



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-704A

John W. Maile, Executive Director  
Oklahoma Used Motor Vehicle and Parts Commission  
421 NW 13<sup>th</sup> Street, Suite 330  
Oklahoma City, OK 73103

September 29, 2017

Dear Executive Director Maile:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Used Motor Vehicle and Parts Commission intends to take pursuant to a consent agreement with used motor vehicle dealer licensee UD-4806. The proposed action is to impose a \$200 fine for each of 12 sales made by unlicensed salespersons, totaling \$2,400; and to impose a \$50 fine for each of 12 transactions in which the dealer failed to make copies of titles after sales, failed to execute title receipts, failed to use "We Owe" forms, and/or failed to execute odometer statements, totaling \$600.

The licensee failed to license 2 individuals as used motor vehicle salespersons who sold 12 vehicles while unlicensed. The licensee's principal was previously advised to license said individuals but failed to do so. Also, a review of the licensee's records revealed 12 transactions in which the licensee failed to make copies of titles after sale, failed to execute title receipts, failed to use "We Owe" forms, and/or failed to execute odometer statements.

Oklahoma law specifically requires that used motor vehicle salespersons be licensed. 47 O.S.Supp.2016, § 583(A)(1). Additionally, the Commission's rules require that "[w]ritten notice of thirty (30) day title-transfer . . . and receipt for delivery of certificate of title to buyer[.]" "[o]dometer statement[s]" and "'We Owe' form[s], if applicable[]" are "required in the sale of a used motor vehicle by a used motor vehicle dealer to anyone other than a licensed dealer." OAC 765:10-3-1(a)(2),(4),(10). The rules also require used motor vehicle dealers to "keep for a period of three (3) years from the date of sale . . . a copy of the front and back of the completely assigned certificate of title to each vehicle sold[.]" OAC 765:10-3-3(a). The Commission is authorized to fine licensees who violate the Commission's rules and its authorizing statutes. 47 O.S.Supp.2016, § 584(A)(3),(5),(7)(b). The action seeks to enforce these statutory requirements. The Commission may reasonably believe that imposing fines will deter future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Used Motor Vehicle and Parts Commission has adequate support for the conclusion that this action advances the State of Oklahoma's policy to protect the public interest and the public welfare.



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