



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-451A

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 consent agreements with two used motor vehicle dealers, licenses 2838 and 2779. The proposed actions are to impose fines on license 2838 totaling \$7,500 and impose fines on license 2779 totaling \$2,500. Both licensees stated that they do not maintain records of temporary license plates in connection with vehicles sold. In the past year, license 2838 sold approximately 750 used vehicles; license 2779 sold approximately 250 used vehicles.

Oklahoma law mandates that used motor vehicle dealers issue temporary license plates to purchasers of used motor vehicles. 47 O.S.Supp.2015, § 1137.1(E). These temporary license plates allow the purchasers to drive the vehicles until they complete the vehicle registration process. *See id.* To ensure that temporary license plates are only used for the Legislature's intended purpose, the Commission's administrative rules require used motor vehicle dealers to maintain records of all temporary license plates issued. OAC 765:13-3-5. The Commission is authorized to fine licensees who violate the Commission's rules and its authorizing statutes. 47 O.S.Supp.2015, § 584(A)(3). The Commission may reasonably believe that imposing fines will deter the licensees from future recordkeeping 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 these actions advance the State of Oklahoma's policy that used motor vehicle dealers maintain proper records of temporary license plates.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA