



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-230A

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 818. The proposed action is to impose a fine of \$1,000 on the licensee for false or misleading advertising. The licensee issued a print advertisement that stated "You Have Been Pre-Approved."

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 "guaranteed approval", "you are pre-approved", and other similar statements representing or implying that no prospective credit purchaser will be rejected because of his inability to qualify for credit." OAC 465:15-3-14(1). 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.

MIKE HUNTER
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