



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-807A

John W. Maile, Executive Director
Oklahoma Used Motor Vehicle and Parts Commission
2401 N.W. 23rd Street, Suite 57
Oklahoma City, OK 73107

November 21, 2017

Dear Executive Director Maile:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Used Motor Vehicle and Parts Commission intends to take pursuant to consent agreement with used motor vehicle dealer licensee UD-4277. The licensee failed to maintain the required forms and records for used motor vehicle sales, failed to update the licensed location with the Commission, and failed to meet licensing requirements while acting as a used motor vehicle dealer. The Commission proposes to impose a \$1,000 fine per violation, for a total fine of \$3,000.

Oklahoma law authorizes the Commission to fine licensees who violate the Commission's rules and its authorizing statutes. 47 O.S.Supp.2017, § 584(A). Board rules require that certain forms be used in vehicle sales, and that licensees retain sales records, including certificates of title, for three years after a sale. OAC 765:10-3-1(a)(1); 10-3-3(a). Licensees also must "operat[e] from the address shown on the license [unless] this change has . . . been reported to the Commission." 47 O.S.Supp.2017, § 584(A)(7). Licensees are prohibited from "fail[ing] to meet or maintain the conditions and requirements necessary to qualify for the issuance of a license." *Id.* § 584(A)(6)(f). The Commission may reasonably believe that the proposed action is necessary to 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's policy of protecting the public by requiring that used motor vehicle dealers maintain proper records, operate from only reported locations, and meet minimum licensing requirements.

MIKE HUNTER
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