

ONMVC Administrative Rules and Regulations

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ONMVC Administrative Rules and Regulations

Title 465 – Oklahoma New Motor Vehicle Commission

Chapter 1 – Administrative Operations

Subchapter 1 - Description of Organization

465:1-1-1. Purpose

The rules in this Chapter were adopted to provide further information as to the composition of the Commission, to outline the daily method of operations and to advise the public of the proper procedure of filing a petition regarding a rule or initiating a proceeding against a licensee of this Commission.

465:1-1-2. Composition of the Commission

- (a) **Creation.** The Oklahoma New Motor Vehicle Commission (hereinafter referred to as the "Commission") was created and exists by virtue of 47 O.S. Supp. 1985 Section 561 et seq.
- (b) **Members.** The Commission is composed of nine members, seven of whom shall have been engaged in the manufacture, distribution, or sale of new motor vehicles, and two members who shall be lay members, all to be appointed by the Governor of the state of Oklahoma with the advice and consent of the Oklahoma State Senate. Each of the Commissioners thus appointed shall, at the time of his or her appointment, be a resident in good faith of the state of Oklahoma and each shall be of good moral character and each of the industry Commissioners shall have actually been engaged in the manufacture, distribution or sale of new motor vehicles for not less than ten (10) years next preceding such appointment.
- (c) **At large, geographical appointments.**
 - (1) There shall be three at large members of the Commission. Six members of the Commission shall be appointed from the following geographical areas with at least one member from each area:
 - (A) Four areas of the state shall be the northwest, northeast, southwest, and southeast sections designated by Interstate 35 dividing the state east and west, Interstate 40 dividing the state north and south, excluding Oklahoma County and Tulsa County, and
 - (B) two additional areas shall be Oklahoma County and Tulsa County.
 - (2) There shall not be more than two members of the Commission from any one of these four areas.

- (d) **Chairman.** The Commission shall elect a chairman from among the nine Commissioners who shall serve a term of one (1) year with the right to succeed him or herself.
- (e) **Quorum.** Five members of the Commission shall constitute a quorum for the transaction of official business.
- (f) **Terms.** The terms of these nine Commissioners are fully described at 47 O.S. Supp. 1985 Section 563.

465:1-1-3. Executive Director

The Commission shall appoint a qualified person to serve as its Executive Director, which person shall have not less than ten (10) years of experience in the motor vehicle industry. Said Executive Director shall be appointed for a term of six (6) years and shall not be subject to dismissal or removal without cause.

465:1-1-4. Duties

The Commission's duties shall include but shall not be limited to the licensing of manufacturers, distributors, their representatives, new motor vehicle dealers and registration of their salespersons. The Commission is also established to protect the public welfare and public interest of the citizens of the state of Oklahoma.

465:1-1-5. Hearings

The Commission is authorized to conduct hearings on various matters brought to its attention by its various licensees, all as more fully provided in 47 O.S. Supp. 1985 Section 561 et seq.

Subchapter 3 - General Course of Method and Operations

465:1-3-1. Office

- (a) **Address.** The office of the Oklahoma New Motor Vehicle Commission is located in Oklahoma City at 4334 N.W. Expressway, Suite 183, 73116.
- (b) **Hours.** Office hours shall be 8:00 a.m. to 4:30 p.m. each day except Saturday and Sunday and any legal holiday established by statute or proclamation of the Governor.

465:1-3-2. Commission meetings

- (a) **Date.** In the absence of any conflicting legal holiday established by statute or proclamation by the Governor, or unavoidable conditions that result in failure to achieve a quorum or absence of Executive Director or Deputy Director, then the meetings of the Commission shall be held on the second Tuesday of each month, starting at 10:00 a.m. at the Commission's Office.
- (b) **Compliance with laws.** All meetings of the Commission shall be conducted in compliance with the applicable provisions of the Oklahoma Open Meeting Act, 25 O.S. 1981, Sections 301, et seq. (as Amended) and the Oklahoma Administration Procedures Act, 75 O.S. 1981, Section 301 et seq. (as Amended).

465:1-3-3. Seal

The official seal of the Oklahoma New Motor Vehicle Commission shall be as follows: The official star of the State of Oklahoma bordered by the inscription, Oklahoma New Motor Vehicle Commission. The Executive Director shall be the custodian of the official seal. The Commission shall affix the imprint or facsimile thereof to the appropriate license certificates issued by the Commission.

Subchapter 5 - Public Rights

465:1-5-1. Access to records

- (a) **Open records.** All official records of the Commission, not privileged from disclosure by law, shall be public records, available for inspection and review in the office of the Commission, under reasonable circumstances at reasonable times and during normal business hours.
- (b) **Fees.** Copies of all such records, certified or not certified, may be obtained during normal business hours, provided that the expense of such copies shall be paid by the person requesting same. Fees for such copies shall be in accordance with a fee schedule and/or procedure prescribed by the Executive Director of the Commission.
- (c) **Request.** Any member of the public may obtain any information contained in the files at the Commission that is not otherwise confidential by either making a written request therefor to the Executive Director of the Commission at the address listed in OAC 465:1-3-1(a), or by personally appearing at the offices of the Commission and making a request in person.
- (d) **Records not removable.** Official records of the Commission may not be removed from the office of the Commission.

465:1-5-2. Public inspection of rules, orders and decisions

The Commission will make available for public inspection all rules and all other written statements of policy or interpretations formulated, adopted, or used by the Commission in the discharge of its functions. The Commission will make available for public inspection all orders, decisions and opinions.

465:1-5-3. Public submission

Any member of the general public may submit questions and concerns regarding the business of this Commission by contacting the Executive Director in writing. The Executive Director, after consultation with the Board Chair, may place such items on the agenda for discussion.

Subchapter 7 - Procedures Pertaining to Individual Proceedings

465:1-7-1. Purpose

The rules in this subchapter document the proper procedure to follow when filing a complaint with this Commission. This subchapter is intended to supplement the provisions of 47 O.S. 1981 Section 566, 566.1 (as amended) and OAC 465:1-1-5.

465:1-7-2. Complaints concerning licensees

- (a) **Informal Complaint.** Any person or entity including a current licensee of this Commission, can file an informal complaint, in writing, on forms prescribed by the Commission, against any licensee of this Commission. Complaint forms may be obtained from the Commission. The Executive Director, or his designee, will cause the complaint to be investigated to determine if any violations of Motor Vehicle Commission Law have occurred.
- (b) **Informal Resolution.** The Executive Director, or designee, in consultation with the Commission's prosecutor will attempt to bring about an informal resolution. An informal resolution may include but is not limited to, mediation between the parties to reach an

acceptable resolution or a settlement agreement offered by the Executive Director or designee, and approved by the Commission at a public meeting.

- (c) **Formal Complaint.** If an informal resolution is not possible, a formal complaint may be filed against the licensee. The Commission shall set the matter for a hearing as set forth in 465:1-7-3 to be held in accordance with the Oklahoma Administrative Procedures Act, 75 O.S. Section 309-323.
- (d) **Hearing.** At any hearing held to consider a formal complaint, the Commissioners shall act in a quasi-judicial capacity at such an adversarial hearing and shall not themselves introduce evidence or otherwise act as a party. The Commissioners shall, however, have the right to direct questions at any witness appearing at the hearing.

465:1-7-3. Proceedings initiated by Commission

- (a) **Complaint.** An individual proceeding to consider a formal complaint is initiated by issuing a complaint, verified by the Commission's Executive Director, against said licensee(s) alleging a violation(s) of the Oklahoma New Motor Vehicle Commission Act, 47 O.S. 1981 Section 561, et seq. (as amended) or Rules.
- (b) **Notice and Hearing.** The matters addressed in a formal complaint issued pursuant to subsection (a) of this Section, shall be considered at a hearing to be held before the Commission. The affected licensee shall be provided appropriate notice of this hearing. In a hearing held pursuant to this Section, counsel or the Executive Director for the Commission shall present evidence substantiating the allegations contained in the complaint and otherwise act in a quasi-prosecutorial role. For this reason, the individual(s) presenting the evidence for the Commission shall not be allowed to be present during any Executive Session at which the Commission deliberates on what action to take in an individual proceeding held pursuant to this subsection.

Subchapter 9 – Petitions

465:1-9-1. Promulgate, amend or repeal a rule

Any interested person may petition the Commission requesting the promulgation, amendment or repeal of a rule. Said petition may be in any reasonable form that would apprise the Commission of the substance of the proposed rule or of the substantive changes suggested in any amendment to any existing rule. The petition shall be in writing and directed to the attention of the Executive Director of the Commission. If the petition is filed with the Commission at least ten days before its next regularly scheduled monthly meeting, then the petition will be heard before the Commission at that meeting. In all other instances, the hearing on the Petition shall be at the Commission's next regularly scheduled meeting. The hearing on the petition will conform in all particulars to the requirements of the Oklahoma Administrative Procedures Act, 75 O.S. 1981, Section 301 et seq.

465:1-9-2. Declaratory ruling

Any interested person may file a petition for a declaratory ruling as to the applicability to it of any rule or order of the Commission. A petition for declaratory ruling filed pursuant to this rule shall be in writing and directed to the attention of the Executive Director of the Commission. A hearing will be held on this petition for declaratory ruling at the next regularly scheduled meeting of the Commission, provided that the petition is received at least ten days prior to that regularly scheduled meeting. In all other instances, the petition will be heard by the Commission at the

next regularly scheduled meeting. The hearing on a petition for a declaratory ruling pursuant to this Section shall conform in all particulars to the requirements of the Oklahoma Administrative Procedures Act, 75 O.S. (1981) Section 301 et seq. (as amended).

Chapter 10 – Licenses

Subchapter 1 - Commission Licensing Procedures

465:10-1-1. Purpose

The rules in this subchapter provide a detailed outline of the four different decisions the Commission can choose from when considering an application for license.

465:10-1-2. Consideration of initial applications for license

All initial dealer, manufacturer, and distributor applications received for licenses by the Commission pursuant to 47 O.S. Supp. 1985 Section 564(B) shall be considered at the next regularly scheduled meeting of the Commission. When considering an application received pursuant to 47 O.S. Supp. 1985 Section 564(B), the Commission shall make one of the following orders:

- (1) Approval
- (2) Approval contingent upon receipt of certain additional designated information or documents
- (3) Defer consideration pending receipt of additional information or documents or
- (4) Recommendation of denial.

465:10-1-3. Application approved

In the event that the Commission issues an Order approving the application, then the Executive Director shall issue the applied for license within ten days.

465:10-1-4. Application approved upon contingency

In the event the Commission issues an Order approving an application contingent upon subsequent receipt of additional information or documents, the Commission shall so notify in writing the affected applicant of its decision within ten days. Then the Executive Director shall, upon receipt of the needed additional information or documents, issue the applied for license.

465:10-1-5. Application deferred

In the event that the Commission issues an Order deferring consideration on a license application pending receipt of additional information or documents, then the Commission shall reconsider the application at its next regularly scheduled meeting held after the receipt of the requested information. The Commission shall so notify in writing the affected applicant of the additional information needed within ten days of its deferral decision.

465:10-1-6. Application denied

In the event the Commission acts upon an application by recommending that it be denied, then the Commission's Executive Director shall so notify the affected applicant in writing within ten days. This notice shall apprise the affected applicant of the recommended denial and shall further notify the applicant that a hearing will be held at the next regularly scheduled meeting of the Commission to consider the previously issued recommendation of denial. This Notice shall

further advise the affected applicant that he shall have a right to be heard at this subsequent hearing.

465:10-1-7. Consideration of other applications for license and registration.

All other applications received for licenses and registrations by the Commission (representative, salesperson, and off premise) shall be reviewed by the Executive Director. In reviewing these applications for licenses or registrations, the Executive Director shall follow the same procedures as outlined above for review of initial licenses.

Subchapter 3 - License and Registrations

465:10-3-1. Purpose

The rules in this subchapter outline additional requirements for licensing of dealerships, registration of salespersons and renewal of those licenses and registrations.

465:10-3-2. Name to be placed on dealer's license

Dealer licenses will be issued in the trade name of the applicant, and said licenses shall be displayed in a conspicuous location at the Dealer's place of business.

465:10-3-3. Salespersons' registration

(a) **Registration.** Contemporaneous with the employment of a Salesperson, an application for Salesperson registration shall be submitted to the Commission on forms prescribed by the Commission along with the appropriate fee paid by the employing licensed dealer. A certificate of registration for a Motor Vehicle Salesperson will be issued by the Commission within ten days of receipt of a completed application and the proper fee. All Salespersons' certificates of registration will be sent to the Dealer for distribution to his or her respective applicants, and the Dealer will determine that all its personnel required to be registered have done so. Salesperson registrations are required for anyone involved in the selling of new or used vehicles, including sales managers and F&I personnel.

(b) **Identification card.** A Salesperson's certificate of registration shall consist of an identification card. The card shall be carried upon his or her person when acting as a Salesperson.

© **Termination of employment.** Upon termination of employment of a registered Salesperson, the dealership must notify the Commission in writing within ten days.

(d) **One registration and employer at a time.** No Salesperson may be registered with more than one dealer at any time or be employed by, or sell for, any Dealer other than the Dealer designated on the Salesperson's certificate of registration, except as follows:

- (1) A Salesperson may be registered with more than one dealer only in instances where the salesperson is employed by multiple dealerships which have the same majority ownership;
- (2) A Salespersons' registration application must be submitted for each dealership which have the same majority ownership for which the Salesperson seeks to be registered;
- (3) The identification card or cards which are issued in accordance with OAC Title 465:10-3-3(b), shall contain the names of all commonly owned dealerships for which the Salesperson is registered; and,
- (4) The Salesperson shall only sell for the dealerships designated on the Salespersons' identification card.

(e) **Change of employment.** Upon change of employment to another dealership, the existing certificate of registration shall be invalid. A new application for registration along with the

appropriate fee paid by the employing dealer shall be submitted to the Commission. Within ten days of receipt of a completed application and required fee the Commission will issue a certificate of registration for a Motor Vehicle Salesperson.

465:10-3-4. Changes to be reported

Any proposed change by a dealer, manufacturer, or distributor, including but not limited to: name, address, ownership, or franchises sold, shall be submitted to the Commission, in writing, along with the appropriate documentation. Sufficient advance notice shall be given for the Commission to act in accordance with the applicable statutes and rules.

465:10-3-5. Renewal of licenses and salesperson registrations

Notification for renewal of all licenses and salesperson registrations shall be sent by the Commission to each of its licensees by May 1 of each year and all licensees shall return the completed renewal application, along with the proper fees, by June 1 of each year.

465:10-3-6. Compliance with dealer's tag provision

A Salesperson Certificate of Registration issued in accordance with the procedures set forth in 465:10-3-3 shall be considered "a valid salesman's license issued by the Oklahoma New Motor Vehicle Commission" for purposes of 47 O.S. § 1128(A), concerning a licensed salesperson's exemption from the seventy-two hour limit on operating a motor vehicle with a dealer's tag affixed.

Subchapter 5 - Denial, Suspension or Revocation of License

465:10-5-1. Purpose

The rules in this subchapter outline additional infractions, that if committed, can result in grounds for denial, suspension or revocation of license or the imposition of a fine.

465:10-5-2. Dealer license contingent on manufacturer licensing status

The Commission may suspend or revoke the license of any Dealer whose manufacturer or distributor is not duly licensed by this Commission.

465:10-5-3. Duty to comply with registration laws

The Commission shall deem it to be a fraudulent practice and grounds for denial of an application or for revocation or suspension of a license previously granted or for the imposition of a fine for any of its licensees to violate any of the provisions of the Oklahoma Vehicle License and Registration Act, 47 O.S. Supp. (1985), Section 1101, et seq.

Subchapter 7 - Off Premise Sale and Display

465:10-7-1. Purpose

The rules in this subchapter provide additional off premise sale and display requirements.

465:10-7-2. Receipt of applications

All applications for Off Premise Display and Sales Licenses issued pursuant to 47 O.S. Supp. 2005, Section 564.1 (as amended) and Section 596.3, shall be submitted on forms to be furnished by the Commission and must be received by the Commission at least seven (7) calendar days prior to the date of the off premise display or sale.

465:10-7-3. Off premise events

- (a) **Off premise display events.** No sales activities shall be conducted at an off premise display, including but not limited to, negotiations, financing, and accepting credit applications. The presence of sales or finance personnel at an off premise display, creates a rebuttable presumption that sales activities are being conducted at the off premise display event.
- (b) **Off premise sales events.** Sales activities may be conducted by recreational vehicle dealers at a licensed off premise sale.
- (c) **Permit affixed to windshield.** An off premise sale permit issued by the Commission pursuant to 47 O.S. Supp. 2005, Section 564.1 (as amended), shall be prominently affixed to the windshield of each vehicle.

Subchapter 9 - Dealership Locations**465:10-9-1. Purpose**

The rules of this subchapter provide definition of established business locations and restrict usage of "line-make" identification in the trade name at locations other than the primary franchised licensed location.

465:10-9-2. Definition of established place of business

An established place of business as used in 47 O.S. 2001, Section 565(7)(a), (as amended), shall mean a permanently enclosed building or structure, easily accessible to the public, with a paved or graveled lot for customer parking and for the showing and storage of vehicles, and, shall not mean residences, tents, temporary stands, lots, or other temporary quarters, unless such temporary quarters are part of a contingent approval and will be replaced by a permanent building or buildings within a period of time as designated by the Commission. The established place of business must have a sign visible from the outside which identifies the motor vehicle dealership. An established place of business shall include an indoor show room capable of housing at least one vehicle. It shall also have an indoor office and public areas sufficient to conduct sales transactions with customers, and have restroom facilities available for the public. The established place of business shall also include a service and parts area, separated from the public areas, equipped with tools, equipment, and replacement parts necessary for reasonably expected warranty and service needs, and equipped with the means to vent exhaust directly from vehicles being repaired to the outside. The Commission may waive one or more of the requirements provided for in this Section. This definition is intended to clarify and supplement the language in 47 O.S. 2001, Section 565 (7)(b), (as amended).

Chapter 15 – Advertising

Subchapter 1 - General Provisions

465:15-1-1. Purpose

The purpose of this Chapter is to implement the intent of the legislature as declared in the Oklahoma New Motor Vehicle Commission Law by regulating the advertising of Commission licensees by requiring truthful and accurate advertising practices for the benefit of the citizens of this State.

465:15-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Advertisement" means an oral, written, graphic, or pictorial statement made in the course of soliciting business, including, without limitation, a statement or representation contained in a newspaper, magazine, publication, notice, sign, poster, display, circular, pamphlet, flyer, letter, price tag, window sticker, email, mobile text, mobile application, or on the Internet, radio, television, or any other type of media.

"Bait advertisement" means an alluring but insincere price offer or savings claim which a dealership does not intend to honor.

"Bait and switch advertisement" means an alluring but insincere offer to sell a product of which the primary purpose is to obtain leads to persons interested in buying merchandise of the type advertised and to switch consumers from buying the advertised product in order to sell some other product at a higher price or on a basis more advantageous to the advertiser.

"Clear and conspicuous" means that the statement, representation, or disclosure is of such size, color, contrast, and audibility and is presented so as to be readily noticed, easily understood, and non-deceptive. All language and terms, including abbreviations, shall be used in accordance with their common or ordinary usage and meaning by the general public.

"Dealer-added fee" means an amount charged by the dealer to the customer in connection with the sale or lease of a new motor vehicle including, but not limited to, processing fee, documentary fee, service and handling fee, administrative fee, closing fee, or ADP (additional dealer profit) fee. "Dealer-added fee" does not mean legally required charges such as a lien entry filing fee. It is prohibited to state or imply that a dealer-added fee is required by law or by any government agency.

"Dealership addendum" means a form which is to be displayed on a window of a new motor vehicle when the dealer installs special features, equipment, parts or accessories, or charges for services not already compensated by the manufacturer or distributor for work required to prepare a vehicle for delivery to a buyer. The addendum is to disclose:

- (A) That it is supplemental and it should not be deceptively similar in appearance to the manufacturer's label, which is required to be affixed by every

manufacturer to the windshield or side window of each new motor vehicle under the Automobile Information Disclosure Act;

- (B) Any added feature, service, equipment, part, or accessory charged and added by the dealership and the retail price thereof;
- (C) Any additional charge to the selling price such as additional dealership markup; and,
- (D) The total dealer selling price.

"Dealer discount" means the amount of reduction or contribution by the dealer to reduce the selling price of the vehicle from "MSRP".

"Demonstrator" means those vehicles that are of the current or previous model year which have not been sold, titled or registered to any type of purchaser and are used by dealership personnel for demonstration purposes. Service vehicles, courtesy cars, daily rentals, loaners, factory program cars, driver education and factory executive cars shall not be described as "demonstrator" vehicles. Demonstrators may be advertised for sale, as such, only by a franchised dealer of the same line-make of vehicle.

"Disclosure" means required information that is clear, conspicuous, and accurate. In print and internet advertisements, disclosures shall be located either adjacent to the price or in an area clearly marked with reference symbols. In audio advertisements, disclosures shall be clear and understandable in pace and volume and shall be located at the end of the advertisement. In a television or video advertisement, the disclosure must appear continuously on the screen for a minimum of ten seconds.

"Factory executive/official vehicle" means a new motor vehicle with an original Manufacturer's Statement of Origin, that has been used exclusively by an executive or official of the dealer's franchising manufacturer, distributor, or their subsidiaries.

"Licensee" means any entity or person required to obtain a license from the Oklahoma New Motor Vehicle Commission.

"Manufacturer's label" means the label required by the Automobile Information Disclosure Act, 15 U.S.C. Sections 1231-1233, (normally referred to as Monroney Label), to be affixed by the manufacturer to the windshield or side window of each new automobile delivered to a dealer.

"Manufacturer's Suggested Retail Price" or "MSRP" means the selling price suggested by the manufacturer or distributor displayed on the Manufacturer's Label / Monroney Label.

"Program car" means a car that is purchased at a manufacturer's closed auction or sold by or directly from the manufacturer or distributor which is a current or previous year model, that has been previously tagged and/or titled, and returned to the manufacturer for disposal.

"Rebate" or "Cash back" means the payment of money from the manufacturer to a consumer, or to a dealer on behalf of a consumer, on the condition that the consumer purchases or leases a new motor vehicle.

Subchapter 3 - Specific Advertising Regulations

465:15-3-1. General prohibition

A licensee shall not use false or misleading advertising.

465:15-3-2. Availability of vehicles

(a) **Specific advertising.** A licensee may advertise a price, payment, or savings claim for a specific vehicle or line-make of vehicles for sale if:

- (1) the specific vehicle or line is in the possession of the licensee at the time the advertisement is placed, or the vehicle may be obtained from the manufacturer or distributor or some other source, and this information is disclosed in the advertisement; and,
- (2) the advertisement discloses the number of vehicles available for the advertised price, payment, or savings. This requirement shall be met by the following:

- (a) if the advertised price, payment, or savings claim pertains to only one specific vehicle, that vehicle's stock number must be disclosed; or,
- (b) if the advertised price, payment, or savings claim pertains to multiple vehicles, the disclosure must contain either the number of vehicles available or verbiage such as "many available" or "several to choose from" and identify by stock number of two or more new vehicles for which the advertised price, payment, or savings claim applies. Advertised savings claims or prices must match the savings claims and prices for the same vehicles that are listed in dealer inventory.

(b) **General advertising.** This Section does not prohibit general advertising of vehicles by a manufacturer, dealer advertising association, or distributor, and the inclusion of the names and addresses of the dealers selling such vehicles in the particular area.

465:15-3-3. Accuracy

All advertised statements shall be accurate, clear and conspicuous. All advertising shall be in plain language, with disclosures or material facts that are non-deceptive. By way of example and not limitation, the following are in violation of this rule:

- (1) Statements that mislead the consumer either by directly communicating a misleading message or that cause reasonable inference which is misleading,
- (2) Disclaimers and disclosures that contradict, confuse, or unreasonably limit a principal message of an advertisement. Disclaimers and disclosures cannot include qualifications, limitations or conditions upon the accurate representation of the full and total selling price available to any retail buyer,
- (3) Statements susceptible to both a misleading and a truthful interpretation,
- (4) Deceptive statements, even though the true facts are subsequently made known to the consumer, or
- (5) Using footnotes, asterisks, or various subscripted symbols which confuse, contradict, materially modify, or unreasonably limit the material terms of an advertisement.

465:15-3-4. Bait advertisement

Any advertising of a "Bait" or "Bait and switch" nature is prohibited.

465:15-3-5. Layout

The layout, headlines, illustrations, or type size of a printed advertisement and the broadcast words or pictures of radio/TV/internet advertisements shall not convey or permit an erroneous or misleading impression as to which vehicle or vehicles are offered at featured prices. No advertised offer, expression, or display of price, terms, down payment, trade-in allowance, cash difference, savings, or other such material terms shall be misleading and any necessary qualifications shall be clearly, conspicuously, and accurately set forth to prevent any misunderstandings.

465:15-3-6. Manufacturer's suggested retail price

The suggested retail price of a new motor vehicle when advertised by a manufacturer or distributor shall include all costs and charges for the vehicle advertised, except that destination and dealer preparation charges, and state and local taxes, title, and license fees may be excluded from such price, provided that the advertisement conspicuously states that such costs and charges are excluded. However, with respect to advertisements placed with local media in Oklahoma by a manufacturer, distributor, or advertising association which include the names of the local dealers for the vehicles advertised, if the price of a vehicle is stated in the advertisement, such price must include all costs and charges for the vehicle advertised, including destination and dealer preparation charges and may exclude only state and local taxes, license, and title fees. MSRP is an exact price that is clearly identified on a vehicle Monroney Label and may not be altered in dollar amount or otherwise misrepresented by a manufacturer, distributor or dealer. MSRP may not be referred to by any other term.

465:15-3-7. Dealer price advertising

- (a) **Selling price.** The most conspicuous price or payment of a new motor vehicle, when advertised by a dealer, must be the full and total selling price for which the dealer will sell the vehicle to any retail buyer. The only charges that may be excluded from the advertised price or payment are: taxes, title, and license fees. The dealer shall include dealer add-ons featured in the dealership addendum when advertising the current selling price.
- (b) **Qualification.** A qualification may not be used when advertising the price of a vehicle such as "with trade", "with acceptable trade", "with dealer-arranged financing", or "with down payment".
- (c) **Rebate or incentive claim.** If an advertised price includes any rebates, cash back, or other incentives, the ad must clearly disclose that the price includes the rebate or incentive. Dealer discounts and rebates, available to every buyer, cannot be combined as one.
- (d) **Rebates only available to select consumers.** The most conspicuous price or payment of a new motor vehicle, when advertised by a dealer, must be the true price that is available for every consumer. Conditional or selective rebates cannot be included in the most conspicuous selling price.
- (e) **Third-party vehicle listing website pricing.** Only the most conspicuous price or payment of a new motor vehicle, the full and total selling price for which the dealer will sell the vehicle, shall be displayed on third-party vehicle listing websites.

465:15-3-8. Identification

- (a) When the price, payment or savings claim of a vehicle is advertised, the following must be conspicuously disclosed adjacent to the price, payment, or savings claim:
 - (1) model year;
 - (2) make;
 - (3) model name or style name; and
 - (4) if the advertised new vehicle had been in prior service as a demonstrator, service loaner, factory program vehicle, or any other similar use, if known by the dealer, it must be identified as such.
- (b) An illustration of a motor vehicle used in an advertisement must be that of either the actual motor vehicle advertised or a vehicle of the same make, model, year, and style.

465:15-3-10. Auction

Terms such as "auction" or "auction special" and other terms of similar import shall be used only in connection with a vehicle offered or sold at a bona fide auction.

465:15-3-11. Authorized dealer

The term "authorized dealer" or a similar term or indication shall not be used unless the advertising dealer holds a franchise and a license to sell at the advertised location those vehicles he is holding himself out as "authorized" to sell.

465:15-3-12. Lease advertisements

Vehicle lease advertisements shall clearly and conspicuously identify that the advertisement is for the lease of a vehicle. The term "lease" must appear with the advertised payment. Statements such as "alternative financial plan", "drive away for \$_____ per month", or other terms or phrases that do not use the term "lease", do not constitute adequate disclosure of a lease. Lease terms that are not available to the general public shall not be included in advertisements directed at the general public. All limitations and qualifications applicable to the lease terms advertised shall be clearly and conspicuously disclosed as per Federal Trade Commission Regulation "M".

- (1) If an advertisement, promoting a consumer lease on a motor vehicle contains any of the following terms:
 - (A) The amount of any payment; or
 - (B) A statement of any capitalized cost reduction or other payment required prior to or at the consummation or delivery;
- (2) Then the following terms must be disclosed:
 - (A) That the advertised transaction is a lease;
 - (B) The total amount due prior or at consummation or delivery;
 - (C) The number, amounts and due dates or periods of scheduled payments;
 - (D) A statement of whether or not a security deposit is required; and
 - (E) A statement that an extra charge may be imposed at the end of the lease term where the lessee's liability, if any, is based on the difference between the residual value of the lease property and its realized value at the end of the lease term.

465:15-3-13. Closed ended credit term advertisements

All closed ended credit term advertising shall be in compliance with Federal Trade Commission Regulation "Z" (Truth in Lending Act).

- (1) If an advertisement, promoting a closed ended credit sale on a motor vehicle purchase contains any of the following terms:
 - (A) The amount of down payment expressed either as a percentage or dollar amount;
 - (B) The amount of any payment expressed as a percentage or dollar amount;
 - (C) The number of payments;
 - (D) The period of repayment; or
 - (E) The amount of any finance charge;
- (2) Then the following terms must be disclosed:
 - (A) Amount or percentage of down payment;
 - (B) Terms of repayment; and
 - (C) Annual percentage rate, using the term or abbreviation "APR".

465:15-3-14. Prohibited statements

The following statements are presumptively false and misleading, and the burden of proving otherwise shall be on the Advertiser/Licensee:

- (1) Statements such as "everybody financed", "no credit rejected", "guaranteed approval", "you are pre-approved", and other similar statements representing or implying that no prospective credit purchaser will be rejected because of his inability to qualify for credit.
- (2) Statements representing that no other dealer grants greater allowances for trade-ins.
- (3) Statements representing that because of its large sales volume a dealer is able to purchase vehicles for less than another dealer selling the same make of vehicles, unless such is the case.
- (4) Statements such as "factory direct prices", "wholesale prices", "factory sale", and other similar statements that create the impression that the vehicle is being offered for sale by the manufacturer or distributor of the vehicle, are prohibited. Dealers may use terms such as "factory authorized sale", "supplier pricing", "you pay what we pay", or "employee pricing" only in conjunction with factory-allowed pricing programs or within factory-defined pricing rules, factory-sponsored promotions and/or advertising campaigns. Statements such as "we have been selected", "we have been chosen", and other similar statements, which imply that the dealership has exclusive arrangements not available to other dealers, are prohibited.
- (5) A savings claim or discount offer is prohibited except to advertise specific new or demonstrator vehicles. Statements such as "up to", "as much as", "from", shall not be used in connection with savings or discount claims, unless the vehicle for which the claim is made is clearly identified including stock number. Savings claims can only be offered from the bottom line MSRP sticker price. Discounts shown on the Monroney Sticker Label shall not be included in the advertised discount or savings claim. The featured savings claim or discount offer for a new motor vehicle, when advertised, must be the savings claim or discount which is available to any and all members of the buying public.
- (6) The use of the terms "Free", "Complimentary", or similar terminology is prohibited if a consumer must make a purchase to obtain the "free" offer.

- (7) The terms "dealer's cost", "invoice", "invoice price" or other reference to the cost of the vehicle to the dealer shall not be used.
- (8) No trade-in amount or range of amounts shall be stated or implied in an advertisement, including comparisons or references to industry valuation guides.
- (9) A used vehicle shall not be advertised in any manner that creates the impression it is new.
- (10) Statements such as "we pay tag, tax and license", or statements with similar meaning shall not be used.
- (11) The use of the terms "liquidation", "going out of business", or statements with similar meaning, are prohibited unless a dealer is actually going out of business and ceasing its operations at the licensed location. If a dealer is going out of business, these terms can only be advertised during the period between the execution of a buy-sell with the proposed buyer and written factory approval.
- (12) An offer of a buy down rate is prohibited without the appropriate disclaimer: "This is a buy down rate. The amount of the buy down may affect the price of the vehicle".
- (13) Terminology such as "we will pay off your trade" or statements with similar meaning shall not be used, unless accompanied by a disclaimer which clearly and conspicuously states that the amount of the pay off is added into the contract and is dependent upon approved credit.
- (14) Statements such as "we will make your payments for a number of months", "you make no payments for a number of months", or similar statements are prohibited unless the finance contract is written as such and the customer is not obligated for payments to the finance company for that specified period of time.

465:15-3-15. Dealership name

All forms of dealer advertisements must conspicuously display the name of the new motor vehicle dealership. Dealers must prominently be identified by their active dealership DBA name listed on file with the Commission.

465:15-3-16. Number one "1" claims

When advertising "number 1", "biggest", "number 1 in sales", "largest inventory", or other similar claims, the basis for these claims must be disclosed. Examples:

- (1) "Based on Oklahoma new vehicle registrations for January 2025", would support a "number 1 in sales" claim.
- (2) When advertising "number 1 in customer satisfaction", the basis for this claim and the period of time for which the dealer was "number 1 in customer satisfaction" must be disclosed, such as "based on official manufacturing reporting – January 1, 2025 through January 31, 2025".

Subchapter 5 - Finding of Violation

465:15-5-1.1. Enforcement

Upon an allegation, by the Commission staff or 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 consent order requiring acceptance by the Commission, or to schedule a hearing in accordance with OAC 465:1-7-3. The Commission has the authority, under Title 47, Sections 565 and 566, to schedule a hearing at any time concerning alleged advertising violations and to apply penalties according to a published penalty scale, as authorized by the Commission.

465:15-5-1.2. Violation

The violation of an advertising rule shall be considered by the Commission as a violation of the Oklahoma New Motor Vehicle Commission Law, created by Title 47 of Oklahoma State Statute. In addition to the specific advertising regulations, referenced in Subchapter 3, any other advertising or advertising practices found by the Commission to be false or misleading shall be deemed violations of the law, and shall also be considered violations of the general prohibition.

465:15-5-2. Hearing

No licensee shall be held to be in violation of the foregoing rules of this Chapter including the general prohibition, referenced in OAC 465:15-3-1, except upon a finding thereof made by the Commission after notice and hearing as provided in the Oklahoma New Motor Vehicle Commission Law.

Chapter 20 – Temporary License Plates

Subchapter 1 - General Provisions

465:20-1-1.Purpose

The rules of this Chapter have been adopted for the purpose of complying with the provisions of 75 O.S. Section 250 et. seq. and 47 O.S. Section 1137.3 and 47 O.S. Section 1137.4 as amended. This Chapter will provide a description of the design and use of the temporary license plate for dealers who sell new motor vehicles, motorhomes, travel trailers, motorcycles, scooters, street legal powersports or commercial trailers.

Subchapter 3. Design and Placement

465:20-3-1. Form and substance of the temporary license plate

- (a) **Plate size.** The temporary license plate for all new motor vehicles, travel trailers, and commercial trailers, except motorcycles and scooters, shall be 12 inches in length and 6 inches in height.
- (b) **Cycle plate size.** The temporary license plate for all new motorcycles, scooters or street legal powersports, shall be 7 inches in length and 4 inches in height.
- (c) **Substance.** The temporary license plate shall be of a ten-mil weather-proof plastic impregnated white substance with ink absorbing characteristics capable of withstanding continual exposure to the natural elements such as water, mud and wind, without the loss of form or content for a period in excess of ten (10) days.

(d) **Fastening.** Fastener holes for placing the temporary license plate to the vehicle shall be at an appropriate location for use of the factory installed mounting holes on the vehicle on which the temporary license plate shall be placed.

465:20-3-2. Content of the temporary license plate

(a) **Format.** There shall be two rectangular shaped blocks for the month, two rectangular shaped blocks for the day of the month, and two rectangular shaped blocks for the year indicating date of the expiration of the temporary license plate. The blocks shall be of a size of at least 1 inch in height and 1 ¼ inches in width and pale or light toned green in color. The rectangular blocks for the motorcycle, scooter or street legal powersport temporary license plates shall be 1 inch in height and 1 inch in width. Preprinted below the two blocks on the left shall be the words "EXPIRATION MONTH"; below the middle two blocks shall be the words "EXPIRATION DAY"; and below the two blocks on the right shall be the words "EXPIRATION YEAR".

(b) **Ink type.** Any writing on the temporary license plate not preprinted shall be applied by an instrument using indelible black ink. The ink marker for writing in the date blocks should be capable of making a mark of at least ¼ inch in width.

(c) **Required verbiage.** The temporary license plate shall have the following preprinted language: The selling dealer's company name, the selling dealer's license number which is issued by Service Oklahoma, the word "Oklahoma" and the words "10 Day Temporary Tag", and a line with the words "Year, Make, Model" below the line.

(d) **Unique sequential identifier.** In addition to the preprinted information recited in paragraphs (a) and (c), the temporary license plate shall have a preprinted unique identifier which shall have a three-character prefix, unique to the individual authorized temporary license plate vendor, followed by a five-digit tag number no less than 1 inch in height. The height of the preprinted unique sequential identifier for a motorcycle, scooter or street legal powersport temporary license plate shall be no less than 1 inch. The dealer shall record the temporary license plate's unique identifier on the front of the vehicle's bill of sale in a conspicuous location. A dealer shall not issue more than one unique sequentially identified temporary license plate for the same vehicle sale.

(e) **Purchaser information.** The name of the purchaser shall be written on the temporary license plate; or, in lieu of the name of the purchaser, the words "see bill of sale" may be used. If the term "see bill of sale" is used, the purchaser shall retain the bill of sale in the vehicle at all times until the vehicle has been registered in the purchaser's name.

(f) **Recordkeeping.** The dealer shall maintain a record of temporary license plates issued for a minimum of three years from the date of sale. The record shall include the unique sequential number, the date issued, the name of the purchaser and the year, make, model and vehicle identification number, for which the temporary license plate was issued. The record shall be available to Commission and law enforcement personnel upon request.

465:20-3-3. Location and visibility of the temporary license plate

Upon the sale of a new motor vehicle, motorhome, travel trailer, motorcycle, scooter, or street legal powersport, the temporary license plate shall be placed on the vehicle at the location provided for the permanent license plate and shall be securely fastened on all four sides. All required content, unique sequential numbers and purchaser information on the temporary license plate shall be clearly visible when placed on the new motor vehicle, motorhome, travel trailer, commercial trailer, motorcycle, scooter, or street legal powersport.

Subchapter 5. Registration Procedures Qualifications and Fees

465:20-5-1. Scope

These rules apply only to applicants for registration as an authorized temporary license plate vendor by the Oklahoma New Motor Vehicle Commission. A dealer or manufacturer who currently holds any other license issued by the Oklahoma New Motor Vehicle Commission is not eligible for registration as a temporary license plate vendor.

465:20-5-2. Temporary License Plate Vendors

Vendors shall provide pre-printed temporary license plates, or software services, or the equipment and supplies necessary to print temporary license plates as provided for in 47 O.S. § 1137.4 and Subchapter 3 of these Rules.

465:20-5-3. Applicant

(a) An applicant shall provide sufficient information on the application or otherwise to enable the Commission to determine whether the applicant meets the qualifications for registration. The application shall be verified by the oath of affirmation of the applicant and shall be on forms prescribed by the Commission and furnished to such applicants.

(b) An applicant shall provide any other pertinent information, as deemed necessary, to demonstrate an ability to perform the duties of a temporary license plate vendor in a manner that protects the citizens of Oklahoma.

465: 20-5-4. Place of Business

An applicant must have a secure location in which to keep the materials, tools and equipment necessary to supply temporary license plates and/or securely transfer business data.

465:20-5-5. Bond and Insurance

(a) **Vendor's bond.** Each applicant for an authorized temporary license plate vendor, for the purpose of conducting a business to issue a temporary license plate shall file with the Commission a good and sufficient bond in the amount of Fifty Thousand Dollars (\$50,000 as set forth in 47 O.S. § 1137.4(D)). The bond shall be approved as to form by the Attorney General. The bond form shall contain provisions relating to the bond amount, parties responsible for payment of bond claims, parties who may make claims on bonds and priorities of claimants, if applicable.

(b) **Liability insurance.** Each applicant for a temporary license plate vendor shall be required to furnish and in the event a registration is issued, keep in force, a minimum of One Million Dollars (\$1,000,000) commercial liability insurance coverage as set forth in 47 O.S. § 1137.4(D). The insurance as required by this section shall be maintained throughout the period of licensure. Should the insurance be cancelled or expire for any reason, the registration shall be revoked as of the date of cancellation or expiration unless new insurance is furnished prior to such date.

465:20-5-6. Issuance of Registration

(a) **Name.** An authorized temporary license plate vendor registration will be issued in the legal name of the individual proprietorship, partnership, corporation, Limited Liability Company or other legal entity, and dba if applicable, as identified on the application for registration.

(b) **Certificate.** An authorized temporary license plate vendor registration consisting of a signed certificate bearing the official seal of the Commission and specifying the name and location of the place of business and assigned registration number, is to be posted in a conspicuous place in the vendor's place or places of business. The authorized temporary

license plate vendor registration number will be prefixed with a unique sequential three-character prefix, followed by the month/year of expiration.

(c) **Conducting business.** No applicant for an authorized temporary license plate vendor registration can conduct business in the State of Oklahoma until such time as the Commission has issued the registration.

465:20-5-7 Renewal of Registration

All registrations issued under the provisions of the Commission's statutory authority shall expire twelve months from the date of issuance and shall be nontransferable. All applications for renewal shall be submitted no less than thirty days prior to the expiration. If an application has not been made for renewal of registration, such registration shall expire and it shall be illegal for any person to represent himself and/or act as a vendor thereafter.

465:20-5-8. Fees

Per 47 O.S. § 1137.4 (effective September 1, 2024) the fee required for an initial temporary license plate vendor application, and all subsequent annual renewals for an authorized temporary license plate vendor registration is six hundred dollars. A fee will be returned to the applicant in the event the registration applied for is denied.

465:20-5-9. Vendor Ownership Changes

(a) **Ownership.** A change of ownership, greater than fifty percent, shall require a new application and approval by the Commission before the business may begin operation.

(b) **Notification.** A change of ownership or any other change, such as change of name or address, which makes Commission records no longer accurate must be reported to the Commission immediately in writing on forms prescribed by the Commission for approval by the Commission. The vendor must meet all the requirements as prescribed for registration. The Commission may revoke or suspend a registration after it has been granted for change of condition resulting in failure to maintain the qualifications for registration. Failure to complete the requirements for registration at the new location within thirty (30) days shall result in suspension of the vendor's registration until the registration requirements are met.

Subchapter 7. Operation

465:20-7-1 Services

(a) **Issuance of pre-printed temporary license plates.** Authorized temporary license plate vendors shall verify the new motor vehicle dealer's license is active. In the event a dealer's license becomes inactive during licensure period, pre-printed temporary license plates cannot be issued to the dealer until dealer's license is active.

(b) **Issuance of electronically printed temporary license plates.** Authorized temporary license plate vendors that provide an electronic method for issuance of temporary license plates shall verify with the Commission the new motor vehicle dealer's license is active prior to granting system access to the dealer. In the event the dealer license status becomes inactive during a licensure period, the dealer's access must be suspended or terminated until the dealer's license is active.

(c) **Electronic submission of information.** Authorized temporary license plate vendors may provide a method for dealers to electronically enter required purchaser information for each vehicle purchase and electronically submit such required purchaser information to Service Oklahoma. The vendor must submit such information every 24 hours in a manner that protects and meets security requirements promulgated by the Commission and Service Oklahoma, and in a format that is readily accessible by Service Oklahoma.

465:20-7-2 Records

- (a) Each authorized temporary license plate vendor shall keep records for a period of five (5) years from the date of transaction (or as required by any other federal, state, or local regulations). If it is determined that a registrant has knowingly provided false or misleading information when requested to provide records or failed to keep records as required by this Chapter, the registrant may be subjected to any appropriate sanction authorized by rule or statute.
- (b) Records shall include but not be limited to terms of use agreement, system access authorization, logs, dealer information, and vehicle purchaser information.
- (c) Vendor records shall be available as needed to the Oklahoma New Motor Vehicle Commission for inspection.

465:20-7-3 Prohibited Acts

An authorized temporary license plate vendor shall not:

- (1) Fail to obtain and supply licensed new motor vehicle dealers with temporary license plates that meet the statutory requirements set forth in 47 O.S. Section 1137.4 and Subchapter 3 of these rules.
- (2) Sell, print, or provide temporary license plate(s) to an unlicensed entity,
- (3) Use, sell, or share licensed dealer information or vehicle purchaser information with any unauthorized individual, legal entity or third party,
- (4) Mail or deliver, in any form, tags to a location other than to the licensed new motor vehicle dealer location,
- (5) Print temporary license plates duplicating sequential numbers, or
- (6) If applicable, fail to maintain and share accurate and up-to-date purchasing data collected and submitted to Service Oklahoma.

Subchapter 9. Software and Security**465:20-9-1. Sales Data Transfer Format and Security Requirements**

- (a) Sales data transferred by a vendor to Service Oklahoma must meet the security and format requirements approved by Service Oklahoma.
- (b) In the event of a breach of data, the vendor must notify the Commission within 24 hours and must be able to disable access within 24 hours. The vendor must also notify the client dealership or dealerships within 24 hours of the data breach so that they may be able to determine the nature and extent of the breach and comply with all notification requirements provided for in Oklahoma and Federal law.

Subchapter 11. Assessment of Fine or Denial, Suspension or Revocation of Registration**465:20-11-1. Grounds**

- (a) The Commission may deny an application for a registration, or revoke or suspend a registration pursuant to 47 O.S. Sections 1137.4 and this Chapter; for violation of any statute or regulation relating to the issuance of temporary license plates; or if it is determined that the registration is being or has been issued for the benefit of a person who would not or could not qualify for the registration in his or her own right.
- (b) The Commission may, in addition to any other sanction or penalty assessed, impose a fine as authorized by law.

465:20-11-2. Prohibition

A person whose registration has been revoked or denied or whose registration was surrendered in lieu of revocation or under circumstances such that said registration could have been revoked, shall not have a financial interest of any kind in an authorized temporary license plate vendor business, nor shall that person participate in any way, including in an advisory position, in the operation of an authorized temporary license plate vendor.