



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-450A

John W. Maile, Executive Director
Oklahoma Used Motor Vehicle and
Parts Commission
2401 NW 23rd St., Ste. 57
Oklahoma City, Oklahoma 73107

August 1, 2016

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 license 4213. The proposed action is to impose fines on the licensee totaling \$5,300. Across 53 transactions, the Commission found the dealer used improper bills of sale; failed to use finance agreements when required; failed to use title receipts; and failed to keep proper records, including records of temporary license plates.

Oklahoma law authorizes the Commission to fine licensees who violate the Commission's rules and its authorizing statutes. 47 O.S.Supp.2015, § 584(A)(3). When a used motor vehicle dealer sells a vehicle to anyone other than a licensed dealer, the dealer must provide a number of documents to the buyer including: a bill of sale; a Federal Trade Commission Buyer's Guide, which provides consumers with important purchasing and warranty information; a temporary tag; and a finance agreement, if applicable. OAC 765:10-3-1(a)(1), (3), (5), (7). A dealer must also maintain a record of temporary license plates that it has issued. OAC 765:13-3-5. The action seeks to enforce these requirements, which ensure consumers have the information and documents they need when purchasing a used vehicle. 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 that used motor vehicle dealers maintain records and provide consumers with required documents and information when selling used vehicles.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA