

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

SEAN P. DOVE,  
Appellant,

vs.

STATE OF TEXAS,  
Appellee.

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No. 07-MCA-3167

OPINION

Appellant appeals his conviction in Municipal Court for failing to maintain financial responsibility. A fine of \$75.00 was assessed.

Appellant has provided to this Court information that the vehicle he was driving was insured, and that the insurance was in effect on the date he was cited. Evidently, he did not present this to the Trial Court. Pursuant to Section 601.053, Tex. Trans. Code, a person can provide evidence of compliance with the financial responsibility requirements of the law by providing a standard proof of motor vehicle liability insurance form prescribed by the Texas Department of Insurance and issued by a liability insurer for the motor vehicle.

As required by Section 601.081 of the Tex. Trans. Code, that form must include:

1. The name of the insurer
2. The insurance policy number
3. The policy period
4. The name and address of each insured
5. The policy limits meet the minimum requirements of the financial responsibility law and;
6. The make and model of each covered vehicle.

Appellant has provided such a form to this Court, which was issued in the name of Kenneth W. Dove, presumably his father, but does not specifically name Appellant as an insured.

The policy was effective from October 18, 2006 to September 1, 2007, a date which included the date on which Appellant was cited, and covers the vehicle he was driving at the time. The form indicates that the policy above described was for the minimum amount of liability insurance required by the Texas Motor Vehicle Safety Responsibility Act for this specific vehicle and the named insured, but additionally, indicates that it may provide coverage for other persons and other vehicles as provided by the insurance policy. That clearly provides extended coverage to Appellant as a permissive driver pursuant to Sec. 601.076 of the Tex. Trans. Code or as a member of the owner's immediate family or household. Sec. 601.054 (a) (2) Tex. Trans. Code.

Therefore, because Appellant may well have a defense to the charge filed him against him, the case is hereby remanded to the Trial Court for further consideration.

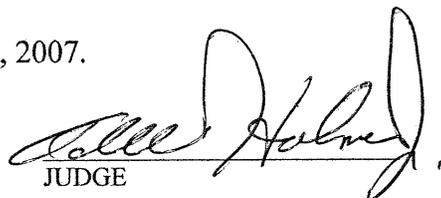
SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

  
JUDGE

#### JUDGMENT

This case came on to be heard on the Transcript of the Record of the Court below, the same being considered, it is ORDERED, ADJUDGED and DECREED by the Court that the case be reversed and remanded to the Trial Court for re-trial.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

  
JUDGE