
Motor Vehicle Dealer Board Advertising Policy Deviations from Standard Practices

It is the intent of the Motor Vehicle Dealer Board to first educate the dealer community in matters of advertising violations.

Keeping the “education first” intent in mind, the Motor Vehicle Dealer Board (MVDB) staff routinely publishes articles in the Board’s newsletter, *Dealer Talk* concerning identified trends in advertising violations, and clarification of advertising code and regulations.

Board staff also routinely reviews Internet and newsprint advertisements to ensure compliance with code and regulations. In those cases where there is an alleged violation, board staff initiates an educational phone call to the dealer to discuss the advertising issue, reviews the alleged violation(s) and provide direction for revision of the advertisement as needed. There is no civil penalty assessed on the dealer since this was an educational phone call; however the call is entered into a database for tracking and historical referencing purposes. If there is a second alleged advertising violation this may warrant a warning letter to the dealer. A third alleged violation, after a warning letter has been issued, can result in a civil penalty of up to \$1,000 (although a \$500 civil penalty is typical).

There are times, however, when it may be necessary to deviate from the standard practice. In those cases where:

- It is apparent that an advertisement willfully attempts to deceive the consumer.
- The dealership consistently violates a particular advertising code (or any combination thereof).
- The responsible dealership contact refuses discussion with a responsible Board staff member concerning the violation.

The Executive Director shall administer corrective action ranging from a first written violation to levying a civil penalty against the dealer depending on the severity of the offense. The dealer has the option of requesting an informal fact finding conference if a civil penalty is assessed. As deemed necessary by the Executive Director, the matter may be brought before the Board for concurrence.