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

SAMUEL PEREZ YESCAS	§	
	§	
v.	§	**No. 09-MCA-3327**
	§	**Ticket #: 0126196.2**
STATE OF TEXAS	§	
	§	

OPINION

The Appellant appeals his conviction in Municipal Court for expired registration. A fine of $46.00 was assessed.

Appellant contends that he provided the Court with proof that his tractor trail rig was registered. Evidently, the Court took the matter under advisement, but later found Appellant guilty because the Court did not accept his proof. There is a notation in the file indicating that the State would not accept the proof of registration.

The Appellant has submitted to this Court a Federal Motor Carrier Annual Vehicle Inspection Label that was issued pursuant to the Federal Motor Carrier Safety Act, and particularly, 49CFR 396.17. The inspection of the vehicle pursuant to both Federal regulations is in lieu of a State inspection that you normally see on a vehicle registered in Texas. If such sticker was valid on the day he was cited, it would have been sufficient to establish a defense to this particular charge. See 49CFR 396.17 (F).

Appellant was cited on September 3, 2008, but the FMCSA Annual Vehicle Inspection Label reflects it was issued in October of 2008, at a minimum, the month after he was cited. Additionally, Appellant has provided this Court with a checklist issued pursuant to 49CFR 396.17 (a) which is a required inspection set forth in Appendix G of that subchapter. That checklist reflects that the inspection occurred December 22, 2008, three months after Appellant was cited. This Court can understand why the proof of registration he submitted to the Court was not accepted because it does not reflect that his vehicle was registered properly on the day he was cited.

Having found no reversible error, the judgment of the Trial Court is affirmed.

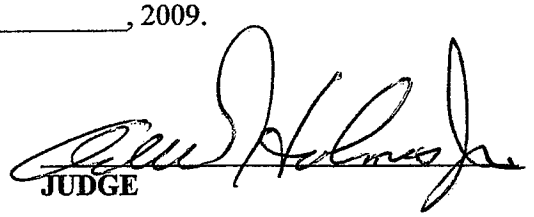
SIGNED this 23rd day of July, 2009.

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 affirmed.

SIGNED this 23rd day of July, 2009.



JUDGE