OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-312A

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

May 19, 2016

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 a consent agreement—a fine of $2000 on new motor vehicle dealer licensee 727 for false or misleading advertising. The licensee offered trade-in values of "up to $5,000" for trade-in vehicles and failed to disclose that the offers were only for leases.

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.2015, § 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. The Board's administrative rules specifically prohibit any representation involving a trade-in value or range of values. OAC 465:15-3-14(8). Further, the Board's rules require that any advertisement for a lease conspicuously state that the offer is for a vehicle lease, rather than a purchase contract. OAC 465:15-3-12. The action seeks to enforce the Legislature's policy against false and misleading advertising by imposing fines to deter advertisements running afoul of the administrative rules.

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.

E. SCOTT PRUITT
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