

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

FERNANDO GOMEZ

Appellant,

v.

STATE OF TEXAS

Appellee.

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**No. 12-MCA-3545
TICKET No.: T18386172**

OPINION

Appellant appeals his conviction in Municipal Court for failing to maintain financial responsibility. A fine of \$175.00 was assessed.

The record before this Court reflects that Appellant was represented by an attorney before the Trial Court who evidently did not present any documentary proof that Appellant may well have been covered by an insurance policy, and entered a plea of guilty on his client's behalf. Appellant has now provided to this Court a Texas Liability insurance card which reflects that coverage was in effect on the day he was cited and covering the vehicle which he was operating at the time.

Appellant contends that he was driving his friend home in his car and was stopped and the proof of insurance was not in the vehicle at the time.

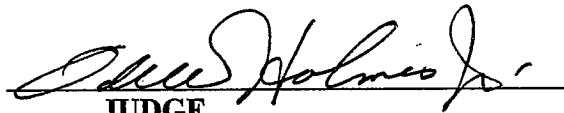
The City Prosecutor states that the insurance company informed him that only the named drivers on the policy were covered which did not include Appellant and since Appellant does not live in the policyholder's household, there was no coverage extended to him while operating the vehicle.

However, a Standard Texas Personal Auto Policy provides coverage for any covered person, and a covered person includes "any person using your covered auto." Therefore, there is extended coverage to a permissive user of the vehicle, whether or not he is named as an insured driver or is a member of the owner of the vehicle's household.

Therefore, assuming Appellant was the permissive user of the vehicle at the time, which appears to be the case, the insurance policy in effect on that vehicle at the time would have extended coverage to him and he would not have been in violation of the financial responsibility law.

Therefore, the case is hereby reversed and remanded to the Trial Court for further consideration.

SIGNED this 21st day of June, 2012.


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 21st day of June, 2012.


JUDGE