



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-421A

John W. Maile, Executive Director
Oklahoma Used Motor Vehicle and
Parts Commission
2401 N.W. 23rd Street, Suite 57
Oklahoma City, OK 73107

June 12, 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-7947. The proposed action is to impose fines for several regulatory violations committed by the dealership, totaling \$1,800. A review of the licensee's records found the licensee had: charged different documentary fees in different transactions in violation of Oklahoma consumer credit laws, for which the Commission intends to fine the licensee \$1,000; failed to deliver a certificate of title to a vehicle upon sale, holding the title pending full payment of the sale, for which the Commission intends to fine the licensee \$250; failed to properly assign a certificate of title upon sale of a vehicle, for which the Commission intends to fine the licensee \$100; and failed to execute Federal Trade Commission documents and title receipts in various vehicle sales transactions, for which the Commission intends to impose a fine of \$450.

The Commission is authorized to fine licensees who violate the Commission's rules and its authorizing statutes. 47 O.S.Supp.2016, § 584(A)(3),(5). Violations include "engage[ing] in business under a past or present license ... in such a manner as to cause injury to the public or to those with whom the licensee is dealing," failing to properly assign certificates of title to vehicles sold in vehicle sales transactions, and failing to execute FTC Buyer's Guides, We Owe Statements, Odometer Statements and title receipts. *Id.* §§ 584(A)(6)(e); 585(B)(2); OAC 765:10-3-1. The action seeks to enforce these statutory requirements. The Commission may reasonably believe that imposing 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 to protect the public interest and the public welfare by regulating used motor vehicle dealers.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



SHELLY PERKINS
ASSISTANT ATTORNEY GENERAL