes (§§10-1-420, 421)	Administrator; private party (§§10-1-397, 398)	Misdemeanor (§10-1-420); civil penalty \$25,000 (10-1-405); enjoining practices (§10-1-423); exemplary damages for intentional violation, limited to actual damages if bona fide error (§10-1-399, 400); fine over \$100 but less than \$1,000 or prison for up to 20 days or both (§10-1-421); exception for ignorance (§10-1-396)	Yes (§40-8-5); violator liable for three times actual damages or \$1,500, whichever is greater, costs and attorney's fees
HAWAII	Yes (§481A) Uniform Deceptive Trade Practice Act	Yes (§481A-3; 708.871 Criminal Code) false advertising misdemeanor	Consumer Protection Agency (§487); private parties (§481A-4)	Injunction; costs to prevailing party; attorney's fees (481A-4); false advertising misdemeanor	Yes (§486-77) (1) and (4)
IDAHO	Yes (§48-601) Idaho Consumer	Yes (48-603)	State (48-606); private party (48-608)	Declaratory judgment, enjoining practices, specific performance, civil penalties up to \$5,000, recover reasonable costs, investigative expenses, and attorney's fees (48-606 and	Yes (§49-1629); purchaser of vehicle could

Protection Act			607); in private action recover actual damages or \$1,000 whichever is greater, costs, and attorney's fees (48-608).	bring action and recover court costs and attorney's fees (49-1630)
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State	Uniform Deceptive Trade Practices Act Adopted	False Advertising Forbidden	Who May Bring Suit	Remedies Available	Auto Odometer Tampering Forbidden
ILLINOIS	Yes (§815 ILCS 510/1 et seq.)	Yes; (§815 ILCS 510/2)	State attorney or attorney general may enjoin; private party (815 ILCS 510/3)	Injunctive relief, costs or attorney's fees (815 ILCS 510/3)	Yes; Class A misdemeanor (§720 ILCS 5/17-11)
INDIANA	No (§24-5-0.5-1 to 10)	Yes; (§35-43-5-3)	Consumer or attorney general (§24-5-0.5-4)	Actual damages; attorney's fees; attorney general may seek injunction, costs and up to \$15,000 for violating injunction (§24-5-0.5-4); penalty up to \$500 for incurable deceptive act (§24-5-0.5-8). Class A misdemeanor (§35-43-5-3)	Yes (§9-19-9-2); Class D felony
IOWA	No. Consumer fraud (§714.16)	Yes §714.16; §126.16 defines false advertising	Attorney general and by civil action	Temporary restraining order; preliminary injunction; permanent injunction; civil penalty not to exceed \$40,000; up to \$5,000 per day for violation of temporary restraining order, preliminary injunction or injunction; costs of court, investigation, reasonable attorney's fees (714.16)	Yes (§321.71)
KANSAS	No; Kansas Consumer Protection Act §50-623, et seq.	Yes (§50-626)	Attorney general or any other city or district attorney §50-632; consumer §50-634	Obtain declaratory or injunctive relief; reasonable expenses and investigation fees (50-632); individual may receive attorney's fees (§50-634); civil penalty not more than \$20,000 (§50-634)	Yes §21-3757 injured customer may void sale and recover penalties and attorney's fees based on 15 U.S.C. §§1981, et seq.
KENTUCKY	No. Consumer Protection Act (§367.010 et seq.)	Yes (§367.170)	Attorney general, consumer (§§367.190, 367.220)	Injunction; restraining order (367.190); reasonable attorney's fees (367.220); guilty of misdemeanor, fined not less than \$100 but not more than \$500, imprisoned for no longer than 12 months, or some combination of both (368.990)	Yes; license may be revoked and civil penalties of \$5,000 per violation (§367.990; 190.270)

