

OCCUPATIONAL DRIVERS LICENSE
INFORMATION PACKET

OCCUPATIONAL DRIVER'S LICENSE SUSPENDED OR REVOKED DRIVER'S LICENSE

1 Your driver's license may be suspended or your right to get a license can be denied for many reasons, such as:

Refusing to take a breath test

Failing a breath test

Having any detectible amount of alcohol while driving if you're under 21

Causing an auto accident while driving without insurance

Possession of Marijuana or other controlled substances.

2. What is an occupational or restricted license?

An occupational or restricted license is a special restricted license authorized by a Court and issued to persons whose license has been suspended or revoked for certain offenses. This restricted or occupational license authorizes the operation of a non-commercial motor vehicle in connection with a person's occupation, for educational purposes or in the performance of essential household duties.

3. Is the Order from the Court the actual occupational or restricted license?

No, this is the order granting the occupational license. The Court Order and all other required items need to be submitted to the Texas Department of Public Safety (DPS) so an occupational or restricted license can be issued. The Court Order may be used as a temporarily restricted license for 45 days from the date of the judge's signature while DPS processes the occupational license, and is to be kept in the glove box of the motor vehicle you operate.

4. Can you drive a commercial motor vehicle with an occupational or restricted license?

No, If a person's driver license or the privilege to drive is suspended, revoked, cancelled, or denied under any law in this state, the person may not be granted an occupational, restricted or "essential need" license to operate a commercial motor vehicle.

5. What are the requirements for obtaining the occupational/restricted license in a DWI or ALR suspension case?

To be eligible to apply for the occupational/restricted license, the person (Petitioner) must have a legitimate essential and actual need to drive a motor vehicle for transportation to and from his/her work place, to attend class at an educational facility, or to perform essential household duties.

INSTRUCTIONS FOR ESSENTIAL NEED LICENSE

These instructions are provided strictly as a courtesy. You should contact an attorney or the Texas Department of Public Safety if further assistance is needed.

1. Obtain proof of financial responsibility (**Form SR-22**) from your insurance carrier and a **Copy of your Driving Record** from the Texas Department of Public Safety.
2. Complete the Petition for Occupational License, **Exhibit "A"**, and **Form DIC-37** (last page attached to Petition). Upon completion, you must file the Petition with the Justice Court Clerk. The filing fee is: **\$46.00**.
3. After filing the Petition with the Justice Court Clerk, a hearing will be set on your Petition.

NOTE: If the Petition and Exhibit "A" are not completely filled out, it will not be considered.

4. At the hearing, you will be required to provide the Court proof of liability insurance coverage on the vehicles you will be driving. Proof may be in the form of a SR-22 and a **copy of your driving record**. At the hearing, the Presiding Judge will consider your Petition. **The Petitioner is required to attend the hearing.**

5. If the Presiding Judge grants your Petition, you will be given one certified copy of the Order. You must carry one certified copy with you at all times when driving a motor vehicle and present it to any peace officer upon request. **YOU WILL ALSO BE REQUIRED TO KEEP A TRAVEL LOG (EXHIBIT "C")**. You should continue to carry the certified Order and maintain the travel log after you receive your occupational license from the Texas Department of Public Safety. **FAILURE TO DO SO WILL RESULT IN REVOCATION OF THE LICENSE.** A second certified copy of the Order will be sent to the Texas Department of Public Safety. The following certified copies will be sent to the Texas Department of Public Safety by the Court:

- (a) a certified copy of the Order Granting Occupational License;
- (b) Form SR-22 (from insurance agent)
- (c) Form DIC-37 (completed);

6. Once the Court submits the certified copy of the Order to the Texas Department of Public Safety, it is the responsibility of the petitioner to contact the Texas Department of Public Safety at **512-424-2600** or at the address below to pay any applicable fees or submit any additional information the Department may require.

Driver Improvement and Control Bureau
Texas Department of Public Safety
Occupational License Section
P.O. Box 15999
Austin, TX 78761

7. Additional information concerning occupational licenses may be obtained from the Texas Department of Public Safety in Austin, Texas, at:

"Driver Improvement" - (512) 424-2000

CHECKLIST FOR ESSENTIAL NEED LICENSES:

§521.244, Texas Transportation Code - Insurance: Petitioner must have proof of liability insurance.

§521.242(b) and (d), Texas Transportation Code - Jurisdiction: Jurisdiction for Justice Courts includes the precinct or county in which:

- (1) The person resides; or
- (2) the offense occurred for which the license was suspended.

Justice Courts do not have jurisdiction over suspensions of licenses for convictions of the following offenses:

- (1) Texas Penal Code 19.05
- (2) Texas Penal Code 49.04
- (3) Texas Penal Code 49.07
- (4) Texas Penal Code 49.08

The County and District Courts have jurisdiction over license suspensions for the above offenses. The Justice Courts **do** have jurisdiction over, but are not limited to, administrative suspensions for Failing a Breath Test, Chapter 524 of the Texas Transportation Code, or Refusing to Take a Breath Test, Chapter 724 of the Texas Transportation Code.

§521.245, Texas Transportation Code - Required counseling: If Petitioner's suspension is for refusing/failing the breath/blood test, then he/she is required to attend a program designed to provide counseling and rehabilitation services to persons for alcohol dependence. Cannot be the same programs covered by DWI School or Repeat Offender School.

§521.248, Texas Transportation Code - Restrictions: Person may not operate a vehicle more than **four (4)** hours in any **twenty-four (24)** hour period unless waived for good cause, then not more than **twelve (12)** hours in any **twenty-four (24)** period.

§521.251, Texas Transportation Code - Effective Dates: The essential need license takes effect:

- (1) Immediately: If suspended for failing/refusing breath test and **no** suspensions for failing/refusing breath test or DWI within **five (5) years** prior;
- (2) 91st day: If suspended for failing/refusing breath test and there has been a suspension for failing/refusing breath test within **five (5) years** prior;
- (3) 181st day: If there is a suspension within **five (5) years** prior for conviction of DWI, Intoxication Assault or Intoxication Manslaughter.

**DOCUMENTS REQUIRED TO BE FILED WITH THE COURT FOR OCCUPATIONAL
LICENSE.**

1. Original Petitions with Oath (Verified Petition)
2. A copy of the Petitioner's driving record
3. DIC-37 (Filled out)
4. SR-22 (for all vehicles to be driven)
5. Exhibit A Restrictions Requested by Petitioner (Filled out)
6. Justice Court Civil Information Sheet

NO. _____

THE STATE OF TEXAS

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IN THE JUSTICE COURT

VS.

PCT. _____

NAME: _____

Petitioner

OF

TDL: _____

Petitioner's Texas Driver's

License Number

BANDERA COUNTY, TEXAS

ORIGINAL PETITION FOR OCCUPATIONAL LICENSE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, _____, Petitioner herein, applying for an Occupational License to meet essential need pursuant to §521.242 of the *Texas Transportation Code*, and would show the Court as follows:

I.

YES NO Is Petitioner's Texas Driver's License suspension due to physical or mental disability or impairment? **IF YES, THE COURT MAY NOT GRANT THIS PETITION.**

YES NO In the ten (10) years preceding the date of filing of the Petition, has Petitioner held more than one (1) occupational license? **If YES, list dates issued:** _____.

YES NO Is Petitioner's Texas Driver's License currently suspended for the reason of a conviction for failing to maintain financial responsibility?

YES NO Is Petitioner's Texas Driver's License currently suspended for the reason of failing/refusing a breath/blood test following a DWI arrest?

YES NO Is Petitioner's Texas Driver's License currently suspended for the reason of a conviction for DWI, Intoxication Assault, Intoxication Manslaughter or Criminal Negligent Homicide? **If YES: Cause No.** _____ **Offense:** _____ **Court:** _____; **County:** _____ **Date of Conviction:** _____.

OTHER: Petitioner's Texas Driver's License is currently suspended for the reason of: _____.

II.

Other persons in Petitioner's household who possess a driver's license but are not able to provide transportation necessary for Petitioner's employment, education, and/or household duties:

Name: _____ Age: ____ Relationship: _____
Name: _____ Age: ____ Relationship: _____
Name: _____ Age: ____ Relationship: _____
Name: _____ Age: ____ Relationship: _____

III.

Petitioner has an essential need for him/her to drive and operate a motor vehicle on the highways and streets of the State of Texas for the specific purposes and under the specific terms, restrictions, and conditions requested in **Exhibit "A"**, which is attached hereto and made a part hereof for all purposes.

