

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

CARMEN SILVA,)	
)	
Appellant,)	
vs.)	No. 97-MCA-2420
)	
STATE OF TEXAS,)	
)	
Appellee.)	

OPINION

Appellant appeals her conviction in Municipal Court for operating a motor vehicle without a current Texas Certificate of Inspection displayed on it.

The vehicle Appellant was driving was owned by her deceased brother's Estate, and had been placed on a local car lot for sale under a consignment agreement. Appellant was driving the vehicle at the time supposedly because she had taken it to get its oil changed to help sell it, and the record before this Court contains a receipt reflecting that such work was actually done on the vehicle.

At Oral Argument, the car dealer presented a dealer's tag which was issued to his motor company, Artalejo Motor Company, which reflects that it can be displayed on the vehicle and authorizes the vehicle to be on the streets when it is in transit, being road tested, or for demonstration. They also contend that such dealer's tag preempts the need to have the car either currently registered or inspected while it is being held for resale.

The City contends that driving the vehicle for purposes of changing the oil does not fall within the specific purposes allowed by law outlined above, nor does the dealer's tag exempt the requirements that the vehicle be currently inspected.

Section 503.062 of the Texas Transportation Code provides, among other things, that the use of a dealer's temporary cardboard tag authorizes the dealer or its employees to convey or cause to be conveyed a vehicle from the dealer's place of business to a place the vehicle is to be repaired, reconditioned, or serviced. Clearly, the receipt that is a part of this record, reflects that the conveyance of the vehicle was for the purpose of servicing the vehicle, and bears the same date as the date of the citation.

That same Section also provides that a vehicle being conveyed pursuant to that Section is exempt from the inspection requirements of Chapter 548 of the Texas Transportation Code.

Therefore, this Court holds that the dealer's temporary cardboard tag which was issued for this vehicle allowed the Appellant to drive the vehicle for purposes of servicing it, and that it was exempt from the inspection requirements of law while being so operated.

Therefore, the judgment of the Trial Court is hereby reversed and rendered in Appellant's favor.

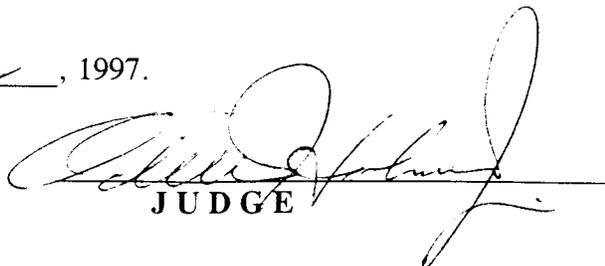
SIGNED this 18 day of Dec, 1997.


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 be in all things reversed and rendered in Appellant's favor, and judgment of acquittal be entered in his behalf.

SIGNED this 18 day of Dec, 1997.


JUDGE