

Oklahoma Independent Automobile Dealers Association DEALERS' RESOURCE

Winter 2023

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2024
2023

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2023

Oklahoma Independent Automobile Dealers Association



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WHAT CAN WE DO FOR YOU?

DEALERS' RESOURCE

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COMMISSION REPORT :



UMVD&MHC Commission Report Monthly Meeting

Date: Oct 10th,
2023

COMMISSION **MEETING**

After roll call the minutes of the September meeting were presented. Kerry Siegfried moved that the reading of the minutes be waived and they be approved. The motion was seconded by John Holt.

Executive Director Brian Wilson discussed license renewals going well with the new process online. He discussed the expenses cut on paper, time, etc. Mr. Wilson also discussed the Education Program on the new website and its capabilities. Included in the Executive Directors report was investigator's work in progress; Cease and Desist Letters issued; complaints handled; inspections done, education class attendance; online dealer renewals and expenditure report. Brett Howerton made the motion to approve the report, seconded by John Holt and carried on a vote 10-0.

Applications for used motor vehicle license were presented to the to the Commission. Discussion was had regarding the applicants. John Holt made a motion to approve the applicants, subject to final approval by staff and issuance of license when compliance with all requirements is met. The motion was seconded by Kerry Siegfried, carried on a vote of 10-0. Following, the applications for used motor vehicle salesperson's license were presented and approved. Applications for wholesale used motor vehicle dealer's license were presented and approved.

Discussion and possible action on dealer's collecting excise tax at the time of sale. Kerry Siegfried made motion to approve Executive Director Brian Wilson to write a letter to legislature opposing dealer's collecting excise tax. The motion was seconded by Brett Howerton and carried on a vote 10-0.

There being no further business to discuss, Chairman John Longacre adjourned the meeting at 10:57 am.

REPORT OF CEASE AND DESIST LETTERS ISSUED

These letters direct the individual or business to cease violations of law or rules.

<i>Adeleye, Akekunle</i>	<i>UD</i>	<i>Oklahoma City</i>	<i>9.27.23</i>
<i>AlMalki, Mohammed</i>	<i>UD</i>	<i>Oklahoma City</i>	<i>9.27.23</i>
<i>Barboza, Blanca</i>	<i>UD</i>	<i>Oklahoma City</i>	<i>9.27.23</i>
<i>Briones, Richardo</i>	<i>UD</i>	<i>Oklahoma City</i>	<i>9.21.23</i>
<i>Cook, Josh</i>	<i>UD</i>	<i>Tulsa</i>	<i>9.20.23</i>
<i>Gonzalez, Elgin</i>	<i>UD</i>	<i>Tulsa</i>	<i>9.26.23</i>
<i>Hendricks, Craig</i>	<i>UD</i>	<i>Newcastle</i>	<i>9.26.23</i>
<i>Higdon, Bryan</i>	<i>UD</i>	<i>Moore</i>	<i>9.27.23</i>
<i>Jones, Jeremiah</i>	<i>UD</i>	<i>Edmond</i>	<i>9.26.23</i>
<i>Keeble, David</i>	<i>UD</i>	<i>Oklahoma City</i>	<i>9.26.23</i>
<i>Keeling, Dustin</i>	<i>UD</i>	<i>Ada</i>	<i>9.27.23</i>
<i>Landolt, William</i>	<i>UD</i>	<i>Sallisaw</i>	<i>9.29.23</i>
<i>McGinnis, Douglas</i>	<i>UD</i>	<i>Oklahoma City</i>	<i>9.26.23....</i>

For A Full List C&D Report , please visit UMVD&MHC website...
<https://oklahoma.gov/oumvdmhmc.html>

LICENSES SUSPENDED OR ABANDONED

The following licenses were suspended or abandoned until compliance is met.

<i>Best Way Auto Inc.</i>	<i>Failed to meet Location change Req</i>
<i>Car Point Auto Sales</i>	<i>Change of Ownership</i>
<i>Clear Choice Auto Sales</i>	<i>Out of Business Per Owner</i>
<i>Doug Gray CDJ</i>	<i>Change of Ownership</i>
<i>Doug Gray Ford</i>	<i>Change of Ownership</i>
<i>Doug Gray Motor Co</i>	<i>Change of Ownership</i>
<i>Doug's Auto Deals</i>	<i>Out of Business</i>

See UMVH&MHC website for Closed Complaint Report

<https://oklahoma.gov/oumvdmhmc.html>

COMMISSION REPORT :



UMVD&MHC Commission Report Monthly Meeting

November

14th, 2023

COMMISSION MEETING

Minutes of the October 10th, 2023, meeting was presented. Kerry Siegfried moved that the reading of the minutes be waived and they be approved. Motion seconded by John Holt.

Executive Director Brian Wilson discussed Legislation update; Position letter completed on commissioner's behalf; Total renewals received and processed; C&D Letters issued; complaints handled; inspections completed; education program attendance; online scams and updates on website. John Holt made to the motion to approve expenditure report and seconded by Kerry Siegfried and carried on vote 10-0.

Applications for used motor vehicle dealer's license were presented. Kerry Siegfried made motion to approve the applicants, subject to final approval by staff and issuance of license when compliance with all requirements is met. Motion seconded by Jennifer Rooks-Jones. This meeting continued with the approval of Salesperson license applicants, wholesale dealer applicants, automotive dismantler, rebuilder applicants all approved with motions and seconded.

Discussion and possible action including adoption of Emergency Rules:765:13 Extending temporary license plates expiration date. Terry Shreve made the motion to approve the adoption of Emergency Rules 765:13. The motion was seconded by John Holt and carried on a vote 10-0.

REPORT OF CEASE AND DESIST LETTERS ISSUED

These letters direct the individual or business to cease violations of law or rules.

2 Guys Auto, LLC	UD	OKC	10.13.23
Bonrougov, Amadov	UD	OKC	10.20.23
Collins, April	UD	Kingfisher	10.20.23
De Lira, Felipe	UD	OKC	10.20.23
Guerrero, Lazaro	UD	Enid	10.20.23
Amovali, Abderrahim	UD	OKC	10.20.23
Inman, Jacob	UD	OKC	10.20.23
Johnson, Ken	UD	Bixby	10.16.23
Ngosong, Forwang	UD	OKC	10.20.23
Noori, Bismilla	UD	OKC	10.20.23
Webb, James Rick	UD	Lindsay	10.20.23
Webb, Lance	UD	Lindsay	10.20.23
Wood, Austin	UD	OKC	10.20.23

LICENSES SUSPENDED OR ABANDONED

The following licenses were suspended or abandoned until compliance is met.

Advantage Truck & Trailer	Out of Business, per owner
Breedlove Performance	Out of Business, per owner
C&L Used Cars	Out of Business, owner deceased
EO Motorsports	Out of Business, per owner
Mansell Auto Sales	Out of Business, per owner
Moody Motors	Out of Business, per owner
Signature Autoplex	Out of Business, lot abandoned
Wheels of Norman	Change of ownership

See UMVH&MHC website for Closed Complaint Report

<https://oklahoma.gov/oumvdmh.html>

OKIADA.com



OKIADA

**Oklahoma Independent
Automobile Dealers
Association**

The OKIADA is a statewide association that represents the unique interest of the states Independent Auto Dealers.

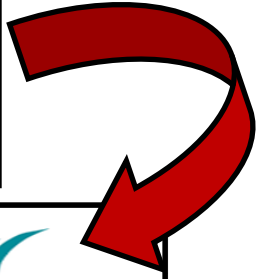
The association works to protect dealers from unfair regulations and legislation on a state level. We are an inclusive community advancing automobile dealers through advocacy, education , promotion and unification. Our members share best practices that protect and advance the industry.

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 <p>One Buy Fee up to \$75 One Sell Fee up to \$75</p>	 <p>First Car Purchase on Platform with no Commission Fee</p>  <p>A One Month Subscription Free</p>	 <p>One Buy Fee up to \$100 One Sell Fee up to \$100</p>
 <p>Manheim</p> <p>\$200 Off One Buy Fee @ Tulsa, Dallas, or DFW</p>	 <p>One Buy Fee up to \$150 One Sell Fee up to \$150</p>	 <p>One Buy Fee up to \$150 One Sell Fee up to \$150</p>
 <p>\$200 Off Buy Fee or \$125 Off Sale Fee</p>	 <p>\$100 Off First 5 Cars Buy Fee Online or In Person</p> <p>1st Hotel Stay when visiting on us</p>	 <p>\$150 Off A Buy Fee</p>



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Out With The Old, In With The New.

The new year has arrived! It is time to close out books for the old year and make preparations for the new. For many of you, that will include disposing of customer and employee records that have exceeded their retention dates. It may also mean replacing older computer equipment with new. As with most things in the used car business, however, the federal government has "Rules." Two "Rules" in fact, governing disposition of personal information, whether stored on paper or in a digital format. The Rules say you cannot just throw certain records in the trash.

All institutions under the Federal Trade Commission's FTC jurisdiction that hold consumer report information are subject to the Disposal Rule. In addition, all financial institutions under the FTC's jurisdiction are subject to the Safeguards Rule with regards to nonpublic personal information. (If your

dealership is involved in the consumer credit process than you are considered a financial institution for purposes of this Rule. Accepting credit applications and/or referring applicants to specific third-party lenders and activities considered to be involvement in the credit process.

For purposes of these two Rules, sensitive consumer information is much more than just an individual's social security number. The Disposal Rule dictates that any information compiled listing of information, based upon or drawn from Consumer Reports must be disposed of in a specified manner. The information may be relevant to employees or to customers.



The Safeguards Rule is concerned with personally identifiable financial information, whether presented individually or in a compiled list. This information includes any information a consumer provided to you in order to obtain credit, as well as any information regarding or referencing that credit.

Cleaning Out The File Cabinet?

Examples of sensitive consumer information cover by the two Rules include:

- Consumer Report information for employees or customers.
- Information they provide to you on an application to obtain credit.
- Customer account balance information.
- Customer payment history.
- Any information about our customer if it is disclosed in a manner that indicates that the individual is or has been your customer in a credit transaction.

In accordance to with the Disposal Rule, paper or hardcopy records containing sensitive consumer information should be burned, pulverized, or shredded so that the information can not be read or reconstructed. Digital records should be erased or the media physically destroyed. Be aware that deleting a computer file is not adequate destruction.

So this year when you are ready to clean out files, remember - you can't just throw them away. The federal government has "Rules".

Each state may differ. Under Rules & regula-

tions & Statues for the Oklahoma Used Motor Vehicle, Dismantler, & Manufactured Housing Commission reads as the following:

765:10-3-3. Records (a) Each dealer shall keep for a period of three (3) years from the date of sale (or as required by any other federal, state, or local regulations), a record of the purchase and sale of each motor vehicle he buys or sells, which shall show the name of the seller or buyer as the case may be, and a complete description of the vehicle purchased or sold, and which shall include a copy of the front and back of the completely assigned certificate of title to each vehicle sold, and such other information as the Commission may prescribe. A public auction which allows non-dealers to sell or purchase vehicles at its auction shall also be required to keep a copy of the front and back of the certificate of title to each vehicle sold or purchased by a non-dealer. The records and title of vehicles shall be available upon request to authorized agents or employees of the Commission or any law enforcement officer of the State of Oklahoma. If it is determined that a licensee has knowingly provided false or misleading information when requested to provide records, the licensee may be subjected to any appropriate sanction authorized by rule or statute. (b) Records shall include but not be limited to bills of purchase or sale, odometer statements, invoices of repair or expense, certificates of title, and accounting records for the operation of the business, including, but not limited to, checking accounts, checks, drafts, and/or financing agreements for inventory.

Note: this article is provided for informational purposes only. It is not legal advice. For legal advice, consult an attorney.

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TEST YOUR KNOWLEDGE!

Test Your Knowledge of Motor Vehicle Law!

How much do you know about motor vehicle law? Test Yourself with these questions!

1. Your repo agent has a repossession vehicle hooked to his tow truck. He is still parked in the debtor's driveway when the debtor appears at his side window. The debtor says, "I am current on the payments. I object to repo. Man, don't take my vehicle!" What should the repo agent do? Should he unhook and leave the vehicle, or continue with the repossession?

2. Same question as No. 1 above, except that the debtor is mistaken about payments being current. She is actually three months past due. The repo agent knows the debtor is wrong/mistaken about the account being current. What should the repo agent do? Should he unhook and leave the vehicle, or continue with the repossession?

3. What is the highest fixed late charge you can contract for under a finance contract?



4. Salesman Sally works exclusively for the used dealership across the street from your buy here/pay here dealership. Sally's dealership markets and sells "high-end" sports cars to the wealthy. One day Sally tells you that she often gets lots of mom/pop "lookers/dreamers" on her lot that really cannot afford their vehicles.

Is it legal for you to offer Sally a \$200 referral fee for each person she refers over who buys a vehicle from you?

5. Your top salesman tells you that there is a vacant field/lot near his house where individuals are parking and displaying for sale their privately owned vehicles. (The land owner is reportedly out of state, and does not mind her field/lot being used in this way). He says the field/lot gets a lot of drive-by traffic and vehicles are selling quickly. The salesman asks if he can move two of your vehicles over to the display lot/field, and put his private cell phone number on a For Sale By Owner sign. How should you answer?

6. How many days does a dealer have to deliver a Certificate of Title to an individual purchaser of a vehicle the dealer acquired from the auction?

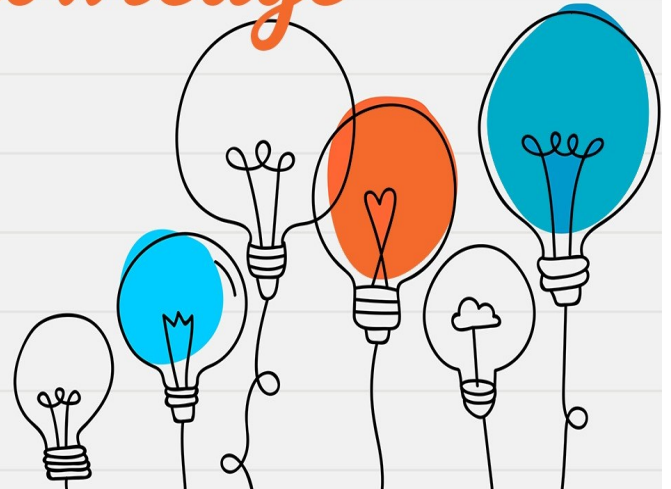
7. Under UMVPC Commission regulations, what is the minimum number of years for which a used motor vehicle dealer must retain vehicle sales records?



7. Under UMVPC Commission regulations, what is the minimum number of years for which a used motor vehicle dealer must retain vehicle sales records?

8. For how long may a purchaser legally display a paper/temporary tag?

TEST YOUR *Knowledge*



How well did you do?

Look for the answers published later in this edition.

This knowledge quiz was prepared by Edmond attorney

David L. Nunn (405) 330-4053

Mr. Nunn's practice is concentrated in the areas of motor vehicle law, collection law, consumer finance law, consumer and commercial litigation, creditors' rights and bankruptcy.



David L. Nunn heads the Edmond, Oklahoma law office of David L. Nunn, P.C. which serves the greater metro Oklahoma City area. Mr. Nunn's practice is concentrated in the areas of motor vehicle law, collection law, consumer finance law, consumer and commercial litigation, creditors' rights and bankruptcy. Mr. Nunn has been featured speaker at seminars and continuing legal education presentations dealing with issues facing the automobile industry, the Fair Debt Collection Practices Act, debt collection and debtor/creditor law. Mr. Nunn received his bachelor of arts degree from East Central State University, and his Juris Doctorate degree, graduating with honors from Oklahoma City University. David L. Nunn, P.C. is located at 212 East Second Street, Edmond, OK 73034—Phone 405-330-4053



OKLAHOMA

Used Motor Vehicle, Dismantler, and Manufactured Housing Commission

The Oklahoma Used Motor Vehicle, Dismantler, and Manufactured Housing Commission is excited to announce the new dealer/licensing portal is now live and available for you to **renew your 2024-2025 license**.

Benefits of using the online portal include: renewing online for quicker processing times, printing copies of your license, managing salespersons, applying for additional locations and more.

Important Tips:

- Verify you are using the correct email address. The email address you received in the renewal notification should be your login email address. If you use a different email it will not be linked to your dealer profile.
- Select forgot password. Do not select a create a new account. Your profile has already been created for you. If you create a new account, it will not be linked to your dealer profile.
- Dealers that have salespersons – Follow the instructions you received to terminate any salespersons **before** you renew. Salespersons that have active salespersons will automatically renew with the dealer's license.
- Changes of locations and ownerships must be processed separately from the renewal.

For further instructions you may visit the OUMVDMHC website at <https://oklahoma.gov/oumvdhmc.html>.

If you have any questions or need help, email the OUMVDMHC at commission@oumvdhmc.ok.gov .

Dealer Portal link: <https://oumvdhmc.portalus.thentiacloud.net/webs/portal/#/>



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8:30 AM SALVAGE AND INOPS SALE

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HB1390 gives customers additional time to pay tag, title, or tax on a new vehicle purchase. Currently customers have 30 days to pay all fees without penalty and beginning November 1, 2023, customers will have two months to pay all fees without penalty. For example, a vehicle title notarized on November 1, 2023 will require registration by January 1, 2024 to avoid penalty.

HB2011 will provide the customer with the choice of either a one-year or two-year registration at the time of the original motor vehicle registration and/or renewal.

SB984 changes the gross receipt calculation used to determine the sales tax amount on motor vehicles purchased from a dealer. The sales tax levied on the sale of a motor vehicle involving a trade in will be calculated only on the difference between the value of the trade-in vehicle and the actual sales price of the vehicle being purchased. The vehicle trade-in information must be listed on the purchase agreement.

LEGISLATION

November 1, 2023





BETTER, FASTER

OKLAHOMA WHOLESALE

As the nation's leading provider of end-to-end wholesale vehicle solutions, Manheim is here to help you be more successful with the in-lane and online tools you need.

VISIT OUR OKLAHOMA LOCATION

• Manheim Tulsa



Manheim
by Cox Automotive

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Federal law requires new-car dealers to provide the Guide to Customer upon request.

The U.S Department of Energy and Environmental Protection Agency have just released the 2023 Fuel Economy Guide. The guide provides detailed fuel economy estimates for model year 2023 light-duty vehicles, along with estimated fuel costs and other information for prospective purchasers. By Law dealers must display the GUIDE and provide copies to customers upon request.

Click Guide to download your Fuel Economy Guide for 2024

MODEL YEAR
2024

Fuel Economy Guide

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fuel economy.gov

U.S. DEPARTMENT OF ENERGY
U.S. Department of Energy
Office of Energy Efficiency and Renewable Energy
U.S. Environmental Protection Agency

EPA

USING THE FUEL ECONOMY GUIDE





OKLAHOMA

Used Motor Vehicle, Dismantler, & Manufactured Housing Commission

421 NW 13th ST #330, Oklahoma City, OK 73103

<https://oklahoma.gov/oumvdmhcc>

405-521-3600

This agency licenses and regulates Used Motor Vehicle Dealers. All Used vehicle transactions/complaints are handled through their office.

Motor Vehicle Services are now provided by Service Oklahoma

Physical Address: 6015 N Classen Blvd. Oklahoma City, OK 73118

<https://service.ok.gov>

Mailing Address: PO Box 11415, Oklahoma City, OK 73136

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Handicap Parking Permits	405-425-2693	

Insurance Commission

405-521-2828

www.oid.ok.gov

This agency regulated extended warranties officer on vehicles, and insurance sold such as credit life, disability, and GAP insurance.

Department Of Consumer Credit

405-521-3653

www.ok.gov/okdocc

This agency regulated entities that extend credit to consumers. This includes dealers who do in-house financing.

This agency is available to provide information on credit disclosure requirements and all aspects of the consumer credit transaction, including repossessions.

Better Business Bureau

www.bbb.org

The BBB Provides information on business entities.

405-239-6081 OKC

918-492-1266 TULSA

The BBB Auto Lines provides information on State Lemon Laws and procedures for filling Lemon Law Complaints

800-955-5100



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Dealer's Guide to the Used Car Rule

Most car dealers who sell used vehicles must comply with the Federal Trade Commission's (FTC's) [Used Car Rule](#). In fact, car dealers who sell, or offer for sale, more than five used vehicles in a 12-month period must comply with the Rule. Banks and financial institutions are exempt from the Rule, as are businesses that sell vehicles to their employees, and lessors who sell a leased vehicle to a lessee, an employee of the lessee, or a buyer found by the lessee.

The Used Car Rule applies in all states except Maine and Wisconsin. These two states are exempt because they have similar regulations that require dealers to post disclosures on used vehicles. The Rule applies in the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, and American Samoa.

This article defines the Rule's requirements, explains how to prepare and display the [Buyers Guide](#), and offers a compliance checklist.

You must post a [Buyers Guide](#) before you display a vehicle for sale or let a customer inspect it for the purpose of buying it, even if the car is not fully prepared for delivery. You also must display a Buyers Guide on used ve-

hicles for sale on your lot through consignment, power of attorney, or other agreement. At public auctions, dealers and the auction company must comply. The Rule does not apply at auctions that are closed to consumers.

BUYERS GUIDE

IMPORTANT: Spoken promises are difficult to enforce. Ask the dealer to put all promises in writing. Keep this form.

VEHICLE NAME: _____ MODEL: _____ YEAR: _____ VEHICLE IDENTIFICATION NUMBER (VIN): _____

WARRANTIES FOR THIS VEHICLE:

AS IS - NO DEALER WARRANTY
THE DEALER DOES NOT PROVIDE A WARRANTY FOR ANY REPAIRS AFTER SALE.

DEALER WARRANTY

FULL WARRANTY.

LIMITED WARRANTY. The dealer will pay _____% of the labor and _____% of the parts for the covered systems that fail during the warranty period. Ask the dealer for a copy of the warranty, and for any documents that explain warranty coverage, exclusions, and the dealer's repair obligations. Implied warranties under your state's laws may give you additional rights.

SYSTEMS COVERED: _____ DURATION: _____

NON-DEALER WARRANTIES FOR THIS VEHICLE:

MANUFACTURER'S WARRANTY STILL APPLIES. The manufacturer's original warranty has not expired on some components of the vehicle.

MANUFACTURER'S USED VEHICLE WARRANTY APPLIES.

OTHER USED VEHICLE WARRANTY APPLIES.

Ask the dealer for a copy of the warranty document and an explanation of warranty coverage, exclusions, and repair obligations.

SERVICE CONTRACT. A service contract on this vehicle is available for an extra charge. Ask for details about coverage, deductible, price, and exclusions. If you buy a service contract within 90 days of your purchase of this vehicle, implied warranties under your state's laws may give you additional rights.

ASK THE DEALER IF YOUR MECHANIC CAN INSPECT THE VEHICLE ON OR OFF THE LOT.

OBTAIN A VEHICLE HISTORY REPORT AND CHECK FOR OPEN SAFETY RECALLS. For information on how to obtain a vehicle history report, visit ftc.gov/usedcars. To check for open safety recalls, visit safercar.gov. You will need the vehicle identification number (VIN) shown above to make the best use of the resources on these sites.

SEE OTHER SIDE for important additional information, including a list of major defects that may occur in used motor vehicles.

Si el concesionario gestiona la venta en español, pídale una copia de la Guía del Comprador en español.

Previously titled or not, any vehicle driven for purposes other than moving or test driving is considered a used vehicle, including light-duty vans, light-duty trucks, demonstrators, and program cars that meet the following specifications:

- a gross vehicle weight rating (GVWR) of less than 8,500 pounds;
 - a curb weight of less than 6,000 pounds; and
 - a frontal area of less than 46 square feet.
- Exceptions to the Rule are:

- motorcycles;
- any vehicle sold for scrap or parts if the dealer submits title documents to the appropriate state authority and obtains a salvage certification; and
- agricultural equipment.



- to ask for a Spanish Buyers Guide if the sale is conducted in Spanish; and
- to keep the Buyers Guide for reference after the sale. If you conduct a used car transaction in Spanish, you must post a [Spanish language Buyers Guide](#) on the vehicle before you display or offer it for sale.

The Buyers Guide

A disclosure document that gives consumers important purchasing and warranty information, the Buyers Guide tells consumers:

- the major mechanical and electrical systems on the car, as well as some of the major problems that consumers should look out for;
- whether the vehicle is being sold "as is" or with a warranty;
- what percentage of the repair costs a dealer will pay under warranty;
- that oral promises are difficult to enforce;
- to get all promises in writing;
- to ask to have the car inspected by an independent mechanic before they buy;
- to get a vehicle history report and to visit ftc.gov/usedcars for information on how to get a vehicle history report, how to check for safety recalls, and other topics; and

The Buyers Guide must be displayed prominently and conspicuously on or in a vehicle when a car is available for sale. This means it must be in plain view and both sides must be visible. You can hang the Guide from the rear-view mirror inside the car or on a side-view mirror outside the car. You also can place it under a windshield wiper. The Guide also can be attached to a side window. A Guide in a glove compartment, trunk or under the seat is not conspicuous because it is not in plain sight. You may remove the Guide for a test drive, but you must replace it as soon as the test drive is over.

Vehicle Information

At the top of the Guide, fill in the vehicle make, model, model year, and vehicle identification number (VIN). Write in a dealer stock number if you wish.

Dealer Information

On the back of the Guide, fill in the name and address of your dealership. Also fill in the name (or position) and the telephone number of the person the consumer should contact with complaints. You may use a rubber stamp or preprint your Guide with this information.

Optional Signature Line

You may include a signature line on the Guide and you may ask the buyer to sign to acknowledge that he or she has received the Guide. If you opt for a signature line, you must include a disclosure near it that says: "I hereby acknowledge receipt of the Buyers Guide at the closing of this sale." This language can be preprinted on the form. The signature line and the required disclosure must appear in the space provided for the name of the individual to be contacted in the event of complaints after the sale.

Warranty Information

- The Buyers Guide has two versions: One says "As Is-No Dealer Warranty;" the other says "Implied Warranties Only."
- **As Is-No Dealer Warranty.** If state law allows it, and you choose not to offer a warranty — written or implied — you must use the "As Is" version and check the box next to the heading "As Is-No Dealer Warranty" on the Guide.
- **Implied Warranties Only.** In states that limit or prohibit the elimination of implied warranties, you must use the "Implied Warranties Only" version and check the box next to the "Implied Warranties Only" if you don't offer a written warranty.
- **Warranty.** If you offer the vehicle with an express warranty, you must check the box next to the heading "Warranty" and complete that section of the Guide. Warranties required by state law must be disclosed in this section. Your state Attorney General can tell you about state warranty requirements.
State Law. In some states, use of the "As Is-No Dealer Warranty" Buyers Guide may be legally sufficient to eliminate implied warranties. In other states "as is" sales are allowed only if specific action is taken or

certain language is used. For example, some states may require you to eliminate implied warranties by using special language and/or a document other than the Guide.

If you're not sure which version of the Buyers Guide you should use or if you have questions about state requirements, contact the FTC or your state Attorney General's office.

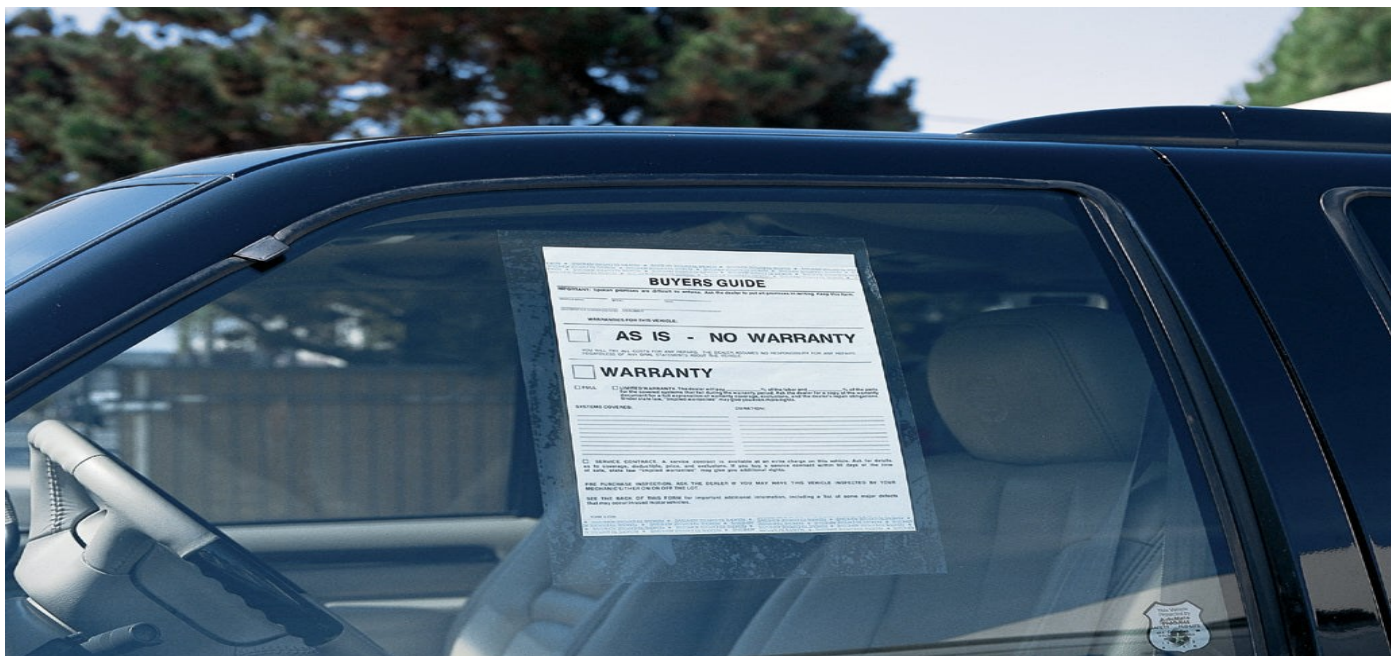
Is the Warranty "Full" or "Limited"?

For a warranty to be considered "full:"

- Warranty service must be provided to anyone who owns the vehicle during the warranty period.
- Warranty service must be provided free of charge when necessary, even for services like removing and reinstalling a system covered by the warranty.
- The consumer must be able to choose either a replacement or a refund if the vehicle can't be repaired after a reasonable number of tries.
- The consumer is not required to take any action to receive service, except to give notice that service is needed. Service must be rendered after notice unless the warrantor can demonstrate that it is reasonable to require consumers to do more than give notice.
- The length of implied warranties must not be limited.
The warranty is considered "limited" if any of these conditions doesn't apply.



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What Percentage of Costs Does the Warranty Cover?

Fill in the percentage of parts and labor costs covered by the warranty in the spaces provided. If a deductible applies to repairs made under the warranty, put an asterisk next to the number and explain the deductible in the "systems covered/duration" section. For example, "*A \$50 deductible applies to each repair visit."

What Systems Are Covered? For How Long?

There's one column to list the systems covered, and another to list the length of the warranty for each system. In the left hand column, you must specify each system that's covered by the warranty. The Rule prohibits the use of shorthand phrases such as "drive train" or "power train" because it's not always clear what specific components are included in the "power train" or "drive train."

In the right hand column, you must state the length of the warranty for each system. If all systems are covered for the same length of time, you may state the duration once.



What if the Manufacturer's Warranty Still Applies?

If the manufacturer's warranty hasn't expired, you may disclose this fact by checking the box, "MANUFACTURER'S WARRANTY STILL APPLIES. The manufacturer's original warranty has not expired on some components of the vehicle," in the Non-Dealer Warranties for this Vehicle section of the Buyers Guide.

If the consumer must pay to get coverage under the manufacturer's warranty, you may not check the "Warranty" box. Such coverage is considered a service contract. However, you may check the "Warranty" box if you pay for coverage from the manufacturer and the consumer doesn't have to pay anything more than the price of the vehicle to get the coverage. If you provide a warranty in addition to the unexpired manufacturer's warranty, explain the terms of your warranty on the Buyers Guide.

Where Should Negotiated Warranty Changes Be Included?

If you and the consumer negotiate changes in the warranty, the Buyers Guide must reflect the changes. For example, if you offer to cover 50 percent of the cost of parts and labor for certain repairs, but agree to cover 100 percent of the cost of parts and labor after negotiating with the customer, you must cross out the "50 percent" disclosure and write in "100 percent." Similarly, if you first offer the vehicle "as is" but then agree to provide a warranty, you must cross out the "As Is-No Dealer Warranty" disclosure and complete the "Warranty" section of the Buyers Guide properly.

What About Service Contracts?

If you offer a service contract for repairs, check the box next to the words "Service Contract." However, if your state regulates service contracts as the "business of insurance," you don't have to check this box. Check with your Attorney General or state insurance commissioner to find out if your state regulates service contracts as insurance.

What Do I Have to Give the Buyer At the Sale?

You must give the buyer the original or a copy of the vehicle's Buyers Guide at the sale. The Guide must reflect all final changes. If you include a signature line on your Buyers Guides, make sure the buyer signs the Guide that reflects all final changes.

If you offer a written warranty, or if the manufacturer's warranty still applies, you also must comply with the Magnuson-Moss Warranty Act and other FTC Rules, including the "Warranty Disclosure Rule." The Warranty Act contains provisions that establish consumers' rights with respect to written warranties. For example, the Act prohibits you from eliminating implied warranties when you provide a written warranty.

The Warranty Disclosure Rule requires that you disclose certain information about the coverage of your warranty and consumers' rights under state law. This information must be included in a single document that is clear and easy to read.



Can the Buyers Guide Serve As My Written Warranty?

The warranty information you provide on the Buyers Guide is not sufficient to meet the requirements of the [Warranty Disclosure Rule](#). Therefore, your written warranty and the Buyers Guide must be two separate documents.

Another federal rule — the [FTC's Rule on Pre-Sale Availability of Written Warranty Terms](#) — requires that you display written warranties in close proximity to the vehicle or make them available to consumers, upon request, before they buy.

You also may be interested in [A Businessperson's Guide to Federal Warranty Law](#). It explains the Magnuson-Moss Warranty Act, the federal law governing warranties on consumer products.

What Disclosures Should I Make if I Offer a 50/50 Warranty or Another Type of Split Cost Warranty?

Split cost warranties are those under which the dealer pays less than 100% of the cost for a warranty repair. This type of warranty includes 50/50 warranties where the dealer pays 50% of the cost for a covered repair and the buyer pays the remaining 50%. Another type of split cost warranty is one under which the buyer pays a deductible amount and the dealer pays the remaining cost for the repair. If you offer a split cost warranty that requires you to pay a percentage of the repair cost for covered repairs, you should include the following disclosures in your warranty document:

- The percentage of the total repair cost you will pay.
- The percentage of the total repair cost the buyer must pay.
- How the total cost of the repair will be determined. For example, your warranty might state: "The total cost of a warranty repair will be the retail price ABC motors charges for the job." As another example, your warranty might state: "The total cost of a warranty repair will be determined by adding the dealer's cost for parts to the labor cost. Labor will be billed at a rate of _____ per hour for the actual time required to complete the repair." As a final example, your warranty might state: "If the work is done by an outside repair shop, total cost of a repair will be the price ABC Motors is charged by the outside shop. If the work is done by ABC Motors, the total cost of the repair will be the same price ABC Motors charges non-warranty customers for the same job." If your warranty requires buyers to pay a deductible, your warranty document should disclose the deductible amount and the de-

tails as to when and under what circumstances the deductible must be paid. Dealers offering split cost warranties can require that buyers return to the dealer for warranty repairs. If your warranty includes this restriction, however, you should provide an estimate of the total repair cost before work is started. This will allow the buyer to decide whether to approve the repair or have the work done elsewhere.

Where Can I Get Copies of the Guides?

You can download the Buyers Guide from the FTC's [Business Center](#), or you can get Buyers Guides from business-form companies or trade associations. You also can generate them yourself on a computer. However, you must use the wording, type style, type sizes, and format specified in the Rule. You are not allowed to place any other wording or symbols (including logos) on the Buyers Guide. The Guides must be printed in 100% black ink on white paper cut to at least 11" x 7 1/4." These requirements cannot be modified in any way. You may use colored ink to fill in the blanks.



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How Am I Doing?

Ask yourself:

- Do you complete a Buyers Guide properly for each used vehicle offered for sale?
- Do you post the Buyers Guide prominently and conspicuously on each used vehicle you offer for sale?
- If you choose to include a signature line for the buyer's signature, do you include the following required disclosure language:

I hereby acknowledge receipt of the Buyers Guide at the closing of this sale.

- Do you put the following required disclosure in your sales contract:

The information you see on the window form for this vehicle is part of this contract. Information on the window form overrides any contrary provisions in the contract of sale.

- Do you give the vehicle's Buyers Guide or a copy to the purchaser at the time of sale and make sure it states the final negotiated warranty coverage accurately?
- If a sale is conducted in Spanish, do you use the Spanish language Buyers Guide?
- If you offer a written warranty, do you prepare a warranty document that complies with federal law? Is the warranty document available for examination by potential buyers?



What If I Don't Comply?

Dealers who violate the Used Car Rule may be subject to penalties of up to \$50,120 per violation in FTC enforcement actions. Many states have laws or regulations that are similar to the Used Car Rule. Some states incorporate the Used Car Rule by reference in their state laws. As a result, state and local law enforcement officials may have the authority to ensure that dealers post Buyers Guides and to fine them or sue them if they do not comply.

Where Can I Get More Information?

