



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-218A

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

March 30, 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 363. The proposed action is to impose a fine of \$500 on the licensee for false or misleading advertising concerning the price of new motor vehicles. The licensee's website displayed a banner which read, "*Up to \$12,000 Cash Back*", without a disclosure identifying which vehicle(s) qualified for the offer.

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 the use of certain statements in advertisements including "'up to', 'as much as', [and] 'from' . . . in connection with savings or discount claims, unless the vehicle for which the claim is made is clearly identified including stock number." 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.

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 of Oklahoma's policy to prevent false and misleading advertising in the sale of new motor vehicles.

A handwritten signature in black ink that reads "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink that reads "Shelly Perkins".

SHELLY PERKINS
ASSISTANT ATTORNEY GENERAL