



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-227A

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

March 31, 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 657. The proposed action is to impose a fine of \$1,000 on the licensee for false or misleading advertising. The licensee's advertising and signage at its place of business identified the business as "Randolph Chevrolet Buick GMC," and the licensed name of "Riverside Autoplex of Holdenville" was not displayed. Upon investigation, the licensee had sold part of the dealership and changed the name without proper notification and application to the Oklahoma Motor Vehicle Commission.

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 require "[a]ll advertisements must conspicuously display the name of the new motor vehicle dealership." OAC 465:15-3-15. Further, the Board is authorized to revoke, suspend, or fine the licensee for "a change of condition after license is granted resulting in failure to maintain the qualifications for license." 47 O.S. § 565A(4). The action seeks to enforce the Legislature's policy against false and misleading advertising by imposing fines to ensure compliance with these statutory requirements.

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.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Shelly Perkins in blue ink.

SHELLY PERKINS
ASSISTANT ATTORNEY GENERAL