



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-314A

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 actions that the Oklahoma Motor Vehicle Commission intends to take. The proposed actions are to impose—pursuant to consent agreements—fines on some six new motor vehicle dealer licensees for employing unlicensed salespersons for periods ranging from about two weeks to about one year. The unlicensed salespersons involved had been licensed, but because of tax delinquency with the State of Oklahoma their licenses could not be renewed. Each dealer licensee continuing to employ those unlicensed salespersons would receive a \$100 to \$1000 fine for each unlicensed salesperson employed, the fine differing according to the length of employment. The specific licensees, the number of unlicensed persons employed, the fines, and the length of unlicensed employment for each are attached as Appendix A.

Oklahoma law authorizes the Oklahoma Motor Vehicle Commission to “impose a fine not to exceed One Thousand Dollars . . . against a dealer per occurrence” for several reasons, including “employ[ing] unlicensed salespersons . . . or other unlicensed persons in connection with the sale of new motor vehicles.” 47 O.S.Supp.2015, § 565(A), (A)(7)(d). Further, Oklahoma law makes clear that professional licensees in any industry may not renew their licenses until they resolve disputes with the Oklahoma Tax Commission. 68 O.S.2011, § 238.1(E). The actions enforce these statutory requirements by imposing fines that deter failure to ensure new motor vehicle salespersons obtain and keep valid licenses.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Motor Vehicles Commission has adequate support for the conclusion that these actions advance the State of Oklahoma’s policies to require licensure of new motor vehicle salespersons and to require compliance with Oklahoma tax law to maintain professional licensure.

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

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APPENDIX A**

	DEALERSHIP NAME	DEALERSHIP LICENSE #	SALES PERSON EMPLOYED UNLICENSED		FINE
			FROM	UNTIL	
1.	Bartlesville CJDR - Bartlesville	818	6/1/15	4/21/16	\$1,000
2.	Mid-America Auto Group - Ada	244	7/1/15	4/21/16	\$1,000
3.	Toyota of Lawton - Lawton	813	7/1/15	4/21/16	\$1,000
4.	Ada Ford Lincoln - Ada	6	2/4/16	4/21/16	\$100
5.	Brad Fenton Motors - Ardmore	56	2/4/16	4/21/16	\$100
6.	Fenton Honda - Ardmore	39	4/8/16	4/21/16	\$100