



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-37A

Roy K. Dockum, Executive Director
Oklahoma Motor Vehicle Commission
4334 Northwest Expressway, Ste. 183
Oklahoma City, Oklahoma 73116

January 22, 2016

Dear Executive Director Dockum:

This office has received your request for a written Attorney General Opinion regarding agency actions that the Oklahoma Motor Vehicle Commission intends to take. The proposed actions are to impose—pursuant to consent agreements—fines on some thirteen new motor vehicle dealer licensees for employing unlicensed salespersons. The length of employment for each unlicensed salesperson ranged from about three to about eight months, and the agreements impose fines ranging from \$100 to \$500 for each unlicensed salesperson employed depending on the length of employment. The specific licensees, the number of unlicensed persons employed, and the length of employment for each are attached as Appendix A.

Oklahoma law authorizes the Oklahoma Motor Vehicle Commission to “impose a fine not to exceed One Thousand Dollars . . . against a dealer per occurrence” for several reasons, including “employ[ing] unlicensed salespersons . . . or other unlicensed persons in connection with the sale of new motor vehicles.” 47 O.S.Supp.2015, § 565(A), (A)(7)(d). The actions enforce this straightforward statutory requirement by imposing fines that deter failure to ensure new motor vehicle salespersons obtain valid licenses.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Motor Vehicles Commission has adequate support for the conclusion that these actions advance the State of Oklahoma’s policy to require licensure of new motor vehicle salespersons.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

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APPENDIX A**

| | DEALERSHIP | | SALESPERSON EMPLOYED UNLICENSED | | |
|-----|---------------------------------------|----------------|--|--------------|-------------|
| | NAME | LICENSE | FROM | UNTIL | FINE |
| 1. | SUBURBAN CHEVROLET - CLAREMORE | 33 | 05/27/15 | 12/18/15 | \$500 |
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| | SUBURBAN CHEVROLET - CLAREMORE | 33 | 05/27/15 | 12/18/15 | \$500 |
| 2. | ACTION POWERSPORTS - TULSA | 820 | 06/09/15 | 12/18/15 | \$500 |
| 3. | BARTLESVILLE CJDR – BARTLESVILLE | 818 | 06/10/15 | 12/29/15 | \$500 |
| 4. | BATTISON HONDA – OKLAHOMA CITY | 698 | 06/18/15 | 12/18/15 | \$500 |
| 5. | BOLIN FORD - BRISTOW | 99 | 06/04/15 | 12/18/15 | \$500 |
| 6. | FOWLER VOLKSWAGON – NORMAN | 628 | 04/17/15 | 12/18/15 | \$500 |
| 7. | RICK JONES BUICK GMC – EL RENO | 76 | 07/01/15 | 12/29/15 | \$500 |
| 8. | DAVID STANLEY FORD – MIDWEST CITY | 819 | 09/08/15 | 12/15/15 | \$100 |
| | DAVID STANLEY FORD – MIDWEST CITY | 819 | 09/29/15 | 12/15/15 | \$100 |
| 9. | JIM NORTON TOYOTA - TULSA | 114 | 08/25/15 | 12/15/15 | \$100 |
| 10. | ROBERTS AUTO CENTER - PRYOR | 363 | 08/11/15 | 12/15/15 | \$100 |
| 11. | ROBERTS CJDR - PRYOR | 358 | 08/11/15 | 12/15/15 | \$100 |
| 12. | ROBERTS FORD LINCOLN – PRYOR | 733 | 08/11/15 | 12/15/15 | \$100 |
| 13. | WADE HIGGINS CHEV BUICK GMC - PURCELL | 824 | 09/08/15 | 12/15/15 | \$100 |