

CUTPA's Statutory Per Se Violations

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As a service to the members of the Connecticut Bar, Thomson Reuters and the authors of Langer, Morgan, Belt, *Connecticut Unfair Trade Practices, Business Torts and Antitrust, Volume 12 of the Connecticut Practices Series*, have provided the CBA with permission to reprint Appendix E of the 2024-25 edition of the treatise in *CT Lawyer* magazine.

CUTPA has become, since its adoption in 1973, Connecticut's most utilized consumer protection and business litigation statute. Moreover, CUTPA has the largest

body of unfairness caselaw of any state in the country. Utilization of the statutes identified in Appendix E often substantially reduces what a plaintiff must prove. This is in contrast to CUTPA's generic methodology applicable most specifically to unfairness, which can be quite complex.

Appendix E identifies 102 separate Connecticut statutes that the Connecticut General Assembly has deemed per se violations of the Connecticut Unfair Trade Practices Act ("CUTPA"), i.e., if one violates the underlying statute, such conduct

also violates CUTPA. Several of these statutes are well-known and often utilized, e.g., the Home Improvement Act, the Lemon Law, and the Home Solicitation Sales Act. However, the majority of the statutes listed in Appendix E are far less well-known, and thus utilized sparingly, if at all.

Thomson Reuters and the authors hope that you find this information of value. For more information about this publication, please visit Connecticut Unfair Trade Practices, Bus... | Legal Solutions.¹

Appendix E. Statutes That Expressly Incorporate CUTPA by Reference

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| 1. Conn.Gen.Stat. § 4-28m(d) | Tobacco Products |
| 2. Conn.Gen.Stat. § 12-326b(c) | Cigarette Sales Below Cost |
| 3. Conn.Gen.Stat. § 12-572b(2) | Off-Track Betting |
| 4. Conn.Gen.Stat. § 14-15b(e),
as amended by 2024 P.A. 24-21, § 2(e) | Motor Vehicle Rental Contracts |
| 5. Conn.Gen.Stat. § 14-16c(f) | Sale of Totalled and Salvaged Motor Vehicles |
| 6. Conn.Gen.Stat. § 14-106b(d) | Odometer Tampering |
| 7. Conn.Gen.Stat. § 14-106d(d) | Fake Air Bags For Motor Vehicles |
| 8. Conn.Gen.Stat. § 14-332a(c)(3) | Gasoline Surcharges |
| 9. Conn.Gen.Stat. § 16-245o(i) | Restrictions on Use of Customer Information by Electric
Companies for Marketing Purposes |
| 10. Conn.Gen.Stat. § 16-245s(c) | Switching Electric Suppliers |
| 11. Conn.Gen.Stat. § 16-247s(h) | Cellular Mobile Telephone Directories and Customer Inquiries and
Complaints Regarding Cellular Mobile Telephone Service |
| 12. Conn.Gen.Stat. § 16-247u(i) | Confidentiality of Telephone Records |
| 13. Conn.Gen.Stat. § 16-256i(d)(2) | Unauthorized Switching of Telecommunications Carriers |
| 14. Conn. Gen. Stat. § 16a-15(h) | Posting of Gas Prices |
| 15. Conn.Gen.Stat. § 16a-21(k) | Heating Fuel |
| 16. Conn.Gen.Stat. § 16a-22k(d) | Heating Fuel |
| 17. Conn.Gen.Stat. § 16a-23(c) | Distribution of Gasoline by Refiners |
| 18. Conn.Gen.Stat. § 16a-23a | Sale of Anthracite |
| 19. Conn.Gen.Stat. § 16a-23r | Heating Fuel |
| 20. Conn. Gen. Stat. § 17a-716(c) | Sober Living Homes |
| 21. Conn. Gen. Stat. § 19a-508c(k)(4) | Hospital and Health System Facility Fees |
| 22. Conn. Gen. Stat. § 19a-639f(i) | Cost and Market Reviews of Hospital Transfers |
| 23. Conn. Gen. Stat. § 19a-904d(c) and (e) | Health Information Blocking and Electronic Health
Conversion Therapy |
| 24. Conn.Gen.Stat. § 19a-907b(b) | Health Care Provider Unfair Billing Practices |
| 25. Conn.Gen.Stat. § 20-7f(b) and (c) | Dental Referral Services |
| 26. Conn.Gen.Stat. § 20-124a | Sale of Cosmetic Contact Lenses |
| 27. Conn.Gen.Stat. § 20-150(e) | |

28. Conn.Gen.Stat. § 20-341(f)	Enforcement of Certain Professional and Occupational Licensing and Registration Laws
29. Conn.Gen.Stat. § 20-341y	Mechanical Contractors
30. Conn.Gen.Stat. § 20-417g	New Home Construction Contractors
31. Conn.Gen.Stat. § 20-427(c)	Home Improvement Contractors
32. Conn.Gen.Stat. § 20-457(b)	Community Association Managers
33. Conn. Gen. Stat. § 20-633a(d)	Protected Health Information
34. Conn. Gen. Stat. § 20-691(k)	Registration of Locksmiths
35. Conn.Gen.Stat. § 21-35h(b)	Closing-Out Sales
36. Conn.Gen.Stat. § 21-83e(b)	Mobile Manufactured Homes and Home Parks
37. Conn.Gen.Stat. § 21a-222(b)	Health Club Act
38. Conn. Gen. Stat. § 21a-343(c)	Failure to Permit Entry or Inspection by State Under State Child Protection Act
39. Conn.Gen.Stat. § 21a-404	Home Food Service Plan Sales Act
40. Conn. Gen. Stat. § 21a-420c(c), as amended by 2024 P.A. 24-76, § 8(c)	Restrictions on the Sale of Cannabis
41. Conn. Gen. Stat. § 21a-421bb(f)	Advertising of Cannabis
42. Conn.Gen.Stat. § 22-61m(s)	Advertising of Hemp
43. Conn. Gen. Stat. § 30-39(f)	Liquor Permitting False Statements
44. Conn.Gen.Stat. § 30-64b	Unfair Pricing of Alcoholic Liquor
45. Conn.Gen.Stat. § 33-1335	White Collar Crime Enforcement and Corporate Fraud Accountability
46. Conn. Gen. Stat. § 36a-267(c)	Reverse Mortgages
47. Conn.Gen.Stat. § 36a-498(g)(2)	Mortgage Trigger Leads
48. Conn. Gen. Stat. § 36a-498h(b)	Lead Generators of Residential Mortgage Loans
49. Conn.Gen.Stat. § 36a-589	Check Cashing Services
50. Conn.Gen.Stat. § 36a-700(f)	Credit Clinics
51. Conn.Gen.Stat. § 36a-701b(j)	Requiring Consumer Credit Bureaus to Offer Security Freezes
52. Conn.Gen.Stat. § 38a-193(c)(3)	Health Care Centers and Insolvency Protection
53. Conn.Gen.Stat. § 38a-355(b)	Notice Concerning Used Auto Parts
54. Conn. Gen. Stat. § 38a-398(d)(2)	Travel Insurance
55. Conn. Gen. Stat. § 38a-477cc	Pharmacy Contracts
56. Conn.Gen.Stat. § 42-103k	Apartment Listing Services
57. Conn. Gen. Stat. § 42-103kk(a); Conn. Gen. Stat. § 42-103tt(a); Conn. Gen. Stat. § 42-103ww(d).	Time Shares
58. Conn.Gen.Stat. § 42-110q(b)	Service Contract Agreements
59. Conn.Gen.Stat. § 42-110v	Repair of Consumer Goods
60. Conn.Gen.Stat. § 42-110aa(e)	Refund and Exchange Policies
61. Conn.Gen.Stat. § 42-115r	Tire Striping
62. Conn.Gen.Stat. § 42-115t(b)	Cash Register Readouts
63. Conn.Gen.Stat. § 42-115u(b)	Unfair Sales Practices
64. Conn.Gen.Stat. § 42-125bb	Consumer Layaway Plans
65. Conn.Gen.Stat. § 42-126b(c)	Unsolicited Sending of Goods
66. Conn.Gen.Stat. § 42-126c	Disclosures to Conduct a Mail Order Business
67. Conn.Gen.Stat. § 42-133i(c)	Notice of Expiration of Magazine Subscriptions
68. Conn.Gen.Stat. § 42-133ff(f)	Surcharge Based on Payment Method
69. Conn.Gen.Stat. § 42-141(b)	Home Solicitation Sales Act
70. Conn.Gen.Stat. § 42-184	Lemon Law II
71. Conn.Gen.Stat. § 42-206	Funeral Service Contract
72. Conn.Gen.Stat. § 42-210(e)	Gray Market Merchandise

73. Conn.Gen.Stat. § 42-217(a)	Rain Checks
74. Conn.Gen.Stat. § 42-227(h)	Automobile Manufacturers' Warranty Adjustment Programs
75. Conn.Gen.Stat. § 42-230	Retail Prices During an Emergency (Profiteering)
76. Conn.Gen.Stat. § 42-232(c)	Supply or Energy Emergencies
77. Conn. Gen. Stat. § 42-234a(c)	Abnormal Market Disruptions
78. Conn. Gen. Stat. § 42-235(f)	Price Gouging
79. Conn.Gen.Stat. § 42-234b(c)	Petroleum Products Gross Earning Tax
80. Conn.Gen.Stat. § 42-251(a)	Consumer Rent-To-Own Agreements
81. Conn.Gen.Stat. § 42-283	Diet Programs
82. Conn.Gen.Stat. § 42-288(b)	Telemarketing
83. Conn.Gen.Stat. § 42-288a(k)	Unsolicited Telephonic Sales Calls
84. Conn. Gen. Stat. § 42-289(d)	Terminating Telecommunications Providers
85. Conn.Gen.Stat. § 42-300	Sweepstakes
86. Conn.Gen.Stat. § 42-311	Buying Clubs
87. Conn.Gen.Stat. § 42-322	Social Referral (Dating) Services
88. Conn.Gen.Stat. § 42-360(c)	Dry Cleaning Price Information
89. Conn.Gen.Stat. § 42-370(d)	Prepaid Calling Cards
90. Conn.Gen.Stat. § 42-371(g)	Consumer Discount Cards
91. Conn. Gen. Stat. § 42-525(e)	Online Privacy, Data and Safety Protections
92. Conn. Gen. Stat. § 42-528(d)	Online Privacy, Data and Safety Protections
93. Conn. Gen. Stat. § 42-529e(a)	Online Privacy, Data and Safety Protections [Enforced Solely by CT Attorney General]
94. Conn.Gen.Stat. § 47-6b(c)	Conveyance of Interests in Real Property to Land Trusts and Other Nonprofit Land-Holding Organizations
95. Conn.Gen.Stat. § 48-30(b)	Acquisitions of Private Property by Eminent Domain
96. Conn. Gen. Stat. § 53-289d(e)	Sales of Entertainment Event Tickets on the Secondary Market
97. Conn. Gen. Stat. § 53-289e	Automated Ticket Purchasing Software
98. Conn. Gen. Stat. § 54-142e(e)	Erasure of Criminal History Records
99. 2024 P.A. 24-76, § 27(n)	Infused Beverages (with THC)
100. 2024 P.A. 24-76, § 28(e)	Restrictions on Sale of Infused Beverages
101. 2024 P.A. 24-101, § 2(c)	Unfair Real Estate Listing Agreements
102. 2024 P.A. 24-111, §§ 37(d) & 38(a)	Fictitious Trade Names

The statutes listed below each expressly state that if a person violates CUTPA, such violation may constitute the basis for certain actions by the Commissioner of Consumer Protection.

1. Conn. Gen. Stat. § 16-245(g)	Licensure of Electrical Suppliers
2. Conn.Gen.Stat. § 20-417c	Suspension or Revocation of a New Home Construction Contractor's Certificate of Registration
3. Conn.Gen.Stat. § 20-426	Suspension or Revocation of Home Improvement Contractor's Certificate of Registration
4. Conn.Gen.Stat. § 21-35l	Suspension or Revocation of Closing-Out Sales License
5. Conn.Gen.Stat. § 21-35m(c)	Suspension or Revocation of Closing-Out Sale Promoter's Registration
6. Conn.Gen.Stat. § 21a-226(l)	Connecticut Health Club Guaranty Fund

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NOTE

1 <https://store.legal.thomsonreuters.com/law-products/Practice-Materials/Connecticut-Unfair-Trade-Practices-Business-Torts-and-Antitrust-2024-2025-ed-Vol-12-Connecticut-Practice-Series/p/107065847>