



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-862A

Roy K. Dockum, Executive Director
Oklahoma Motor Vehicle Commission
4334 N.W. Expressway, Suite 183
Oklahoma City, OK 73116

December 5, 2017

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 pursuant to a consent agreement with licensee 792. The proposed action is to impose a fine of \$1,000 for failing to comply with a written agreement with a consumer involving the sale of a new motor vehicle. The dealer sold the consumer's trade-in vehicle before the transaction was completed and was unable to return the vehicle when the consumer's financing application was declined.

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.2017, § 565(A), (A)(5)(d). Enforcement powers for violations of agreements and false advertising are related to the Legislature's policy statement, 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'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.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "A. Otis".

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL