

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

JOEL V. TORRES,

Appellant,

vs.

STATE OF TEXAS,

Appellee.

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No. 06-MCA-3098;06-MCA-3099

OPINION

Appellant appeals his conviction in Municipal Court for failing to have his vehicle properly registered. A fine \$45.00 was assessed. Additionally, Appellant was also convicted of not having his vehicle properly inspected and fine of \$45.00 was assessed.

Appellant contends that he should not have been found guilty because he was only test driving the vehicle and it had dealer tags on the vehicle which would allow him to have operated it under those conditions. Appellant contends that the witness on his behalf is the owner of Alacrans Motors and is a witness to those facts, but since there is no statement of facts in the record before this Court, this Court is unable to determine whether that witness testified on Appellant's behalf before the Trial Court.

The citation itself does not reflect that the vehicle was registered with dealer tags, but appears to have only had regular Texas registration on it at the time he was cited.

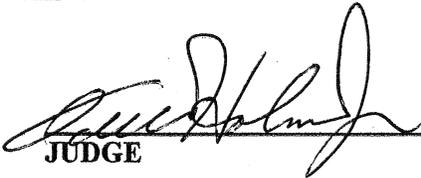
Section 503.061 of the Texas Transportation Code allows a dealer to apply for a metal dealer's license plate in lieu of registering the vehicle under Chapter 502 of the Texas Transportation Code if it is a type of vehicle the dealer sells and the dealer has been issued a general distinguishing number under the provisions to demonstrate to a prospective buyer the vehicle for sale under a number of circumstances, including Subsection (F), "to road test the vehicle". But neither the dealer nor any of his employees can use the vehicle for personal use as proscribed in Section 503.068 of the Texas Transportation Code.

Under Section 503.062 of the Texas Transportation Code, a dealer may use a temporary cardboard tag for use on an unregistered vehicle for a number of limited uses which includes demonstrating to a prospective buyer of the vehicle for sale or for road testing it. In such instances, the vehicles is exempt from being registered or inspected.

It was up to Appellant to prove his defense that he was driving a vehicle that was exempt from registration or inspection and that it was being used at the time under the one of the exceptions that did not require it to be registered. Since there is no statement of facts, this Court is unable to judge whether Appellant even attempted to do so, and therefore no error is shown.

The Judgment of the Trial Court is therefore, affirmed.

SIGNED this 1 day of December, 2006.



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 Judgment be in all things affirmed in No.06-MCA-3099, and that the Appellant pay all costs in this behalf expended, and that this decision be certified below for observance.

SIGNED this 1 day of December, 2006.



JUDGE