



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-151A

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

May 9, 2018

Dear Executive Director Dockum:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Motor Vehicle Commission intends to take pursuant to a consent agreement with licensee 413. The Commission proposes to fine the licensee \$1,000 for failing to comply with a written agreement with a consumer involving the sale of a new motor vehicle. The licensee sold the consumer's trade-in vehicle before the transaction was completed, and therefore 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). New motor vehicle statutes exist to "promote the public interest and the public welfare," "prevent false and misleading advertising," and "prevent unfair practices." 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.

MIKE HUNTER
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