Table 3: Deceptive Trade Practices—Continued

State	Uniform Deceptive Trade Practices Act Adopted	False Advertising Forbidden	Who May Bring Suit	Remedies Available	Auto Odometer Tampering Forbidden
LOUISIANA	Yes (51:1401-1418) Unfair Trade Practices and Consumer Protection Law	Yes advertisements, untrue or misleading, prohibited. (51:411)	Attorney general (§51:1404); individual who has suffered ascertainable loss (§51:1409)	Actual damages, and if willful, violator must pay treble damages plus attorneys fees and costs; injunctive relief (§51:407); additional relief as necessary to compensate (§§51:1408, 51:1409)	Yes; misdemeanor with fine up to \$500 and/or up to 90 days prison (32 §726.1)
MAINE	Yes (Tit. 10 §§1211 to 1216; Tit. 5 §§206 to 214)	Unlawful (Tit. 10 §1212)	Attorney general, person likely to be damaged by practice (Tit. 10 §1213) and (Tit. 5 §209 & 5 §213)	Injunction, possible to get attorney's fees and costs; also available are common law and other statutory remedies (Tit. 10 §1213) (Tit. 5 §213)	Yes (Tit. 29A §2106); class D offense
MARYLAND	No (Com. Law §§13-301, et seq.)	Yes (Com. Law §13-301)	Consumer Protection Division; attorney general; consumer (Com. Law §13-401)	Fine up to \$1,000; injunction; actual damages; possibly attorney's fees (Com. Law §§13-401, et seq.) misdemeanor \$1,000 and/or up to 12 months in jail (Com. Law §13-411)	Yes (Transp. 22 §415)
MASSACHUSETTS	Yes (Ch. 93A §21)	Unlawful (Ch. 93A §2); (Ch. 266 §91, et seq.)	Attorney general; private parties (Ch. 93A §9)	Injunction, double or treble damages, attorney's fees and costs (Ch. 93A §11)	Yes, liable for three times actual damages or \$1,500, whichever is greater; attorney's fees; (Ch. 266 §141A) criminal penalty of \$500 to \$1000 and 30 days to 2 yrs. imprisonment
MICHIGAN	No (§§445.901 to 922) Michigan Consumer Protection Act	Yes (§445.903)	Attorney general, prosecuting attorney, or private citizen; class action by attorney general (§445.910)	Injunction; actual damages or \$250.00 whichever is greater, plus attorney's fees; persistent and knowing violation \$25,000 (§445.905.911)	Yes; three times amount of actual damages or \$1,500 whichever is greater, cost of action and attorney's fees. (§257.233a)

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	Adopted				
MINNESOTA	Yes (§§325D.43-48)	Yes (§325 D.44)	Attorney general, county attorney (§325 F.70); any person likely to be damaged (§325 D.45)	Injunction (§325 F.70); court costs, attorney's fees (§325 D.45)	Yes (§325 E.14); Gross misdemeanor, actual damages, costs and disbursements, attorney's fees; court has discretion to award an amount for damages not to exceed three times active damages or \$1,500, whichever is greater. (§325 E.16)
MISSISSIPPI	Yes; (§§75-24-1, et seq.)	Yes (§75-24-5)	Attorney general, district attorney, county attorneys; injured consumers; no class actions (§75-24-15)	Restoration of money or property (§75-24-11): civil penalty up to \$10,000 for willful violations; individual may recovery attorney's fees; injunction (§75-24-19); misdemeanor: fined up to \$1,000 (§75-24-20)	Yes (§63-7-203); violation is misdemeanor and punishable by fine up to \$500 and/or prison up to 6 months (§63-7-209)
MISSOURI	No (§407.010 to 407.130)	Yes (§407.020)	Consumer, class action (§407.025) attorney general (§407.100)	For false advertising: court may award punitives, attorney's fees, injunction (§407.025) restitution civil penalty not more than \$1,000 (§407.100) misdemeanor penalty (§§570.160.170)	Yes; (§407.511 et seq.); treble damages or \$2,500 whichever is greater and attorney's fees (§407.546); injunction (§407.551); odometer fraud in the first degree is a Class A misdemeanor (§407.516); in the second degree, Class D felony (§407.521); in the third degree is a Class C misdemeanor (§407.526)
MONTANA	No, Montana Unfair Trade Practices and Consumer Protection Act of 1973 (§§30-14-101 to 224)	Yes (§30-14-103)	County attorney; attorney general; individuals but not class actions (§30-14-121) dept. of commerce (§30-14-111)	Recovery of out-of-pocket losses (§30-14-132); the greater of \$500 or actual damages, treble damages; reasonable attorney's fees; injunction (§30-14-133)	Yes (§61-3-607); fine up to \$5,000 and/or prison up to 10 years; motor vehicle dealer revocation of license

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State	Uniform Deceptive Trade Practices Act Adopted	False Advertising Forbidden	Who May Bring Suit	Remedies Available	Auto Odometer Tampering Forbidden
NEBRASKA	Yes with modifications (§§87-301 to	Yes (§87-302)	Person likely to be damaged (§87-303); attorney general	Criminal penalties for violating Act; costs, perhaps attorney's fees, plus other common law and statutory remedies (§87-303); injunction; civil	Yes (§60-132)

Deceptive Trade Practices laws - Infor...

	306)		(§87-303.02)	penalty up to \$2,000 for each violation (§87-303.11)	
NEVADA	Revised Uniform Act adopted with significant variations (§§598.0903 to 598.0925)	Yes (§598.0915, 207.171)	Attorney General; consumer advocate; consumer if he is victim of deceptive trade practice (§§41.600; 598.0963) district attorney (§207.174)	Injunctions; return of money or property; penalties up to \$10,000 for each violation possible and willful violation is misdemeanor, second is gross misdemeanor, third is a felony; suspension of right to conduct business or dissolution of corporation possible (§598.0999); criminal and civil penalties (§§207.174 and 175); damages, attorney's fees, and costs (§41.600)	Yes (§484.6062); tamperer is guilty of misdemeanor; person selling a tampered-with vehicle guilty of gross misdemeanor (484.6067)
NEW HAMPSHIRE	Yes (§358A:2 et seq.)	Yes (§358A:2)	Attorney General, consumer protection (§358A:4); private actions (§358A:10), class actions (§358A:10a)	Misdemeanor penalty (§358A:6); injunctive; equitable relief; attorney's fees; actual damages or \$1,000 whichever is greater; willful violation up to treble damages not less than double damages (§358A:10); state civil penalties up to \$10,000 per violation (§358A:4)	Yes (§262.17) first offense misdemeanor, 2nd offense Class B felony
NEW JERSEY	No (§§56:8-1, et seq.)	Yes (§56:8-2)	Attorney general, private party (§56.8-10, 11)	Penalty as Attorney General deems proper (§56.8-3.1); injunction; penalty up to \$7,500 for first offense and \$15,000 for second (§56:8-13) attorney general may recover costs of suit in an action maintained by the state (§56:8-11); senior citizens receive twice the amount or value (§56:8-14)	Yes (§2C:21-8)

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State	Uniform Deceptive Trade Practices Act Adopted	False Advertising Forbidden	Who May Bring Suit	Remedies Available	Auto Odometer Tampering Forbidden
NEW MEXICO	Yes (§§57-12-1, et seq.)	Yes (§§57-15-1,2)	Attorney general (§§57-15-6, 8) and any private person likely to be damaged (§57-12-10); district attorney (§57-15-5)	Injunctive relief, actual damages or \$100 whichever is greater, \$300 or treble damages whichever is greater, attorney's fees and costs (§57-12-10); civil penalty (§57-12-11); false advertising civil penalty not to exceed \$500 (§57-15-4)	Yes (§57-12-6); misdemeanor and three times actual damages
NEW YORK	No; Consumer Protection From Deceptive Acts and Practices (§349-350-e)	Yes (Gen. Bus. §350)	Attorney general (Gen. Bus. §350-d); private litigation (Gen. Bus. §350-e) for party injured	Three times actual damages up to \$1,000 for willful violations, attorneys fees (§350-e)	Yes (Gen. Bus. §392-e), misdemeanor
NORTH CAROLINA	No	Yes (§§75-1.1; 75-29)	Attorney general; consumer (§§75-15.2, 16)	Civil penalties: up to \$5,000 (§75-15.2); treble damages for one injured (§75-16); attorney's fees (§75-16.1)	Yes (§20-343)
NORTH	No; Unfair Trade	Yes (§§51-	Attorney general,	False advertising is a Class B	Yes; violation is a

Deceptive Trade Practices laws - Infor...

