



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-15A

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

January 7, 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 \$2,500 on licensee 818 for false or misleading advertising. The licensee used prohibited language, including “invoice,” in advertisements that went out to at least 2,000 consumers.

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 several statements from being used at any point in advertisements, including “everybody financed,” “factory direct prices,” “free,” “dealer’s cost,” and “invoice.” OAC 465:15-3-14(1), (4), (6), (7). The action seeks to enforce this requirement, which ensures that dealers do not mislead consumers about dealer costs that do not reflect manufacturer incentives or rebates.

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 that reads "Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA