



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-674A

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 license number 322. The proposed action is to impose a fine of \$1,000 on the licensee for failing to comply with a written agreement with a consumer involving the sale of a motor vehicle. A consumer alleged that he attempted to purchase a new vehicle and was using his current vehicle as a trade-in. The transaction did not complete, as the finance company denied his application. However, the dealership was unable to return his trade-in because it had been prematurely sold.

Oklahoma law authorizes the Oklahoma Motor Vehicle Commission to “impose a fine not to exceed . . . [\$1,000] against a dealer per occurrence” that “[h]as failed or refused to perform any written agreement with any retail buyer involving the sale of a motor vehicle[.]” 47 O.S.Supp.2016, § 565(A), (A)(5)(d). The Commission’s authority to impose penalties for failing or refusing to perform any written agreement with a retail buyer 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 “to protect and preserve the investments and properties of the citizens of this state[.]” 47 O.S.2011, § 561; *see also id.* § 573. The Retail Delivery Agreement requires the dealer to keep all consumers’ trade-in vehicles in storage until completion of the transaction. Therefore, the Board may reasonably that its proposed action will 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 to promote the public interest and welfare and protect the investments and properties of the citizens of Oklahoma.

MIKE HUNTER
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