

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

ELIZABETH OYETUNDE

Appellant,

v.

STATE OF TEXAS

Appellee.

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**No. 15-MCA-3853
Ticket No. T4113370**

OPINION

Appellant appeals her conviction in Municipal Court for failing to maintain financial responsibility. Although the Court found her guilty, it gave Appellant fourteen (14) days to provide proof to the Court that she was in compliance with the Financial Responsibility Law.

Although Appellant does not provide this Court with any reason why she did not comply with the Court's order within fourteen (14) days, she has provided this Court with a Texas Liability Insurance Card identifying her as a named insured, and showing that she had insurance coverage on the vehicle at the time she was cited. Part of her rationale for doing so is that a conviction for failing to maintain financial responsibility triggers the provisions of the TEXAS DRIVER RESPONSIBILITY PROGRAM under Chapter 708 of the Texas Transportation Code.


Specifically, the Department of Public Safety assesses a surcharge on the license of any person who has been convicted of an offense for violating the Financial Responsibility Law, and assesses a surcharge of \$250.00 per year for a three-year period. See Section 708.103, Tx. Trans. Code. Further, if the person fails to pay the surcharge, pursuant to Section 708.152, Tx. Trans. Code, their driver's license is automatically suspended, and remains suspended until the person pays the amount of the surcharge and any related costs. Of course, if that happens and the person continues to drive, they are then subject to further penalties for violating that law.

Most people are unaware of the collateral consequences of this offense until they begin to receive notices from the Department of Public Safety concerning the assessment of the surcharge. This Court's experience is that notice is not sent to them until some months, at the very least, after their conviction.

Needless to say, it behooves any person who is charged with this offense to provide the Trial Court, and not this Court after the fact, with proof of compliance and in this case particularly, having been given an opportunity by the Trial Court to provide proof within fourteen (14) days, to be sure that they do so.

In any event, for the reasons stated, this Court hereby reverses and remands this case to the Trial Court for further consideration.

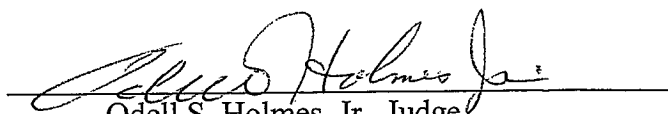
SIGNED this 1st day of July, 2015.


Odell S. Holmes, Jr., Judge
El Paso Municipal Court of Appeals

JUDGEMENT

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 is reversed and remanded.

SIGNED this 1st day of July, 2015.


Odell S. Holmes, Jr., Judge
El Paso Municipal Court of Appeals