DAKOTA	Practices Law (§51-10-01 <i>et seq.</i>)	12-01; 51-12-08)	state's attorney (§§51-10-05.1, 51-12-14) any person damaged (§51-10-6)	misdemeanor (§51-12-13); injunction (§§51-10-06, 51-12-14)	Class C felony if prior conviction; otherwise Class B misdemeanor (§39-21-51)
OHIO	Adopted with modifications (Ch. 4165); (overlaps with Uniform Consumer Sales Practice Act (§1345.01-13)	Yes (§4165.02)	Attorney general; class actions; person likely to be damaged (§4165.03) (§1345.07) (§1345.09)	Civil penalty of not more than \$25,000 if practice found to be unfair, deceptive, etc. (§1345.07); injunction; actual damages and attorney's fees (§4165.03); other remedies as available at common law and other statutes (§1345.09)	Yes (§§4549.42, 46, 49); 3 times the amount of actual damages or \$1,500, whichever is greater and attorney's fees and costs

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State	Uniform Deceptive Trade Practices Act Adopted	False Advertising Forbidden	Who May Bring Suit	Remedies Available	Auto Odometer Tampering Forbidden
OKLAHOMA	Yes (Tit. 15 §751 to 765) Oklahoma Consumer Protection Act	Yes (Tit. 15 §753)	Attorney general; district attorney (Tit. 15 §756.1); consumer (Tit. 15 §761.1)	Declaratory judgment, enjoin, restrain, actual damages, revoke license, grant other appropriate relief (Tit. 15 §756.1); violator liable to aggrieved consumer for actual damages and litigation costs, including attorney's fees, civil penalty: up to \$10,000 per violation of injunction, if violation is unconscionable, penalty of up to \$2,000 per violation (Tit. 15 §761.1)	Yes (47 §12-503); misdemeanor fine not more than \$10,000 or imprisonment for not more than 1 year or both fine and imprisonment (47 §12-506)
OREGON	Main provisions adopted with significant variations (§§646.605 to 656)	Yes (§646.608)	State, consumers (§646.618) (§646.638)	Civil actions may be brought to recover actual damages or \$200, whichever is greater; punitive and equitable relief also; injunction; attorney's fees (§646.638); court may make additional orders of judgement as necessary to restore to any person or as may be necessary to insure cessation of unlawful trade practice (§646.636)	Yes; Class C felony (§815.410); \$1,500 or treble the actual damage, whichever is greater, plus costs and reasonable attorney's fees
PENNSYLVANIA	No (Tit. 73 §201-1 to 9) Unfair Trade Practices and Consumer Protection Law	Yes (Tit. 73 §201-2 and 3)	Private actions, attorney general, district attorney (73 §201-4), consumer/purchaser suffering ascertainable loss (Tit. 73 §201-9.2)	Private actions for actual damages or \$100 whichever is greater; court may award treble damages but not less than \$100 (Tit. 73 §201-9.2); civil penalty up to \$1,000, up to \$3,000 if victim is 60 or older (Tit. 73 §201-8); suspend right to do business (Tit. 73 §201.9); injunction; costs and attorney's fees; any additional relief as deemed necessary or proper (Tit. 73 §201-9.2)	Yes (Tit. 75 §7132); three times actual damages or \$3,000, whichever is greater, and attorney's fees (Tit. 75 §7138); criminal penalties (Tit. 75 §7139)

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RHODE ISLAND	No (§§6-13.1-1 to 12)	Yes (§6.13.1-1)	Attorney general (§6-13.1-5); consumer with ascertainable loss (§6-13.1-5.2) Class actions allowed (§6-13.1-5.2)	The greater of actual damages or \$200; punitives or equitable damages; injunction; attorney's fees, costs (§6-13.1-5.2)	Yes (§§31-23.2-4; 31-23.2-3); prison up to 5 years or fine up to \$10,000 or \$1.00 per mile mileage fraud; revocation of license (31-23.2-7)
SOUTH CAROLINA	No (§§39-5-10, et seq.) South Carolina Unfair Trade Practice Act	Yes (§39-5-10) (§39-5-20)	Attorney general (§39-5-50); any person suffering ascertainable loss (§39-5-140); solicitor, county attorney or city attorney with prior approval by the attorney general (§39-5-130)	Treble damages, actual damages, costs, and attorney's fees (§39-5-140); civil penalty up to \$5,000 (§39-5-110)	No specific statute
SOUTH DAKOTA	No (§§37-24-1, et seq.)	Yes (§37-24-6)	Attorney general; (§37-24-23) any individual (§37-24-31)	False advertising Class 1 misdemeanor punishable criminally (§§22-41-10, 11); injunction (§37-24-28); civil penalty up to \$2,000 (§37-24-27); actual damages (§37-24-31); court may make additional orders or judgments as necessary (§37-24-29); Class 2 misdemeanor (§37-24-6)	Yes (§32-15-33); violator is guilty of Class 1 misdemeanor; for second and subsequent violations violator is guilty of Class 6 felony
TENNESSEE	No (§47-18-101 et seq.) Tennessee Consumer Protection Act of 1977	Yes (§47-18-104)	Attorney general; individual; Div. of consumer affairs in the Dept. of Commerce and Insurance (§47-18-106, 107, 108, 109, 114)	Injunctive relief, damages for injured customers; revocation of violator's license; willful violators fined up to \$1,000 (§§47-18-106, 108); possibly treble damages for willful violator (§47-18-109); Class B misdemeanor (§§47-18-104, 39-14-127)	Yes (§47-18-104, (16)) Class A misdemeanor (§39-14-132)

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TEXAS	No (Bus. & Com. §§17.41 to 505) Deceptive Trade Practices-Consumer Protection Act	Yes (Bus. & Com. §17.46)	Attorney general; consumers; consumer protection division, district attorney (Bus. & Com. §§17.47, 17.48)	Actual and treble damages (Bus. & Com. §17.50); injunctive relief, restitution, attorney's fees and costs, plus remedies available in other laws (Bus. & Com. §17.43, §17.50); restraining order, civil penalty not more than \$2,000 per violation, not to exceed \$10,000; if against consumer 65 or older, not more than \$10,000 per violation, to to exceed \$100,000 (Bus. & Com. §17.47)	Yes (Bus. & Com. §17.46(16))
UTAH	No (§13-11a-1, et seq.)	Yes (§13-11a-3)	State; consumer (§13-11a-4)	Declaratory judgment, enjoin, greater of \$2,000 or actual damages; actual damages; costs and attorney's fees; possible injunctive relief; remedies are in addition to remedies available for same conduct under state or local law (§13-11a-4)	Yes third degree felony (§41-1a-1319); Class B misdemeanor to offer for sale, sell, use, or install a device that causes the odometer to register miles other than true miles (§41-1a-1310)
VERMONT	No (Tit. 9 §2453)	Yes (Tit. 9 §2453)	Attorney general, state attorney (Tit. 9 §2458); damaged consumer (Tit. 9 §2461)	Injunction; civil penalty up to \$10,000 (Tit. 9 §2458); equitable relief, actual damages, attorneys fees, exemplary damages (Tit. 9 §2461) restitution of cash or goods (Tit. 9 §2458)	Yes (Tit. 23 §1704a); fine not more than \$1,000 for first offense and not more than \$2,500 for each subsequent offense
VIRGINIA	No (§§59.1-196, et seq.) Virginia Consumer Protection Act of 1977	Yes (§59.1-200)	Attorney general; commonwealth attorney (§59.1-203); harmed individual (§59.1-204)	Enjoin violations, actual damages or \$500, whichever is greater (§59.1-204); penalty for willful violation is fine up to \$1,000; attorney's fees and costs (§59.1-206)	Yes (§46.2-112). Fines not more than \$10,000 and sentenced to more than one year in jail, either or both for a first offense; subsequent offenses shall not be fined more than \$50,000 and/or not less than 1 year nor more than 5 years in a state correctional facility.

