



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-744A

Roy K. Dockum, Executive Director
Oklahoma Motor Vehicle Commission
4334 Northwest Expressway, Ste. 183
Oklahoma City, Oklahoma 73116

December 19, 2016

Dear Executive Director 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 with respect to new motor vehicle dealer licensee 628. The proposed action is to impose—pursuant to a consent agreement—a fine of \$350 for displaying a number of vehicles off the licensed premises and outside the dealer’s franchise area.

Oklahoma law authorizes the Oklahoma Motor Vehicle Commission to “impose a fine not to exceed . . . [\$1,000] against a dealer per occurrence” for several reasons, including violation of statutory requirements. 47 O.S.Supp.2016, § 565(A), (A)(3). Oklahoma law elsewhere makes clear that a dealer is licensed at a specific location. 47 O.S.Supp.2016, § 564(D). Further, Oklahoma places clear restrictions on when vehicles may be displayed away from the licensed location. *See* 47 O.S.Supp.2016, § 564.1. One restriction bars a display that is not in the “dealer’s factory-approved area of sales and service responsibility.” *Id.* § 564.1(A)(3). The Legislature has clearly spoken to this issue, and the action seeks to advance the Legislature’s policy. The Commission may reasonably believe that a modest fine will adequately deter future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Motor Vehicles Commission has adequate support for the conclusion that this action advances the State of Oklahoma’s policy regarding the locations where dealers may display new vehicles.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA