



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-672A

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

September 6, 2017

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 pursuant to a consent agreement with licensee number 891. The proposed action is to impose a fine of \$1,000 on the licensee for false or misleading advertising. Board staff responsible for monitoring dealer advertising observed a mailer advertisement which was sent by the licensee to thousands of homes, which featured verbiage that offered specific amounts for the persons' trade-in vehicles, with extensive and onerous restrictions which were not disclosed.

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). The Board's administrative rules specifically provide that "[n]o trade-in amount or range of amounts shall be stated or implied in an advertisement, including comparisons or references to industry valuation guides." OAC 465:15-3-14(8). The Commission's authority to impose penalties for false or misleading advertising is 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" and "prevent false and misleading advertising[.]" 47 O.S.2011, § 561; *see also id.* § 573. The proposed action seeks to enforce the Legislature's policy against false and misleading advertising.

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 to prevent false and misleading advertising in the sale of new motor vehicles.

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