(Name of Petitioner)

(Address)

(Telephone Number)

STATE OF TEXAS §
 §
COUNTY OF BANDERA §

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared _____, who being by me duly sworn, on his/her oath and said that he/she is the Petitioner in the above-styled and numbered cause, that he/she read the foregoing Original Petition for Occupational License, and that every statement is within his/her knowledge and is true and correct.

_____, Petitioner
(Printed Name)

SUBSCRIBED AND SWORN to before me, to certify which witness my hand and seal of office on this the _____ day of _____, 20__.

Notary Public in and for the
State of Texas

EXHIBIT "A"
RESTRICTIONS REQUESTED BY PETITIONER

Petitioner has essential need to operate a motor vehicle in the following manner and conditions:

Days of the week for operation of a motor vehicle (circle days for each applicable purpose):

_____ Employment purposes: Sun; Mon; Tues; Wed; Thurs; Fri; Sat (Saturday and Sunday as may be scheduled).

_____ Educational purposes: Sun; Mon; Tues; Wed; Thurs; Fri; Sat (Saturday and Sunday as may be scheduled).

_____ Household duty purposes: Sun; Mon; Tues; Wed; Thurs; Fri; Sat

_____ Probationary and community service purposes: Sun; Mon; Tues; Wed; Thurs; Fri; Sat

Travel shall not exceed: _____ four (4) hours; _____ twelve (12) hours of actual operation during any twenty-four (24) hour period.

The actual hours of travel may vary and, therefore, a **Travel Log** will be kept.

Travel is permitted during the following hours: _____ .m. to _____ .m.

List counties of travel: _____

_____.

Travel is permitted between residence and employment:

Residence: _____

Employer: _____

Employer's address: _____

Employer's phone no.: _____

If travel is required during the course of employment, the Petitioner shall carry **Work Orders** specifying the reason for travel, destination and expected travel hours. Under these circumstances, the maximum radius of travel is _____ miles from _____, and to include only the hereinabove listed.

Travel is permitted to educational facilities:

School name: _____

School address: _____

School's phone no.: _____

Travel is permitted in the performance of household duties (that no one else in the household is able to perform on behalf of Petitioner):

YES NO within limits of _____ County, Texas.

Travel is permitted to comply with probationary reporting requirements, program requirements, and in the performance of community service assignments:

Probation Officer: _____ County: _____

Location: _____

Phone No.: _____

Probationary and other "special" circumstances where travel is permitted:

_____.

(Name of Petitioner)

REVIEWED:

BANDERA COUNTY ATTORNEY

WHAT IS AN SR-22?

EXPLANATION

SR-22 (insurance)

In the United States, an **SR-22** is a vehicle liability insurance document used by some state Department of Motor Vehicles (DMV) offices. It provides proof that a driver has the minimum required insurance liability insurance coverage for a particular state.

A DMV may require an SR-22 from a driver in order to reinstate his or her driving privileges following an uninsured car accident or conviction of another traffic related offense, such as Driving While Intoxicated (DWI). For drivers who require SR-22 documentation, but do not own a vehicle, the state may require such drivers to obtain and provide proof of non-owner SR-22 policy to be eligible for reinstated driving privileges.

An SR-22 may be required for three years for driving without insurance or driving with suspended license and up to five years for Driving While Intoxicated (DWI). If an SR-22 should expire or be canceled, the insurance company is required to issue an SR-26 form, which certifies the cancellation of the policy.

JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE NUMBER (FOR CLERK USE ONLY): _____

STYLED _____

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		2. Names of parties in case:	
Name: _____	Telephone: _____	Plaintiff(s): (Petitioner if applicable) _____ _____	
Address: _____	Fax: _____	<input type="checkbox"/> Petitioner is filing for an Occupational License	
City/State/Zip: _____	State Bar No: _____	<input type="checkbox"/> Applicant is filing for an Order for Retrieval of Property	
Email: _____		<input type="checkbox"/> Truancy	
Signature: _____		Defendant(s): _____ _____	
		(Attach additional page as necessary to list all parties)	
3. Indicate case type, or identify the most important issue in the case (select only 1):			
<input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.		
<input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any. (Occupational License, Order of Retrieval, and Truancy cases to be reported in Small Claims)		