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WASHINGTON	No (§19.86.010)	Yes (§19.86.020)	Any injured person,	Civil penalties; injunctive degrees; treble damages, including costs and attorney's fees; (treble damages may	Yes (§46.37.540); civil suit may

	et seq.)		attorney general (\$19.86.090, 095)	not exceed \$10,000); actual damages; injunctive relief (\$19.86.090)	recover costs and attorney's fees (\$46.37.590)
WEST VIRGINIA	No (§46A-6-101 et seq.)	Yes (§46A-6-102) (§46A-6-104)	Consumer with ascertainable loss (§46A-6-106)	The greater of actual damages or \$200; injunction (§46A-6-106); equitable relief	No specific provision against tampering
WISCONSIN	No; Wisconsin Consumer Act (§§421 to 427)	Yes (§423.301)	Class actions; individuals; administrator (\$426.110)	Customer entitled to retain goods received without obligation to pay and recover any sums paid to merchant (\$425.305); fine up to \$2,000 (§425.401); injunction, attorney's fees (\$426.110)	Yes (§347.415) up to \$5,000 fine and/or up to 12 months in county jail (\$347.50)
WYOMING	Yes (§§40-12-101 to 114) Wyoming Consumer Protection Act	Yes (§40-12-105)	Attorney general (§40-12-106); class actions; consumers (§40-12-108)	Restraining order; injunction (§40-12-106); actual damages for consumer; costs and fees (§40-12-108); if consumer is over 60 or a person with a disability and conduct was willful: reasonable attorney's fees and costs, restitution, civil penalty up to \$15,000 for each violation	Yes (§31-16-119) purchaser may recover costs and reasonable attorney's fees (§31-16-123)

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<a href="http://law.jrank.org/pages/11799/Deceptive-Trade-Practices.html">Deceptive Trade Practices laws - Information on the law about Deceptive Trade Practices</a>
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User Comments

Erika » mcrsocol ((at)) aol dot com

5 months ago

Gold's Gym is a frequent violator of this act. They lead customers on and tell them one thing, but do another. I had signed up with them and they told me and my family that if I got 3 members to join the gym, that I would only have to pay \$39 for the first 3 months of joining, and then I would get the rest of the year for free. I did so and got the 3 people to joining. By the 3rd month, they charged me for the 4th month and claimed that they said that I got the pay for 1 year/ get a year free membership. However, they NEVER told me this when I signed up. They made me sign an electrical contract, but never verbally explained the contract and it's terms with me. I have heard complaints from thousands of members who have stated that Gold's Gym had never gone over the contract with them. They lead people on into believing that they are a trustworthy gym, but many will agree that they take advantage of members and scam them for their money. If you google Gold's Gym complaints, you will see that MANY claims of fraud and scamming from Gold's Gym.

Melissa

10 months ago

I bought a 1995 Chevrolet Blazer and was assured this was a great vehicle and that it had been driven daily. I was also told that the motor that was in the vehicle had recently been taken out of a 2000 truck of some sort, at one point was even told that this motor had been rebuilt. March 8, 2010 I was driving down the road when a spark plug flew out of the motor and was pretty messed up, I replaced it, but had also noticed a knocking noise that I was unsure of. I was scared to even drive this vehicle that I had just purchased. I took it back to the so called

