

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

BERTHA E. LOPEZ,

Appellant,

vs.

STATE OF TEXAS,

Appellee.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

No. 07MCA3173

OPINION

Appellant appeals her conviction in Municipal Court for not having a valid driver's license in her possession. A fine of \$35.00 was assessed.

Pursuant to Section 521.021 of the Texas Transportation Code, a person, other than a person expressly exempted under this Chapter, may not operate a motor vehicle on a highway in this state unless the person holds a driver's license issued under Chapter 521. Appellant does not have a Texas Driver's License, but has provided this Court with a license issued under the laws of Mexico which she claims is valid while operating a motor vehicle in this state.

Section 521.030 recognizes reciprocal license, and states that a non-resident who is 18 years of age or older and who has in the person's possession a license issued to the person by the person's state or country of residence that is similar to a Class A or Class B driver's license issued under this Chapter is not required to hold a Class A or Class B driver's license issued under this Chapter if that state or country of residence recognizes such a license issued by this state and exempts the holder from securing a license issued by the state or foreign country.

Such a right of reciprocity exists with Mexico. Appellant's driver's license shows it was valid on the date she was cited and would have been valid in Texas if she was a resident of Mexico.

On the citation, however, Appellant gave an address in El Paso, and it unclear to this Court whether she was a resident of Texas at the time she was cited, and which would have required her to have a Texas driver's license if she had been in Texas for more than 30 days as a new resident under the provisions of Section 521.029 Texas Transportation Code.

Since it is unclear to this Court whether Appellant presented the Mexican driver's license to the officer or whether the question of her residency was addressed, this Court has decided to remand this case to the Trial Court for further consideration of the issue.

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