



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-10A

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

September 22, 2015

Dear Executive Director Dockum:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Motor Vehicle Commission intends to take. The proposed action is to impose—pursuant to consent agreements—fines of \$1,000 each on licensees 465, 533, and 818 for false or misleading advertising. Each new motor vehicle dealer advertised either in print or on Internet websites large, conspicuous prices that depended on the existence of qualifications including status as a current or former member of the military, status as a recent college graduate, and/or trading in a vehicle of a competitor's make.

Oklahoma law authorizes the Oklahoma Motor Vehicle Commission to “impose a fine not to exceed . . . [\$1,000] against a dealer per occurrence” for several reasons, including “false or misleading advertising.” 47 O.S.Supp.2014, § 565(A), (A)(5)(b). Enforcement powers against false advertising are closely connected to the Legislature’s policy statement on new motor vehicles, which states that the new motor vehicle statutes exist to “promote the public interest and the public welfare,” to “prevent unfair practice,” and to “prevent false and misleading advertising.” 47 O.S.2011, § 561. Here, the Commission’s implementing rules require that the “most conspicuous price or payment of a new motor vehicle, when advertised by a dealer, must be the full and total selling price for which the dealer will sell the vehicle to any retail buyer.” OAC 465:15-3-7(a). The most conspicuous price may *not* include qualifications that only apply to a subset of the retail public; such discounts or rebates, if allowed to be included at all, must be stated separately from the most conspicuous price and clearly identify the qualifying group. OAC 465:15-3-7(b)–(d). The action seeks to enforce the Legislature’s policy against false and misleading advertising by holding dealers to their most conspicuous prices in advertising.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Motor Vehicles Commission has adequate support for the conclusion that this action advances the State of Oklahoma’s policy to prevent false and misleading advertising in the sale of new motor vehicles.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA