



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-9A

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 a consent agreement—a fine of \$1,000 on licensee number 627, a new motor vehicle dealer. The dealer allowed a consumer to take delivery of a new vehicle and then, rather than storing the trade-in vehicle, sold it instead. When financing for the sale of the new vehicle could not be completed, the trade-in vehicle was unavailable to be returned to the consumer. This violated a storage provision in the written Retail Delivery Agreement between the consumer and dealer.

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 “fail[ure] or refus[al] to perform any written agreement with any retail buyer involving the sale of a motor vehicle.” 47 O.S.Supp.2014, § 565(A)(5)(d). Other reasons include “false or misleading advertising,” unlawful bundling of features, and committing “fraudulent act[s].” *Id.* § 565(A)(5)(a), (b), (f). Enforcement powers against violations of agreements and false advertising are related 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 practices,” and to “foster and keep alive vigorous and healthy competition.” 47 O.S.2011, § 561. The action seeks to advance this policy by holding dealers to their agreements.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Motor Vehicle Commission has adequate support for the conclusion that this action advances the State of Oklahoma’s policy to promote the public interest and prohibit unfair practices in the sale of new motor vehicles by holding dealers to their written agreements with consumers.


E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA