

SUPREME COURT OF THE STATE OF ALASKA

Vonder Haar v. State of Alaska, Department of Administration,  
Division of Motor Vehicles

349 P.3d 173 (Alaska 2015) · No. S-15385 · Decided May 1, 2015

SUMMARY

The Alaska Supreme Court affirmed the superior court’s decision upholding the Department of Administration, Division of Motor Vehicles’ refusal to title and register a customized vehicle as a low-speed vehicle. The court held that substantial evidence supported the finding that the vehicle’s compliance with applicable federal safety standards had not been demonstrated and that the Department’s decision had a reasonable basis. The court also explained that a vehicle need not have a manufacturer’s certificate of origin or known manufacturer, but must satisfy the applicable safety standards.

CASE DETAILS

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| COURT                 | Supreme Court of the State of Alaska                                                                                                                                                                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Maassen, Justice; Fabe, Chief Justice; Winfree, Justice; Stowers, Justice; Bolger, Justice                                                                                                                                                                                                                                                                                           |
| JURISDICTION          | Alaska                                                                                                                                                                                                                                                                                                                                                                               |
| DECIDED               | May 1, 2015                                                                                                                                                                                                                                                                                                                                                                          |
| DOCKET                | S-15385                                                                                                                                                                                                                                                                                                                                                                              |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | Appeal from the superior court's affirmance of an administrative hearing officer's decision upholding the Division of Motor Vehicles' refusal to title and register the vehicle as a low-speed vehicle.                                                                                                                                                                              |
| STANDARD OF REVIEW    | The Alaska Supreme Court directly and independently reviews the underlying administrative decision and may affirm on any ground supported by the record. It reviews agency factual findings for substantial evidence, applies the reasonable-basis test to questions of law involving agency expertise, and applies substitution of judgment where agency expertise is not involved. |
| PRECEDENTIAL VALUE    | Published Alaska Supreme Court opinion; precedential                                                                                                                                                                                                                                                                                                                                 |
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## PARTIES

Paige Vonder Haar v. State of Alaska, Department of Administration,  
Division of Motor Vehicles

## TOPICS

judicial review of agency action

administrative law

standard of review

statutory interpretation

appellate procedure

## PRACTICE AREAS

administrative law

motor vehicle regulation

appellate procedure

statutory interpretation

## QUESTIONS PRESENTED

1. Whether substantial evidence supported the agency's finding that the vehicle had not been shown to comply with applicable low-speed-vehicle safety standards.
2. Whether the DMV had a reasonable basis under Alaska law to refuse to title and register, and to revoke the title and registration of, the vehicle as a low-speed vehicle.
3. Whether the substitution-of-judgment standard, rather than the reasonable-basis standard, governed review of the agency's determination.
4. Whether the absence of a manufacturer's certificate of origin, known manufacturer, or 17-character VIN independently barred title and registration.

## HOLDINGS

1. Substantial evidence supported the agency's finding that the vehicle had not been shown to comply with the applicable safety standards.
2. The DMV had a reasonable basis under AS 28.10.041 and AS 28.10.221 to refuse to title and register the vehicle as a low-speed vehicle.
3. The reasonable-basis standard, rather than the substitution-of-judgment standard, governed review because the determination implicated agency expertise and the Department's delegated regulatory authority over vehicle titling and registration.
4. The absence of a manufacturer's certificate of origin, a known manufacturer, or manufacture for highway use did not independently bar title and registration; actual compliance with applicable safety standards was the legal requirement. The absence of a 17-character VIN likewise was not independently dispositive because Alaska law permits replacement of missing or altered VINs.

## KEY QUOTATIONS

*"These may be helpful indications that the vehicle meets the applicable safety standards, but it is actual compliance with the safety standards that the law requires."* (slip op. at 9)

*"Because substantial evidence supported the hearing officer's conclusion that the Vonder Haars' vehicle had not been shown to comply with the applicable safety standards, the Department had a reasonable basis under*

*AS 28.10.041 and AS 28.10.221 for its refusal to title and register the vehicle as a low-speed vehicle.*” (slip op. at 13)

## FACTUAL BACKGROUND

The Vonder Haars purchased a customized vehicle described as a 1972 Noland car without a prior title, registration, manufacturer's certificate of origin, or other documentation establishing compliance with low-speed-vehicle safety standards. DMV inspections found no 17-character vehicle identification number, no indication that the vehicle came from a manufacturer complying with federal standards, and no other adequate assurance of compliance. Although the vehicle owner testified that it had the required speed capabilities and equipment, the administrative record lacked evidence that the vehicle had been tested under the detailed federal conditions and procedures applicable to low-speed vehicles.

## PROCEDURAL HISTORY

The DMV refused to title and register the vehicle as a low-speed vehicle after an inspection failed to establish compliance with applicable safety standards. After the DMV later revoked a title and registration that had been issued through a satellite office, an administrative hearing officer upheld the revocation and refusal to issue a new title and registration. The superior court affirmed under the reasonable-basis standard, and the Alaska Supreme Court affirmed the superior court.

## DISPOSITION

affirmed

## CASES CITED

- Conkey v. State, Department of Administration, Division of Motor Vehicles, 113 P.3d 1235, 1237 (Alaska 2005)
- McKittrick v. State, Public Employees' Retirement System, 284 P.3d 832, 837 (Alaska 2012)
- Rhines v. State, 30 P.3d 621, 624 (Alaska 2001)
- Lindhag v. State, Department of Natural Resources, 123 P.3d 948, 952 (Alaska 2005)
- Titus v. State, Department of Administration, Division of Motor Vehicles, 305 P.3d 1271, 1276 (Alaska 2013)
- Davis Wright Tremaine LLP v. State, Department of Administration, 324 P.3d 293, 299 (Alaska 2014)
- Tesoro Alaska Petroleum Co. v. Kenai Pipe Line Co., 746 P.2d 896, 903 (Alaska 1987)
- Marathon Oil Co. v. State, Department of Natural Resources, 254 P.3d 1078, 1082 (Alaska 2011)
- Cook Inlet Pipe Line Co. v. Alaska Public Utilities Commission, 836 P.2d 343, 348 (Alaska 1992)
- Matanuska-Susitna Borough v. Hammond, 726 P.2d 166, 175-176 (Alaska 1986)
- Weaver Bros., Inc. v. Alaska Transportation Commission, 588 P.2d 819, 821 (Alaska 1978)
- Button v. Haines Borough, 208 P.3d 194, 203 (Alaska 2009)
- Rollins v. State, Department of Public Safety, 312 P.3d 1091, 1096-1097 (Alaska 2013)
- Brandon v. Correction Corp. of America, 28 P.3d 269, 280 (Alaska 2001)

- State v. O'Neill Investigations, Inc., 609 P.2d 520, 528 (Alaska 1980)

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