



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-452A

John W. Maile, Executive Director
Oklahoma Used Motor Vehicle and
Parts Commission
2401 NW 23rd St., Ste. 57
Oklahoma City, Oklahoma 73107

August 1, 2016

Dear Executive Director Maile:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Used Motor Vehicle and Parts Commission intends to take pursuant to a consent agreement with used motor vehicle dealer license 4392. The proposed action is to impose fines on the licensee totaling \$1,775. The licensee failed to maintain appropriate records in connection with the sale of 47 used vehicles, improperly completed a bill of sale, and employed two unlicensed salespersons.

Oklahoma law authorizes the Commission to fine licensees who violate the Commission's rules and its authorizing statutes, including employing unlicensed salespersons. 47 O.S.Supp.2015, § 584(A)(3), (7)(b). Records of transactions, including certificates of title, must be retained by licensees for three years after a sale. OAC 765:10-3-3(a). Licensees must use bills of sale when selling used vehicles. OAC 765:10-3-1(a)(1). The action seeks to enforce these requirements, which help ensure consumers receive appropriate documents and information when purchasing used vehicles and that they are assisted by salespersons licensed to serve them. The Commission may reasonably believe that imposing fines will deter future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Used Motor Vehicle and Parts Commission has adequate support for the conclusion that this action advances the State of Oklahoma's policy that used motor vehicle dealers maintain records and employ salespersons who are properly licensed.


E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA