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## **Attorney General Advisory on Motor Vehicle Documentary Preparation Fees**

The Office of the Attorney General (“AGO”) issues this Advisory to alert consumers and motor vehicle dealerships about their respective rights and obligations relating to motor vehicle advertising of non-optional fees, including documentation preparation fees or “doc fees.” This advisory relates to the AGO’s enforcement of the Massachusetts Consumer Protection Act, G. L. c. 93A, § 2, and the regulations promulgated thereunder in 940 Code Mass. Regs. 5.00 *et. seq.*

In issuing this Advisory, the AGO is placing all motor vehicle dealerships in the Commonwealth on notice that the practices detailed below violate the law and must cease immediately. Consumers may report such violations to the AGO using the complaint form linked at the bottom of this notice.

### **Failure to Include Document Preparation Fees in Advertised Prices:**

A vehicle is one of the most expensive purchases many consumers will make. Consumers often spend significant time diligently researching their purchase and comparing prices to find the best value. However, when consumers finally choose a particular vehicle and review a purchase contract in person at a dealership, they are often surprised to learn that the dealership is charging them an additional, mandatory fee for document preparation that was not included in the advertised price. The amount of the “doc fee” varies greatly by dealership, often amounting to several hundred dollars. Many consumers nonetheless complete their purchases due to several factors, including an immediate need for transportation, the heightened pressure of an in-person sale, or exhaustion with the vehicle shopping experience. Dealerships in the Commonwealth have been failing to include these fees in the advertised price of their vehicles, in violation of Massachusetts law, which has undermined consumers’ ability to comparison shop and make informed decisions in the market.

### **The Laws and Regulations:**

The AGO reminds motor vehicle dealerships of their legal obligation to include in all advertised prices of a motor vehicle any fee that the dealership necessarily charges, including documentary preparation fees. 940 Code Mass. Regs. 5.02(3). A dealership does **not** comply with this regulation by separately listing the existence or amount of a documentary preparation fee elsewhere in the advertisement, even if it is prominently disclosed. Dealerships must **include** the amount of any documentary preparation fee in the advertised price of the vehicle.

The obligation to include any document preparation fees applies to all “advertisements” of motor vehicles as that term is defined in 940 Code Mass. Regs. 5.01. Thus, even when displaying the so-called “Monroney label” that manufacturers must affix to new vehicles pursuant to 15 U.S. Code § 1232, the dealership must affix an adjacent label with the total price—inclusive of all necessary fees or other charges—if that price is different than the price on the Monroney label.

Dealerships should be on notice that a failure to comply with 940 Code Mass. Regs. 5.00 *et. seq.* may expose them to additional liability under the Attorney General’s Regulations on Unfair and Deceptive Fees, 940 Code Mass. Regs. 38.00 *et. seq.* See 940 Code Mass. Regs. 38.06(1).

**For Assistance:**

Consumers who believe that a motor vehicle dealership has violated the law regarding vehicle advertising and “doc fees” should file a complaint with the Attorney General’s Consumer Advocacy and Response Division at <https://www.mass.gov/how-to/file-a-consumer-complaint> or call the Consumer Hotline at 617-727-8400.