



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-670A

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-4522. The licensee misrepresented the terms of bills of sale and retail installment agreements in 22 vehicle sales. The licensee also failed to properly assign certificates of title by failing to affix the proper tax stamps to the title for vehicles sold in 2 sales transactions. The proposed action is to impose a \$250.00 fine for each of 22 vehicle sales in which the licensee misrepresented the terms of bills of sale and retail installment agreements, for a total of \$5,500; and to impose a \$100.00 fine for each of the 2 times the licensee failed to properly assign certificates of title, for a total of \$200.

Oklahoma law authorizes the Commission to fine licensees who have “misrepresented the terms and conditions of a sale, purchase or contract for sale or purchase of a motor vehicle[,]” “willful[y] fail[ed] to comply with any provision of the [Oklahoma Used Motor Vehicle and Parts Dealer Act] or with any rule promulgated by the Commission” and/or committed “[c]ontinued or flagrant violation[s] of any of the rules of the Commission[.]” 47 O.S.Supp.2016, §§ 584(A)(6)(d), (3), (5). The Commission’s rules provide that it is “the duty of the selling dealer to affix the applicable used motor vehicle dealer’s tax stamp in the appropriate place on the assignment or re-assignment area of the certificate of title.” OAC 765:10-3-1(d)(4). 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 that used motor vehicle dealers accurately represent the terms of bills of sale and retail installment agreements and properly assign certificates of title.



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