



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-380A

John W. Maile, Executive Director
Oklahoma Used Motor Vehicle and Parts Commission
421 NW 13th #330
Oklahoma City, OK 73103

October 1, 2018

Dear Executive Director Maile:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Used Motor Vehicle and Parts Commission intends to take pursuant to consent agreement with used motor vehicle dealer licensee UD-6580. The licensee failed to license one salesperson for three years and failed to maintain the required forms for 31 transactions. The Commission proposes to fine the licensee a total of \$1,525.

Oklahoma law authorizes the Commission to fine a licensee that “employs unlicensed salespersons” or has “willful[ly] fail[ed] to comply with any provision of Section 581 . . . or with any rule promulgated by the Commission.” 47 O.S.Supp.2017, § 584(A)(3), (7)(b). The Commission’s rules require that certain forms be used in vehicle sales, and that licensees retain sales records, including certificates of title, for three years after a sale. OAC 765:10-3-1(a)(1); 10-3-3(a). The Commission may reasonably believe that the proposed action is necessary to 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’s policy of protecting the public by requiring that used motor vehicle dealers meet minimum licensing requirements.

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 "Amanda Otis".

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL