

# NEWS and VIEWS

FEBRUARY 2007

## The Director's Desk....

*Roy K. Dockum, Executive Director*

### Upcoming Dates for Commission Meetings

March 13

April 10

May 8

Meetings Start at 10:00 a.m.

### HAVE YOU MISSED ANY PAST NEWSLETTERS?

**Don't worry! The last  
two years publications  
are available at:**

**[www.ok.gov/omvc](http://www.ok.gov/omvc)**

**If you haven't visited  
our website, come take a  
look at what is available:**

- **Application Forms**
- **Laws & Rules**
- **Consumer Tips**
- **Staff/Commissioners**
- **Other Motor Vehicle  
Related Agencies**

**If you have suggestions  
about the website or  
newsletters, just let us  
know!**

I recently attended some meetings of the National Association of Motor Vehicle Boards and Commissions (NAMVBC), where I am able to exchange information with my counterparts from other states. After listening to what is going on in other states, it reassures me that: 1) issues are similar no matter what state you are in; 2) we can learn from others' mistakes before many of their problems get to Oklahoma; and 3) I'm continually thankful that Oklahoma has some of the best motor vehicle dealers anywhere in the country.

I thought that I would mention of few of the "hot" topics that are causing either litigation or legislation in several states, so that you can be aware and perhaps proactively address them within your dealerships ahead of time. They include:

- Length of time allowed (or required) to get title papers to a customer after a sale, and making the payoff of a customer's trade-in vehicle. In states where dealers have been unwilling or unable to get payoffs made and paperwork delivered timely, legislatures have stepped in to mandate a certain number of days. This is one of the most common consumer complaints received by the OMVC.
- Spot Delivery of vehicles pending finance. This issue usually involves what must be disclosed to the customer about the pending finance. I would remind you that everyone who takes delivery of a vehicle "pending finance" must be given a copy of the contract and an OMVC/UMV&PC approved "Spot Delivery Agreement" which contains specific information protecting both the dealers and the customer.
- DOC Fees, Processing Fees, ADP, Administrative Fees, etc. These add-on fees are receiving increasing scrutiny by consumer groups, attorneys, courts, legislatures, and Attorneys General. The major argument raised is that, after a price is negotiated and agreed to, it is "an unfair practice" to add on "fees" that in many situations cannot be justified as direct costs associated with the document preparation or processing. Some state legislatures have "stepped-in" and placed caps on these fees; other states have taken the route of the courts to address the fees.
- The California "Car Buyer's Bill of Rights". This law was written as a joint effort between the California Auto Dealers and consumer groups. Since it was passed over a year ago, other states are now looking into similar legislation. Among other things, it gives the buyer the option to purchase the right to return the vehicle after a certain amount of time if he changes his mind about the purchase.
- Itinerant sales promotion companies. These companies bring in their own sales and finance personnel and run the sale for the promotion period. I would remind you that in Oklahoma, you must obtain a sales license from the OMVC for each person involved in the sales or finance process, and you (as the dealer) are responsible for their advertisements, actions and "promises" made to buyers.

As always, if you have any questions about any of these issues, or anything else I can assist you with, please call me.

## Temporary Paper Tags and Metal Dealer Tags

Over the past year several issues have arisen regarding the use/misuse of temporary paper tags and metal dealer tags. Some of these situations have even resulted in the impounding and/or ticketing of vehicles by law enforcement. Below are a few helpful reminders:

### Paper Tags

- Only one 30-day paper tag may be issued per sold vehicle; and only used on sold vehicles, not for any other purpose.
- Paper tags must be placed in a place **visible** from the rear of the vehicle; if the windows are tinted, you should find an alternate place where it can be clearly seen;
- Lettering should be in permanent marker and large enough to be read.

### Metal Dealer Tags

- Metal tags are to be used for demonstration, dealer trades, and/or loaner purposes.
- An individual driving a vehicle with a metal dealer tag affixed is limited to a 72-hour period. However, if the driver holds a valid Salesman License with the OMVC, they are not subject to this time limitation.

Hopefully, these reminders will help you and your customers stay out of trouble.

## COMMISSION ACTIONS

### **November 14, 2006**

1. \$500 Advertising Fine - Johnson's of Enid
2. \$500 Unlicensed Salesperson Fines issued to 2 dealers
3. Approved License Applications for 2 Manufacturer/Distributors and 8 Dealers.

### **December 12, 2006**

1. \$500 Advertising Fine - City Chevrolet, OKC
2. \$500 Advertising Fine - Cross Road Chrysler-Jeep, OKC
3. \$500 Advertising Fine - Mike Denney Chevrolet, Guthrie
4. \$450 Unlicensed Salesperson Fines issued to 3 dealers
5. Denied Manufacturer License to S & S Fire Apparatus, Fairmont, IN
6. Approved License Applications for 3 Manufacturer/Distributors and 11 Dealers

### **January 9, 2007**

1. \$500 Advertising Fine - David Stanley Chrysler-Jeep-Dodge, Yukon
2. \$500 Advertising Fine - Dusty Ballard Pontiac-Buick-GMC, Clinton
3. \$500 Advertising Fine - Jensen's, Inc., Fairview
4. \$500 Advertising Fine - Dub Richardson Toyota, OKC
5. \$250 Advertising Fine - David Stanley Chevrolet, OKC
6. \$250 Advertising Fine - David Stanley Dodge, MWC
7. Approved License Applications for 6 Dealers

### **February 13, 2007**

1. \$500 Advertising Fine - Fenton Nissan East, Midwest City
2. \$250 Advertising Fine - Edmond Hyundai, Edmond
3. \$150 Unlicensed Salesperson Fine to MHC Kenworth, OKC
4. Approved License Applications for 2 Manufacturer/Distributors and 14 Dealers