

PROCEDURES FOR OCCUPATIONAL DRIVER'S LICENCE

Information to be provided to the court:

- 1) Petition for Occupational Driver's License
1 Original & 2 copies
- 2) SR – 22 Form
- 3) Certified copy of official DRIVING RECORD
- 4) Filing Fee - \$400

Steps to follow:

- Prepare the Petition for Occupational Driver's License. A "fill in the blank" petition will be provided by the court upon request.
- Obtain an SR-22 Insurance policy. This is a special insurance policy for persons in your position; it may be obtained from your automobile insurance company.
- Obtain a certified copy of your Texas driving record. (TYPE AR) You may get a copy of your driving record from the DPS website: <http://www.txdps.state.tx.us/DriverLicense/driverrecords.htm> OR you can call 512-424-2600.
- Sign the Petition. MUST be signed in front of a Notary Public or Justice Court Clerk. DO NOT sign until you are in front of a Notary or Justice Court Clerk

The court will review your petition and see if you meet all requirements and have provided all information requested. If the court finds that you have filed your petition in the appropriate court AND provided all documents and information requested we will set a Hearing for Occupational Driver's License. The court will notify you by mail of the hearing. You should bring any documentation you feel is necessary to clarify why you need an Occupational Driver's License.

If you are GRANTED an Occupational Driver's License, the court will send a certified copy of the Order Granting the Occupational Driver's License to the Texas Department of Public Safety. You will also be required to send some documents to DPS(see information page from DPS website) and DPS will require you to have all fees/ surcharges paid prior to issuance of the Occupational Driver's License. You will also be responsible for all fees owed to DPS regarding the Occupational Driver's License.


It may take 2-4 weeks for DPS to issue your Occupational Driver's License. A certified copy of the Order Granting Occupational Driver's License will serve as the license until DPS send you the official Occupational Driver's License in the mail. The court order may be used as a driver license for 30 days from the date of the judge's signature while the request for an occupational license is processed.

Once you receive your official license in the mail from DPS, you must carry the following in your vehicle at all times:

- 1) The Occupational Driver's License
- 2) The SR-22 insurance certificate
- 3) A certified copy of the Order Granting Occupational Driver's License

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Occupational License

An occupational license, also called an essential need license, is a special type of restricted license issued to individuals whose driver license has been suspended, revoked or denied for certain offenses other than medical or delinquent child support.

NOTE: Individuals may still qualify for an occupational license even if their driver license has been suspended for surcharges.

An occupational license authorizes the operation of a non-commercial motor vehicle in connection with an individual's:

1. Work,
2. School-related activities, or
3. Performance of essential household duties.

Request an Occupational License

Requests for an occupational license must be made to the Justice of the Peace, county or district court where the individual lives or to the court of original jurisdiction where the offense occurred.

If the Justice of the Peace, county or district court determines the individual is eligible to apply for an occupational license, then a court order will be issued. The court order is not the occupational license. A court order is only the order which authorizes the Department of Public Safety (DPS) to issue the occupational license.

An application, also known as a petition, is available for free from the Travis County Law Library and can be found at TexasLawHelp.org. Please consult with your local court before submitting to ensure this petition will be acceptable for the issuance of the court order.

Issuance of an Occupational License

The court order and all required items must be submitted to DPS before an occupational license will be issued. The court order may be used as a driver license for 45 days from the date of the judge's signature while the request for an occupational license is processed.

Individuals must submit the following items to DPS:

1. A certified copy of the petition and a certified copy of the court order granting the occupational license.
 - a. The judge has the authority to grant an occupational order.
 - b. If the individual is participating in a special drug court program, then the petition is not required.
2. A Financial Responsibility Insurance Certificate (SR-22).

3. Payment of the occupational license fee.
 - a. An occupational license is typically issued for one year or less; the maximum length of issuance is two years.
 - b. The court must grant the issuance of an occupational license beyond one year.
4. Payment of reinstatement fees.

DPS Mailing Address, Fax Number and Email Information

Required documents can be submitted by mail, fax or email. All documents submitted by email must be in PDF format. Individual must write their name, date of birth and driver license number on all documents so their record can be properly identified.

Mailing Address: Texas Department of Public Safety
Enforcement and Compliance Service
P.O. Box 4087
Austin, TX 78773-0320

Fax Number: 512-424-2848

Email: driver.improvement@dps.texas.gov

Waiting Periods

An occupational license is issued once the request is processed unless one of the following situations applies:

1. The individual's driver license was previously suspended as a result of an alcohol- or drug-related offense then there is a 90-day waiting period.
2. The individual's driver license was in suspension as a result of an intoxication-related conviction then there is a 180-day waiting period.
3. There are at least two administrative license revocations on the individual's driver record then a mandatory one-year waiting period applies.

Individuals Not Eligible

If an individual's driving privilege is currently suspended, revoked, cancelled or denied under any law in the State of Texas, then an occupational license will not be issued to operate a commercial vehicle.

Driver Eligibility Status

For individuals who are required to submit compliance documents (i.e. certificate of completion, SR-22, etc.), their driver eligibility status will change from "ineligible" to "eligible" on the License Eligibility website once all documents have been processed and fees have been paid.



Note: links to [PDF] files require Adobe Reader or another PDF viewer.

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CAUSE NO. _____

EX PARTE

(Name of Petitioner)

§ IN THE JUSTICE COURT
§
§ PRECINCT NO. _____
§
§ _____ COUNTY, TEXAS

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 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.

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.

In the space below, fully describe all public transportation options within one mile of any destination described above, including your home, place of work, school, or place where you 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: from _____ to _____

Tuesday: from _____ to _____

Wednesday: from _____ to _____

Thursday: from _____ to _____

Friday: from _____ to _____

Saturday: from _____ to _____

Sunday: from _____ to _____

- 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: from _____ to _____

Tuesday: from _____ to _____

Wednesday: from _____ to _____

Thursday: from _____ to _____

Friday: from _____ to _____

Saturday: from _____ to _____

Sunday: from _____ to _____

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

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, 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 copy of 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____.

Notary Public or Clerk of the Justice Court