mechanic where I purchased the vehicle to ask if he'd mind taking a look to see what he thought it could be. He was not around his shop but a few of his employees came out to check it out. As soon as I started my vehicle his mechanics automatically said, "Oh, that is not good...not good at all." They listen to the vehicle and played around with a few things and told me it was about to blow because it sounded like a bearing had gone bad. They then told me it was even a good idea to drive it home from there, to leave it with them, for the owner, who would probably fix the problem for half price, to take a look at and they would give me a ride to my home. I found my own ride and left my vehicle there. 3 hours later, not the owner, but the same guy I dropped the vehicle off with gives me a call back telling me that my engine is about to blow and it will be expensive to fix, also that unfortunately the owner would have to charge me full price for all the work and parts. At this point I have put 590 miles on this vehicle and it can not be driven. I decided to call around and just get prices on motors and was informed by several resources that a 2000 motor is not compatible with a 1995 Blazer. Although I bought this vehicle "as-is" I just feel there has to be some law prohibiting this. I am not sure exactly how, but there must be some way that he must fix this vehicle, or replace it, either with my cash, or another vehicle. He lied about the whole vehicle. And when we test drove the vehicle he drove it, and kept the radio up, now I realize the radio was a distraction to keep me from hearing the knocking sound. I can't see letting someone get away with this wrong doing.

Ely

12 months ago

Just wondering why has there not been an investigation into the activities of the Lost Cherokee of Arkansas and Missouri Headed by a two time felon including Racketeering? Some of his information is found on GOOGLE 1. Research reveals trying to influence a political election process ...i.e. hosting fund raisers for Mike Beebe in his quest for the governors seat, at which time legislation was on Mr. Beebe's desk for formal recognition of the Lost Cherokee tribe. Mr. Beebe it appears had plenty of reason at that time to investigate this group. Even the bloggers was saying this was clear cut violations of non profit (501C3) laws, There was very little media coverage on this and I wonder about that also 2. Acting in official tribal capacities (COMPLETE WITH "Lost Cherokee Nation" logos on their cars) the officers of the Lost Cherokee was encouraging schools all over Northern Arkansas to involve themselves in a fraudulent scam type swindle of the U.S. Indian Education system out of more than two million dollars and trying to get a 5% kickback from the schools for their own use. We have learned that Federal investigators have interviewed school officials and others and apparently has shut this operation down. This group needs the attention of the people of the State through a grand jury and especially the Prosecuting attorney's. Research shows the State of Arkansas could be "back doored" with casino operations and we find that a Professor Mike Lawson Of Morgan, Angel and Associates of Washington D.C. has been actively Lobbying for State and perhaps congressional recognition. Just curious if all of the Prosecutors in Arkansas is asleep on the job???

Jeff Milosevich » Milocolo ((at)) aol dot com

over 3 years ago

My wife and I bought a in-ground fiberglass pool to be installed by the MFG. authorized dealer. The pool was delivered with no standard of care, dropped and dragged into the back yard and installed with out the proper installation guide lines. Three months later the pool started cracking, and leaking from the light. the leaking had caused property damage. The MFG. and Installer walked. We had found out later the leaking light was not even the contracted light that was supposed to be installed. we have discovered recently we were given an undersized pool. We had filed suit but we were railroaded by our attorney where their was conflict of interests and unlawful activity. The attorney had taken us for over \$50,000 and we got nothing. We were told by the mandatory arbitar of the case flat out that we got hosed and their was nothing we could do as a consumer and these people were all protected. We have gone thru the colorado supreme court regulation counsel (and numerous other agencies that lead right back to this phoney counsel) and they swept the whole thing under the rug. We have contacted the State Bar, Denver District attorneys office, attorney generals office but have gotten no where. We have documents that our Attorney told us to " ripe up " during our law suit and was told not to look into our out come of our case. We have witness tampering and other documents that show out right fool play. The Attorney will not give back our original files and evidence of the case. Having been swindled and drained of our money and being at a loss of over a \$ 100,000 due to these unconscionable acts we cannot now go back and fight for our supposed protective "Consumer rights ". I have witness, documents, photo's to back up this despicable cover up situation.