

OCCUPATIONAL DRIVER'S LICENSE

The court cannot assist you with legal questions. If you need legal assistance, you may contact an attorney.

SHOULD I FILE MY PETITION AT THE JP COURT?

The JP Court has the authority to issue an occupational driver's license for many causes of suspension. The JP Court has no authority to grant a request for occupational driver's license for persons who have had their license suspended due to:

- physical or mental disability, or
- conviction of Driving While Intoxicated

If your license was suspended for one of the above circumstances, you may file your petition at the JP Court, but the request will be denied.

WHAT DO I NEED TO FILE WITH THE COURT?

- *Petition for Occupational Driver's License & Court Order* (If you do not have your own version of these forms, you may use the forms the court provides.)
- Attachments required to accompany your petition include: certified copy of your driver's license record (Driving Record Type AR); proof of current valid auto liability insurance or a copy of an SR22 from your insurance company; a letter from your employer or immediate supervisor on your employer's letterhead (or an affidavit) that verifies your work schedule (if you are asking the court to allow you to drive to work); a copy of the Court Order that suspended your license (if applicable). **FAILURE TO INCLUDE ALL OF THE NECESSARY ATTACHMENTS MAY RESULT IN DENIAL OF YOUR REQUEST FOR AN OCCUPATIONAL DRIVER'S LICENSE.**
- Filing fee in the amount of \$41.00 (no personal checks)

WHEN WILL MY COURT DATE BE?

The court understands your request for an occupational driver's license is a time sensitive matter. Once you have filed your petition, your court date will be docketed as soon as possible depending on the court's schedule. Typically, court dates are within two weeks of the date the petition is filed.

DO I HAVE TO HAVE MY COURT ORDER WITH ME EVERY TIME I DRIVE?

Yes. You must have your *Order Granting Occupational Driver's License* with you every time you drive, even after you get the Occupational Driver's License from DPS. The Court Order will act as your Occupational Driver's License during the first 31 days after the Order is issued (signed by the Judge). During the 45 days after you get the Court Order, you must complete the necessary steps and pay the \$10.00 fee to DPS in order to get your actual Occupational Driver's License (the hard, plastic license that fits in a wallet). Once you have your Occupation Driver's License from DPS, you will need to have both the license and the Order Granting Occupational Driver's License with you at all times when you are driving. If you fail to do so, you may be charged with a Class B misdemeanor and if convicted, your Occupational Driver's License will be revoked.

The *Order Granting Occupational Driver's License* is good until the end of your suspension (unless the Court Order lists a different date), but the actual Occupational Driver's License from DPS is only good for one year, after which time you will have to pay another \$10.00 fee to DPS for a renewal (there is no need to get another Court Order if you're only needing to renew your Occupational Driver's License). However, if the *Order Granting Occupational Driver's License* is expired, then you will have to re-petition the court.

CAN MY OCCUPATIONAL DRIVER'S LICENSE BE REVOKED?

Yes. The Judge may revoke the *Order Granting Occupational Driver's License* at any time, for good cause. Your Occupational Driver's license will be revoked if you are convicted a Class B Misdemeanor of Violation of Order Granting Occupational Driver's License.

CAUSE NO. _____

EX PARTE

§ IN THE JUSTICE COURT
§
§ PRECINCT 3-1
§
§ BRAZORIA COUNTY, TEXAS

(Name of Petitioner)

PETITION FOR OCCUPATIONAL LICENSE

I, _____ (Name of Petitioner), seek an occupational license from this court based on the information provided below. (You must swear that the information you provide in this petition is true and correct. Failure to provide true and accurate information may result in criminal penalties.)

Section 1. General Information.

You must complete all applicable sections.

My name is: _____.

My date of birth is: _____.

I am a resident of _____ County, Texas.

My home address is: _____

_____.

My phone number is: _____.

My mailing address (if different than above) is: _____

_____.

My Texas driver's license number is: _____.

I am employed, and my occupation is _____

_____.

I have been ordered by a magistrate to install an ignition interlock device on my vehicle, and/or not to operate any vehicle which is not equipped with an ignition interlock device.

I have not been ordered by a magistrate to install an ignition interlock device on my vehicle, and/or not to operate any vehicle which is not equipped with an ignition interlock device.

I have a commercial driver's license.

I do not have a commercial driver's license.

Section 2. Reason(s) for Driver's License Suspension.

You must complete all applicable sections.

- My driver's license has been suspended as the result of an arrest for an intoxication-related offense in _____ County, because:
 - A peace officer requested a sample of my breath or blood and I refused; or
 - I provided a sample of my breath or blood, and the sample contained an alcohol concentration greater than 0.08.
- My driver's license has been automatically suspended as the result of a conviction for Driving While Intoxicated (DWI) in a County or District Court.
- My driver's license has been suspended as the result of a conviction for a criminal offense in a justice or municipal court. *Please provide information regarding this offense, including the name of the court in which you were convicted, the cause number, and the type of offense, below.*

- My driver's license has been suspended as the result of a physical or mental disability.
- My driver's license has been suspended as the result of a conviction for Racing on a Highway.
- My driver's license has been suspended because a court found that I am a "habitual violator of traffic laws."
- My driver's license has been suspended because a court ordered me to attend a Driver Education Program and suspended my license for 365 days.
- My driver's license has been suspended for another reason, described below:

Section 3. Essential Need.

You must complete all applicable sections.

(Note: In order to obtain an occupational license, you must demonstrate an essential need to operate a motor vehicle. The Texas Transportation Code defines "essential need" as the "need of a person for the operation of a motor vehicle: (A) in the performance of an occupation or trade or for transportation to and from the place at which the person practices the person's occupation or trade; (B) for transportation to and from an educational facility in which the person is enrolled; or (C) in the performance of essential household duties." In order to demonstrate an essential need to operate a motor vehicle, you may attach additional documentation, such as a letter from your employer. If you attach additional documentation, be sure to check the appropriate box in Section 5 of this petition.)

- I am seeking this occupational license in order to *(check all that apply)*:
 - Travel to and from my place of work;
 - Perform the duties of my job;
 - Travel to and from school; or
 - Perform essential household duties.

In the space below, provide an address and description for any destination you seek to travel to using an occupational license.

- I am the only member of my household who owns, leases, or has access to a motor vehicle.
- My work or school schedule is the same every week: I work or attend school during the following hours on the following days of the week (*check all that apply*):

TO:

FROM:

- Monday: _____ to _____ and _____ to _____
- Tuesday: _____ to _____ and _____ to _____
- Wednesday: _____ to _____ and _____ to _____
- Thursday: _____ to _____ and _____ to _____
- Friday: _____ to _____ and _____ to _____
- Saturday: _____ to _____ and _____ to _____
- Sunday: _____ to _____ and _____ to _____

- If you are asking the Court to allow you to drive for more than 4 hours per day, explain why.

- My work or school schedule varies from week to week. (*If you check this box, provide a general description of your work or school schedule below, including the total number of hours you work or attend school each week, days of the week on which you never work or attend school, days of the week on which you always work or attend school, and the earliest time your work or school day begins and the latest time your work or school day ends.*)

Section 4. Suspension History

You must complete all applicable sections.

My driver's license has previously been suspended for:

- A second or subsequent conviction for Driving While Intoxicated (Section 49.04, Penal Code); Intoxication Assault (Section 49.07, Penal Code), or Intoxication Manslaughter (Section 49.08, Penal Code), committed within five years of a previous conviction for Driving While Intoxicated

(Section 49.04, Penal Code); Intoxication Assault (Section 49.07, Penal Code), or Intoxication Manslaughter (Section 49.08, Penal Code).

In the past five years, my license has been suspended for:

- A refusal to submit to the taking of a breath or blood specimen following an arrest for an offense prohibiting the operation of a motor vehicle or an offense prohibiting the operation of a watercraft while intoxicated, under the influence of alcohol, or under the influence of a controlled substance.
- An analysis of a breath or blood specimen showing an alcohol concentration of .08 or above, following an arrest for an offense prohibiting the operation of a motor vehicle or watercraft while intoxicated.
- A conviction for Driving While Intoxicated (Section 49.04, Penal Code); Intoxication Assault (Section 49.07, Penal Code), or Intoxication Manslaughter (Section 49.08, Penal Code).
- A conviction for an offense other than Driving While Intoxicated (Section 49.04, Penal Code); Intoxication Assault (Section 49.07, Penal Code), or Intoxication Manslaughter (Section 49.08, Penal Code) prohibiting the operation of a motor vehicle or watercraft while intoxicated, under the influence of alcohol, or under the influence of a controlled substance.

Section 5. Additional Documents.

You must complete all applicable sections.

- I have obtained evidence of financial responsibility, or a copy of an SR22 which is attached to my petition. *(Note: You may not be issued an occupational license unless you obtain evidence of financial responsibility.)*
- I have attached a certified copy of my driving record (Driving Record Type AR) to this petition. *(Note: the court cannot grant your petition without reviewing your driving record.)*
- Have a letter from your employer or immediate supervisor on your employer's letterhead (or an affidavit) that verifies your work schedule, if you asked the court to let you drive to work.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Honorable Court grant this Petition for Occupational License, and to send a certified copy of this Petition, along with an order granting petitioner's occupational license to the Department of Public Safety of Texas.

(Petitioner: Do not sign until you are in front of the Notary or Court Clerk)

Petitioner's Signature

SWORN TO AND SUBSCRIBED before me on this ____ day of _____.

NOTARY OR COURT CLERK