



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-185A

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

March 20, 2017

Dear Mr. 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 697. The proposed action is to impose a fine of \$1,000 on the licensee for false or misleading advertising concerning the price of new motor vehicles. The licensee displayed prices on the dealer's website which were represented as the Manufacturer's Suggested Retail Price ("MSRP"), but were significantly different than the actual MSRP amount. Further, the dealership showed savings and/or discounts to the customer off of those same misrepresented MSRP amounts.

Oklahoma law authorizes the Oklahoma Motor Vehicle Commission to "impose a fine not to exceed . . . [\$1,000] against a dealer per occurrence" for engaging in "false or misleading advertising." 47 O.S.Supp.2016, § 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," "prevent false and misleading advertising," and "prevent unfair practices." 47 O.S.2011, § 561. The Board's administrative rules specifically prohibit misrepresentations about claimed discounts and require discounts to represent savings from the "bottom line MSRP sticker price." OAC 465:15-3-14(5). The action seeks to enforce the Legislature's policy against false and misleading advertising by imposing fines to deter overstated discount claims and misrepresentations about MSRPs.

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.



MIKE HUNTER
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