

SUPREME COURT OF ARKANSAS

Voltage Vehicles v. Arkansas Motor Vehicle Commission

424 S.W.3d 281 (Ark. 2012) · Decided October 11, 2012

SUMMARY

The Arkansas Supreme Court reviewed an Arkansas Motor Vehicle Commission order requiring Voltage Vehicles to repurchase six 2008 electric vehicles from a dealer after termination of a licensing agreement. The court held that the Commission failed to make sufficient factual findings regarding the effective termination date and the applicable current model year under the Arkansas Motor Vehicle Commission Act. The court reversed and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Robert L. Brown
JURISDICTION	Arkansas
DECIDED	October 11, 2012
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Voltage Vehicles sought judicial review of an Arkansas Motor Vehicle Commission order requiring it to repurchase six 2008 electric vehicles and pay associated transportation costs and interest. The Pulaski County Circuit Court affirmed the Commission's order. The Arkansas Supreme Court reversed and remanded.
STANDARD OF REVIEW	Under the Arkansas Administrative Procedure Act, the court reviews the agency's order rather than the circuit court's order and upholds the agency decision if supported by substantial evidence and not arbitrary, capricious, or characterized by an abuse of discretion. The challenging party bears the burden of proving an absence of substantial evidence. Statutory interpretation is reviewed under the plain-meaning rule.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential
PARTIES	Voltage Vehicles v. Arkansas Motor Vehicle Commission

TOPICS

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QUESTIONS PRESENTED

1. Whether the Commission's findings were sufficient to permit judicial review of its determination that Voltage was required under Arkansas Code section 23-112-403(a)(2)(K)(i) to repurchase Rainbow's six 2008 vehicles.
2. Whether the Commission properly determined which model year constituted the current model year and one year prior model year under the statute.

HOLDINGS

1. The Commission failed to make sufficient findings of fact regarding the correct effective termination date and the current model year tied to that date; therefore, the court could not determine whether the Commission resolved the statutory repurchase issue in conformity with the law.
2. The matter must be reversed and remanded to the circuit court with directions to remand it to the Commission for findings based on the correct termination date.

KEY QUOTATIONS

“Without these crucial findings, the reviewing court is left with a difficult, if not impossible, task in determining whether the administrative decision was correct.”

“In short, because the Commission failed in its obligation to make sufficient findings of fact relevant to the contested issue of what constituted the current model year, this court cannot determine whether the Commission had resolved that issue in conformity with the law.”

FACTUAL BACKGROUND

Rainbow purchased six 2008 model-year three-wheel electric vehicles from Voltage in October 2008. After a safety recall involving the vehicles' braking systems, Rainbow notified Voltage and the Commission of its desire to terminate the licensing agreement, with termination made effective January 1, 2010. Voltage did not repurchase the vehicles, and the Commission ordered it to do so, but the Commission did not make findings identifying the applicable model year as of the effective termination date.

PROCEDURAL HISTORY

Rainbow filed a complaint with the Commission after Voltage failed to repurchase six vehicles following termination of the parties' licensing agreement. The Commission ordered Voltage to repurchase the vehicles and pay related costs. Voltage petitioned for judicial review, and the Pulaski County Circuit Court affirmed. The Supreme Court of Arkansas reversed and remanded for further factual findings by the Commission.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The circuit court must remand the matter to the Arkansas Motor Vehicle Commission. The Commission must make findings based on the correct effective termination date, including findings regarding the current model year and one year prior model year relevant to the repurchase obligation.

CASES CITED

- Ford Motor Co. v. Ark. Motor Vehicle Comm'n, 357 Ark. 125, 161 S.W.3d 788 (2004)
- Ark. Dep't of Human Servs. v. A.B., 374 Ark. 193, 286 S.W.3d 712 (2008)
- Holloway v. Ark. State Bd. of Architects, 352 Ark. 427, 101 S.W.3d 805 (2003)
- Nesterenko v. Ark. Bd. of Chiropractic Exam'rs, 76 Ark. App. 561, 69 S.W.3d 459 (2002)
- Twin Rivers Health & Rehab, LLC v. Ark. Health Servs. Permit Comm'n, 2012 Ark. 15
- Cave City Nursing Home, Inc. v. Ark. Dep't of Human Servs., 351 Ark. 13, 89 S.W.3d 884 (2002)
- Weeks Tractor & Supply Co. v. Arctic Cat Inc., 784 F. Supp. 2d 642 (W.D. La. 2011)