

# Oklahoma Motor Vehicle Commission

## NEWS and VIEWS

DECEMBER 2008

### From The Director's Desk....

At the November 2008 meeting, the OMVC initiated the **Rulemaking** process to consider amending certain Rules. For your information, and/or if you would like to provide input regarding any of these, here is a summary of what is being considered.

- **465:10-3-3 Salespersons' license.** Currently, a salesperson may hold only one license at a time from a single licensed dealership. It is being proposed that a salesperson would be allowed to be licensed at multiple dealerships provided that all dealerships have the same majority ownership.
- **465:15-5 and 465:15-7 Advertising Enforcement.** The proposed Rule changes would delete the current advertising enforcement procedures which includes a combination of letters and fines. The proposed replacement language is, *"Upon an allegation, by the Commission staff or by a person or entity, that an advertisement may be in violation of a rule as referenced in this Chapter, the Executive Director, or his designee, will investigate the allegation to determine if the advertisement is a potential violation. The Executive Director, or his designee, will determine the action to be taken, which may include correspondence to the dealer, an offer to enter into a proposed agreed settlement requiring acceptance by the Commission, or to schedule a hearing.*

In addition to these above considerations, there are a few changes being proposed which would delete certain Rules pertaining to off-premise display permits. The law was changed last year, so that paper permits are no longer required; therefore, the associated Rules regarding display permits are obsolete.

The public comment period will end January 15, 2009. So, if you wish to provide input, please contact either Marilyn or myself at the OMVC prior to that date.

### Oklahoma Tax Commission Professional License Compliance Law

Many dealers have received letters in the past 6 months, indicating that the OMVC could not renew some of their salespersons' licenses, due to the individuals being considered "non-compliant" by the Oklahoma Tax Commission. The State of Oklahoma passed a law which prevents any State agency from renewing licenses to anyone who is deemed "non-compliant" by the OTC.

Since it is unlawful for dealers to employ unlicensed salespersons, many dealers responded by immediately having their affected salespersons contact the OTC and clear up their matters, or face potential suspension or termination of employment. However, some dealers have continued to employ their unlicensed salespeople, even though it has been well over 5 months since their license has expired.

The OMVC is required to enforce the Salesperson licensing provisions; therefore, the Board has directed the staff to begin issuing fines to dealers who continue to employ unlicensed salespersons after having been notified. Accordingly, several fines have already been sent, starting with the oldest and working our way to the more recent.

If you still have "OTC non-compliant" salespeople, they need to contact the OTC 405-522-6800. This Commission understands there may be many circumstances involved in the "non-compliant" status, but the OMVC is not authorized to get involved in those matters; rather, the OMVC is required to enforce the law as it exists. Many of you have expressed your concerns with this law, and how it is applied; we suggest you address those concerns with the OTC and/or your state legislators.

## **COMMISSION ACTIONS**

### **April 8, 2008**

1. \$3000 Advertising Fine to Edmond Hyundai, Edmond
2. \$500 Advertising Fine to David Stanley Dodge, Midwest City
3. \$1900 Unlicensed Salesperson Fines issued to 10 Dealers
4. Approved License Applications for 5 Manufacturers/Distributor and 4 Dealers.

### **May 13, 2008**

1. \$1000 Advertising Fine to David Stanley Dodge, Midwest City
2. \$500 Advertising Fine to Cross Road Chrysler Jeep, OKC
3. \$250 Advertising Fine to Westpointe Chrysler Jeep Dodge, Yukon
4. \$750 Unlicensed Salesperson Fines to 6 Dealers
5. Approved License Applications for 9 Dealers

### **June 10, 2008**

1. \$700 Unlicensed Salesperson Fines to 6 Dealers
2. Approved License Applications for 4 Manufacturer/Distributors and 14 Dealers

### **July 8, 2008**

1. \$700 Unlicensed Salesperson Fines to 4 Dealers
2. Denied Distributor License Application by American Beta, Paso Robles, CA
3. Approved License Applications for 2 Manufacturer/Distributors and 12 Dealers

### **August 12, 2008**

1. \$500 Advertising Fines to Fowler Dodge, OKC & Joe Cooper Ford of Shawnee
2. \$6350 Unlicensed Salesperson Fines to 17 Dealers
3. Approved License Applications for 7 Manufacturer/Distributors and 13 Dealers

### **September 9, 2008**

1. \$3100 Unlicensed Salesperson Fines to 10 Dealers
2. Approved License Applications for 4 Manufacturer/Distributors & 9 Dealers

### **October 14, 2008**

1. \$2500 Advertising Fine to Purcell Chevrolet, Purcell
2. \$500 Advertising Fines to Riverside Chevrolet & Riverside Nissan, Tulsa
3. \$500 Advertising Fine to Bob Moore Nissan, Norman
4. \$100 Temporary Tag Violation Fine to Ada Discount Motors, Ada
5. Approved License Applications for 4 Manufacturer/Distributors & 15 Dealers

### **November 12, 2008**

1. \$750 Distributor Fine to Wildfire Motors, Steubenville, OH, for Sales to Unlicensed Dealers
2. \$250 Spot Delivery Agreement Violation Fine to Bob Howard Chrysler Dodge Jeep, OKC
3. \$100 Unlicensed Salesperson Fine to 1 Dealer
4. Denied Distributor License Application for Goody Industries, Dallas, TX
5. Approved License Applications for 3 Manufacturer/Distributors & 15 Dealers

### **Upcoming Dates for Commission Meetings In 2009**

January 13

February 10

March 10

Meetings Start at  
10:00 a.m.

Agendas are  
available 24 hours  
prior to the  
Meeting at:

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

The Meetings are  
conducted in  
accordance with  
the Open Meeting  
Act.

**From our staff to  
yours, we would  
like to wish you a  
Merry Christmas  
and a Prosperous  
New Year!!**

