

From: [Freeburn, Vicki](#)
To: [Freeburn, Vicki](#)
Subject: BA0320, Motor Vehicle Consumer Protection Report
Date: Tuesday, October 21, 2014 02:19:36 PM

From: Greg Kirkpatrick [mailto:greg.kirkpatrick@arkansas.gov]
Sent: Tuesday, October 21, 2014 2:16 PM
To: Freeburn, Vicki
Cc: Thayer, Jill E
Subject: RE: BA0320, Motor Vehicle Consumer Protection Report

In accordance with Section 3 of the Commission's Appropriation Act (Act 36 of 2013), the Motor Vehicle Commission (hereinafter "Commission") submits the following consumer protection report:

The Commission has consistently heard from consumers regarding confusion with the vehicle titling and licensing process. During the third and fourth quarters of FY 2014, and the first quarter of FY 2015, the Commission worked closely with the Arkansas Auto Dealers Association to create a document entitled "On the Road: A Consumer's Guide to Arkansas Motor Vehicle Title and Registration Procedures." The goal of this pamphlet is to provide clarification for consumers and dealers on the states titling and registration regulations.

Third Quarter of FY 2014.

During the third quarter of FY2014, the Commission received eight (8) notarized consumer complaints from consumers against dealers:

- a. Five (5) were complaints involving a failure to deliver title timely. We assisted all four (4) consumers at obtaining the title, and in three (3) cases the dealership's reason for the delay was reasonable, and one (1) case remains open;
- b. One (1) complaint involved an allegation of misleading information regarding the vehicle. The Commission investigated the matter, and found no violation;
- c. One (1) complaint alleged the dealer sold a consumers trade-in in violation of the vehicle spot delivery statute. The Commission mediated a resolution for the consumer, and the complaint was closed; and,
- d. One (1) complaint alleged the dealer sold a consumer a vehicle with a branded title. Following an investigation, the Commission determined the mistake was made on the state end, and were able to assist the consumer with getting the title cleared by DFA.

During the third quarter of FY2014, the Commission received seven (7) consumer complaints by telephone, email, or fax:

- a. Six (6) complaints involved a delay in receiving paperwork for registration. The Commission assisted all six consumers obtain their paperwork in a timely manner.
- b. One (1) complaint related to a consumer not having her vehicle delivered timely. The Commission assisted in the resolution of this complaint.

Fourth Quarter of FY 2014.

During the fourth quarter of FY2014, the Commission received seven (7) notarized consumer complaints against dealers:

- a. One (1) complaint alleged a failure by the dealership to deliver product. The dealer's license

was suspended during a September 17, 2014, hearing, and the dealer was ordered to pay back or deliver the product.

b. Four (4) complaints alleged a variety of financing issues. Three (3) were resolved with the Commission's assistance, and one (1) lead to a Notice of Violation and Hearing.

c. One (1) complaint involved a delay in receiving paperwork for registration. The Commission assisted this consumer in a timely manner.

d. One (1) complaint alleged a fraud in failing to disclose vehicle damage. The Commission issued a notice of violation and will have a hearing on this matter.

During the fourth quarter of FY2014, the Commission received four (4) consumer complaints by telephone, email, or fax:

a. Three (3) related to consumers needing assistance in vehicle titles and paperwork. All three were resolved with the Commission's assistance in a timely manner.

b. One (1) was not clearly explained, and the consumer did not follow-up on the matter.

First Quarter of FY 2015:

During the first quarter of FY2015, the Commission received thirteen (13) notarized consumer complaints against dealers and manufacturers:

a. Three (3) complaints alleged a failure by the dealership to deliver product. The dealer's license was suspended during a September 17, 2014, hearing, and the dealer was ordered to pay back or deliver the product.

b. Two (2) complaints involved a delay in receiving paperwork for registration. The Commission assisted both consumers obtain their paperwork in a timely manner.

c. One (1) complaint involved a miscommunication on the paperwork. Following an investigation, the Commission did not find a violation, and clarified the complaint for the consumer.

d. Four (4) allege warranty concerns and remain open.

e. Two (2) alleges financing problems and one was closed with no finding, while one remains open pending review by the Ad Hoc Committee.

f. One (1) alleges a misrepresentation of the vehicle purchased. The complaint is open and pending review by the Ad Hoc Committee.

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