



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-311A

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 \$3000 on new motor vehicle dealer licensee 402 for false or misleading advertising. The licensee used three different radio advertisements with inaudibly fast and quiet mandatory disclosures.

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 require that mandatory disclosures have “information that is clear, conspicuous, and accurate.” OAC 465:15-1-2. The rule also specifies that, “[i]n audio advertisements, disclosures shall be clear and understandable in pace and volume.” *Id.* The action seeks to ensure that mandatory disclosures can be understood by consumers, and the Board may reasonably believe that fines are necessary to ensure compliance in the future.

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 "Scott Pruitt", is written over a horizontal line.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA