

CAUSE NO. _____

EX PARTE

§ IN THE JUSTICE COURT

§

§ PRECINCT NO. _____

§

PETITIONER'S NAME

§ _____ COUNTY, TEXAS

PETITION FOR OCCUPATIONAL LICENSE

I, _____, 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.

My name is: _____.

My date of birth is: _____.

I am a resident of _____ County, Texas.

My home address is: _____.

My mailing address (if different than above) is:

_____.

My Texas driver's license number is: _____.

- I am employed, and my occupation is _____.
- I am the primary caretaker of ___ children less than 16 years of age.
- 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.

- 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.)

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- 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 because of a failure to pay surcharges ordered by the State of Texas.
 - My driver's license has been suspended for another reason, described below:

Section 3. Essential Need.

(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.

The following are addresses and descriptions of all destinations to which I seek to travel with my occupational license: _____

Below, I have fully described all public transportation options within one mile of any destination described above, including my home, place of work, school, or place where I perform essential household duties. Public transportation options may include bus service, rail service, rural automobile service, ride-sharing services, etc.

- I am the only member of my household who owns, leases, or has access to a motor vehicle.
- A member of my household other than me owns, leases, or has access to a motor vehicle. (Please describe this person's weekly schedule below.)

- I own a bicycle or other means of non-motorized conveyance, described below.

- 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):

Monday: _____

Tuesday: _____

Wednesday: _____

Thursday: _____

Friday: _____

Saturday: _____

Sunday: _____

- 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.)

- My job duties include automobile travel. My employer requires me to travel by automobile to perform the following tasks:

- I perform the following essential household duties:

- In order to perform the essential household duties described above, I must travel by automobile during the following hours on the following days of the week (*check all that apply*):

Monday: _____

Tuesday: _____

Wednesday: _____

Thursday: _____

Friday: _____

Saturday: _____

Sunday: _____

- In order to:

Travel to school;

Travel to my place of work;

Perform my job duties; or

Travel to the place I perform essential household duties;

I must travel by automobile to or through the following Texas counties (please fully describe all counties and routes traveled):

Section 4. Suspension History

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.

- I have obtained evidence of financial responsibility, 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 to this petition. (Note: the court cannot grant your petition without reviewing your driving record.)
- I have attached documents which demonstrate my essential need to operate a motor vehicle.
- I have attached other documents, which are described below:

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 its order granting petitioner's occupational license to the Department of Public Safety of Texas.

Petitioner's Signature

SWORN TO AND SUBSCRIBED before me on this ___ day of _____,
20____.

CLERK OF THE JUSTICE COURT OR NOTARY

CAUSE NO. _____

EX PARTE

§ IN THE JUSTICE COURT

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PRECINCT NO. _____

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PETITIONER

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_____ COUNTY, TEXAS

ORDER GRANTING OCCUPATIONAL DRIVER'S LICENSE

The Petitioner:

- Has a Texas Driver's License, with the following number: _____
- Does not have a Texas Driver's License

The Court hereby **GRANTS** the above-named Petitioner an Occupational Driver's License pursuant to Transportation Code Sec. 521.248, and **ORDERS** the Petitioner to:

- 1) NOT drive a commercial vehicle.
- 2) Maintain valid auto liability insurance or other financial responsibility in accordance with Chapter 601 of the Texas Transportation Code for the entire period this order is in effect.
- 3) Carry a certified copy of this Order and, after issuance, an Occupational Driver's License while driving. (The Department of Public Safety will provide the Occupational Driver's License after payment to DPS of the Occupational Driver's License fee.)

The Court additionally **FINDS** (check one):

- Petitioner is restricted to the operation of a motor vehicle equipped with an ignition interlock device and has installed such a device on Petitioner's vehicle, and therefore, pursuant to Transportation Code Sec. 521.248(d) is not subject to any time of travel, reason for travel, or location of travel restrictions.
- Petitioner is **ORDERED** to abide by the following time of travel, reason for travel and location of travel restrictions:
 - 1) Restrict driving to travel to and from work or school and essential duties, including medical appointments, court, attorney's office, probation office, and any supervision, education, or counseling required by this Order.
 - 2) Restrict driving to no more than ____ hours per day, and only on the days, times, and in the counties or on the routes listed below. (A person may operate a motor vehicle for no more than four hours within a 24 hour period unless the defendant demonstrates an essential need, in which case the court may allow a person to drive up to 12 hours in a 24 hour period.)

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

3) Restrict driving to the following counties/routes:

ADDITIONAL CONDITIONS OF ORDER

Petitioner must (check all that apply):

- Record dates, time, mileage, destinations, and reasons for travel in a travel log. Carry and update the travel log every time Petitioner drives, and show the log to any peace officer who asks to see it.
- Within ____ days of this order, attend the alcohol/drug counseling program listed below, and give the court clerk proof of attendance within that time period.
Program: _____
(Must be selected if Petitioner's license has been suspended under Chapter 524 or 724 of the Texas Transportation Code.)
- Report to the court every ____ days, demonstrating compliance with the order requiring attendance at the counseling program described above.
- Submit to testing for alcohol controlled substances every ____ days, to be conducted by the following entity: _____
(May be selected only if Petitioner's license has been suspended under Chapter 524 or 724 of the Texas Transportation Code.)
- Submit to supervision by the local community supervision and corrections department to verify compliance with all terms of this order, and pay a monthly administrative fee of \$_____, as authorized by Government Code Sec. 76.015.
- NOT drive any vehicle unless it is equipped with an ignition interlock device, as required by Petitioner's existing restricted license or bond condition.

EFFECTIVE DATE OF ORDER

This order is effective beginning:
(See Transportation Code Sec. 521.251)

- Today
- 91 days after the date the license was suspended.
- 181 days after the date the license was suspended.
- 365 days after the date the license was suspended.

ISSUED AND SIGNED the ___ day of _____, 20__.

JUSTICE OF THE PEACE, PRECINCT

_____ COUNTY, TEXAS

CAUSE NO. _____

EX PARTE

§ IN THE JUSTICE COURT

§

§ PRECINCT NO. _____

§

PETITIONER

§ _____ COUNTY, TEXAS

ORDER DENYING OCCUPATIONAL DRIVER'S LICENSE

The Court **DENIES** the Petition for Occupational Driver's License in the above-styled and numbered cause, for the following reason(s):

- Petitioner's license was suspended due to a physical or mental disability or impairment.
- Petitioner's license was automatically suspended due to a conviction of an offense in a different court as provided by Transportation Code Chapter 521, Subchapter O or P, therefore the petition must be filed with the convicting court as provided by Transportation Code Sec. 521.242(b).
- Petitioner failed to demonstrate an essential need for an Occupational Driver License.
- Other:

ISSUED AND SIGNED the ____ day of _____, 20__.

JUSTICE OF THE PEACE, PRECINCT

_____ COUNTY, TEXAS

EFFECTIVE DATE OF ORDER

This order is effective beginning:
See Transportation Code Sec. 521.251

- Today
- 91 days after the date the license was suspended.
- 181 days after the date the license was suspended.
- 365 days after the date the license was suspended.

Approved: _____
Matthew A. Mills, Hood County Attorney

ISSUED AND SIGNED _____, 20__.

JUSTICE OF THE PEACE
PCT ____, PL. _____
_____ COUNTY, TEXAS

CAUSE NO. _____

EX PARTE

(Name of Petitioner)

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IN THE JUSTICE COURT

PRECINCT NO. _____

_____ COUNTY, TEXAS

ORDER DENYING PETITION FOR OCCUPATIONAL DRIVER LICENSE

The Court DENIES the Petition for Occupational Driver's License in the above-styled and numbered cause, for the following reason(s):

- Petitioner's license was suspended due to a physical or mental disability or impairment.
- Petitioner's license was automatically suspended due to a conviction of an offense in a different court as provided by Transportation Code Chapter 521, Subchapter O or P, therefore the petition must be filed with the convicting court as provided by Transportation Code Sec. 521.242 (b).
- Petitioner failed to demonstrate an essential need for an Occupational Driver License.
- Other:

Matthew A. Mills, Hood County Attorney

ISSUED AND SIGNED _____, 20__.

JUSTICE OF THE PEACE
PCT ____, PL. _____
_____ COUNTY, TEXAS