

**IN THE MUNICIPAL COURT OF APPEALS
OF THE CITY OF EL PASO, TEXAS**

YVONNE TOVAR URIAS

Appellant,

v.

STATE OF TEXAS

Appellee.

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**No. 10-MCA-3375
Ticket #: 18244793.1**

OPINION

Appellant appeals her conviction in Municipal Court for not having her vehicle validly registered. A fine of \$45.00 was assessed.

The citation which Appellant received reflects that she was cited for a dealer's plate violation, and Appellant has included a copy of the dealer's temporary tag which was attached to the vehicle. (see attached)

Section 502.404 (b), Tex. Trans. Code, indicates that a person commits an offense if they operate a passenger car that does not properly display the registration insignia showing that the license plates have been validated for that period. However, Subsection (d) of that same Code Section states that Subsections (a) and (b) do not apply to a dealer operating a vehicle as provided by law.

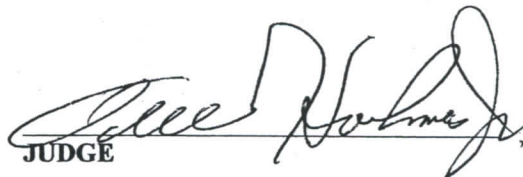
Therefore, a vehicle being properly operated with dealer's tag need not be registered.

Further, there was no allegation that Appellant was operating the vehicle with dealer's tags outside the permitted uses of doing so as outlined in Section 503.062, Tex. Trans. Code or for personal use as prohibited by Section 503.068, Tex. Trans. Code.

The Trial Courts are also reminded of this Court's holding in Silva vs. State, 97-MCA-2420 holding that a vehicle being conveyed with a valid dealer's plate is also exempt from inspection requirements of Chapter 548, Tex. Trans. Code.

Consequently, since this vehicle evidently was displaying dealer's plates, it need not be registered nor inspected, and the Court's finding to the contrary was error, and therefore, the judgment of that Trial Court is hereby reversed and rendered.

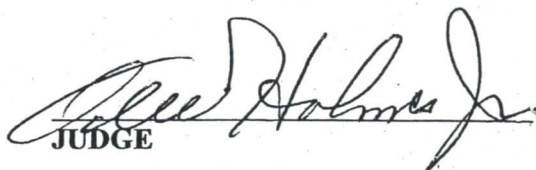
SIGNED this 31st day of March, 2010.


JUDGE

JUDGMENT

This case came on to be heard, the same being considered, because it is the opinion of this Court that there was error in the Judgment, it is ORDERED, ADJUDGED and DECREED by the Court that the Judgment in cause number 10-MCA-3375 be in all things reversed and rendered in Appellant's favor, and judgment of acquittal be entered in her behalf.

SIGNED this 31st day of March, 2010.


JUDGE

IF YOU HAVE FILLED OUT THE DEALER TAG-ASSIGNED TO VEHICLE
CORRECTLY, IT SHOULD LOOK LIKE THIS.

TEXAS DEALER
VEHICLE OWNED BY VALLEY FORGE
MOTOR COMPANY

THE VEHICLE TEMPORARILY REGISTERED WITH STATE UNDER TAG #

37H3497
EXPIRES 12-20-2009

2001 TOYOTA

VIN JT2BF22K710300517

For Transit

FILED IN OFFICE OF
MUNICIPAL COURT CLERK
DEC 15 2009
DEPUTY

*Current Dealer Plate Provided
By Valley Forge*