



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-671A

John W. Maile, Executive Director  
Oklahoma Used Motor Vehicle and Parts Commission  
421 NW 13<sup>th</sup> Street, Suite 330  
Oklahoma City, OK 73103

September 6, 2017

Dear Executive Director Maile:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Used Motor Vehicle and Parts Commission intends to take pursuant to a consent agreement with used motor vehicle dealer licensee UD-9695. The licensee's records were reviewed by Commission personnel. The audit showed that the licensee failed to deliver certificates of title to vehicles sold within 30 days of the sale at least 7 times. The licensee also failed to execute and maintain FTC Buyer's Guides, failed to make and retain copies of certificates of title to vehicles sold, and failed to maintain proper records of temporary license plates issued in at least 13 vehicle sales transactions. The proposed action is to impose a \$100 fine for each of the 7 times the licensee failed to deliver certificates of title, for a total of \$700; and to impose a \$100 fine for each of the 13 times the licensee failed to execute and maintain FTC Buyer's Guides, failed to make and retain copies of certificates of title to vehicles sold and failed to maintain proper records of temporary license plates, for a total of \$1,300.

Oklahoma law authorizes the Commission to fine licensees who "willfully fail[] to deliver certificates of title to purchasers of used motor vehicles within thirty (30) days of the sale of the vehicles[,] "willful[ly] fail[] to comply with any provision of the [Oklahoma Used Motor Vehicle and Parts Dealers Act] or with any rule promulgated by the Commission" and/or commit "[c]ontinued or flagrant violation[s] of any of the rules of the Commission[.]" 47 O.S.Supp.2016, §§ 585(B)(1), 584(A)(3), (5). The Commission's rules provide that "Federal Trade Commission Buyer's Guide[s] conforming to FTC and state standards" are "required in the sale of a used motor vehicle by a used motor vehicle dealer[.]" OAC 765:10-3-1(a)(3). The Commission's rules also require "each dealer [to] keep for a period of three (3) years from the date of sale . . . a copy of the front and back of the completely signed certificate of title to each vehicle sold." OAC 765:10-3-3. The Commission's rules further provide that "[t]he dealer shall maintain a record of temporary license plates issued." OAC 765:13-3-5. The Commission may reasonably believe that imposing the fines will deter future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Used Motor Vehicle and Parts Commission has adequate support for the conclusion that this action advances the State of Oklahoma's policy requiring used motor vehicle dealers to properly deliver certificates of title and to maintain proper records.



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