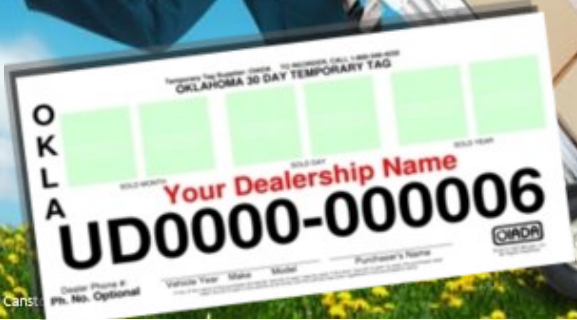
If you have questions about the Used Car Rule, contact the FTC and request a free copy of the Rule or [staff compliance guidelines for the Used Car Rule](#); both documents explain some aspects of the Rule in more detail.

The FTC works for the consumer to prevent fraudulent, deceptive, and unfair business practices in the marketplace and to provide information to help consumers spot, stop, and avoid them. To file a [complaint](#) or to get [free information on consumer issues](#), visit [ftc.gov](#) or call toll-free, 1-877-FTC-HELP (1-877-382-4357); TTY: 1-866-653-4261. The FTC enters consumer complaints into the [Consumer Sentinel Network](#), a secure online database and investigative tool used by hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

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FTC Buyers Guide-AS IS \$21.00 pack 100	FTC Buyers Guide-AS IS Spanish \$21.00 pack 100	FTC Privacy Notice \$30.00 pack 100 Custom Print	We Owe \$20.00 pack 100	Retail Purchase Agreement / MULTIFORM 3part LONG Form \$65.00 pack 100	Spot Delivery Form \$26.00 pack 100
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TEST YOUR KNOWLEDGE!

Answers to Knowledge Quiz

1. He must unhook and leave the vehicle. A creditor with a valid article 9 security interest/lien can only repossess if it can do so without breaching the peace. Okla.

Stat. tit. 12A, § 1-9-609(b)(2). Proceeding with the repossession with a protesting debtor present would almost certainly be found to be a breach of the peace, and a wrongful repossession.

2. The answer is the same. He must unhook and leave the vehicle. The fact that the account/contract is past due will not prevent there from being a breach of the peace on these facts.

3. \$31.00. Okla. Stat. tit. 14A, § 2-203(1)(a).

4. No. This is an illegal “bird dog” fee, and is prohibited by Used Motor Vehicle Commission regulations. See OAC: 765-10-3-5(a) (“A used motor vehicle dealer shall not solicit or offer compensation for referrals of prospective buyers from used motor vehicle salespersons employed by another used motor vehicle dealer.”)

5. You tell the salesman “no.” This practice is called “curb siding” and is prohibited by Used Motor Vehicle Commission regulations. See OAC:7565-10-3-5(c) (“A used motor vehicle dealer shall not display or offer a used motor

vehicle for sale at any location, other than the location for which the dealer has been issued a license or at the location of another licensed used motor vehicle dealer by consignment.”)

6. 0 days! The Certificate of Title is due to the purchaser at the time of delivery of the vehicle. Okla. Stat. tit. 47, § 1107(B). This is so despite any auction rules/customs/practices to the contrary that allow the auction seller thirty days to provide the Certificate of Title to the purchasing dealer.

7. Three years, unless federal, state or other local regulations provide for a different time period. See OAC: 765-10-3-3(a) (“ Each dealer shall keep for a period of three (3) years from the date of sale (or as required by any other federal, state, or local regulations), a record of the purchase and sale of each motor vehicle he buys or sells, which shall show the name of the seller or buyer as the case may be, and a complete description of the vehicle purchased or sold, and which shall include a copy of the front and back of the completely assigned certificate of title to each vehicle sold, and such other information as the Commission may prescribe.”)

8. “The purchaser shall display the temporary license plate for a period not to exceed two (2) months or until registration and title are obtained as provided in this section.

” Okla. Stat. tit. 1137.1(E)).

OIADA Members

The following list includes members who joined or renewed their OIADA membership during 2023 to date. We express our sincere appreciation for all the members of OIADA and extend our invitation to dealers who are not members. A membership application can be found on our website www.okiada.com, in store, mailed, faxed or emailed to you direct. We urge you to be an active part of maintaining a strong and effective used car industry voice in the legislative and regulatory environment.

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DAX Dealers Auction Exchange	Hwy 33 Truck and Trailer Sales	McNair's Auto Sales
Dealer One Auto Credit, Inc	I-35 Credit Auto	Metro Car Company, Inc
Dealers Auto Auction of OKC	I-35 Truck Sales	Mitchell Motors, Inc.
Diamond Certified Vehicles	Impressive Motors	My Auto Store, LLC
Discount Auto Sales	Indian Motorcycles Of Okla. City	Newman Motorsports, LLC
Doenges Toyota Ford Lincoln	Integrity Auto Finance, LLC	Next Chapter Vans
Don Hickey Used Cars	Inter Insurance Agency	Nissan of Lawton
Doug Gray Motor Company	James Hodge Ford, Inc	NVP Warranty
Down The Road Motors	Jay Hatfield Chevrolet of Vnita	OK Auto Remarketing
Drive Time Car Sales, LLC	Jerry's Auto Sales	OK Work Trucks
Dunford Auto Sales	Joe Cooper Ford Yukon, LLC	Oklahoma RV Center
Edwards Auto Sales	John Vance Motors, Inc.	Oklahoma Auto Exchange, LLC
Enlow 66 Auction, Inc.	JustCars Auto, LLC	Oklahoma Auto Sales
Eskridge Honda	Kelley's Trucks & More	Oklahoma Motor Cars
Everybody Drives Auto Sales, llc	Kent's Custom Cars & Trucks, Inc.	One Stop Auto
Express Credit Auto #2	Kool Kars Sales	One-Ten Motors, LLC
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