



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-219A

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 699. 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's TV advertisement offered customers "120% Black Book Value for Your Trade."

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, such as stating or implying a "trade-in amount or range of amounts... including comparisons or references to industry valuation guides." OAC 465:15-3-14(8). The action seeks to enforce the Legislature's policy against false and misleading advertising by imposing fines to deter stating or implying a trade-in amount using references to industry valuation guides.

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.

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

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