

# **PROCEDURES FOR OBTAINING AN OCCUPATIONAL DRIVERS LICENSE**

## **ITEMS NEEDED TO REQUEST A HEARING:**

1. SR-22 (High-Risk Insurance Policy)
2. Letter from your employer – stating the type of work, work hours, and work days (if you are self employed, you must write the letter yourself indicating the same). If you are unemployed, you must write a statement indicating what type of work you do and will be looking for, and in what counties.
3. Petition, Verification and \$46.00 Filing Fee to be paid to the Justice Court.
4. Abstract Driving Record – You may only obtain this record yourself online at the Texas Department of Public Safety’s Driver Record Request System using a credit card for payment at the following website:  
<https://www.texasonline.state.tx.us/tolapp/txldrctr/TXDPSLicenseeManager>

When all of the above listed items have been obtained, you may hire an attorney to represent you or you may come to the Justice of the Peace Office, yourself, and request a hearing. At that time, a hearing date will be set with the Judge. You need to make sure it is set at a time that you can return to the Justice of the Peace Office to attend the hearing.

## **ON THE DATE OF YOUR HEARING:**

1. You must return to the Justice of the Peace Office at the set time of the hearing.
2. After the hearing, you will be given two sets of certified copies of the Final Order granting the Occupational License. This paperwork will serve as your driving permit until you receive your Occupational Driver’s License from the Texas Department of Public Safety.
3. You will be given an SR-37 form to be completed and signed by you after the hearing, if the order is signed by the Judge.
4. In order to obtain your Occupational Driver’s License, you will need to mail these three (3) items to the Texas Department of Public Safety: (1) SR-37 form; (2) one set of certified papers from the Court; and (3) a \$10.00 money order made payable to the Texas Department of Public Safety.
5. You will need to keep the other set of certified papers and the SR-22 insurance form with you at all times to use as your driving permit. Keep them with you even after you have received your Occupational Driver’s License.

CAUSE NO. \_\_\_\_\_

IN THE JUSTICE COURT

EX PARTE

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PRECINCT NO. \_\_\_\_\_

\_\_\_\_\_  
*(Name of Petitioner)*

\_\_\_\_\_ 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.*

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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 for another reason, described below:

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**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.*

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*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.*

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- 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.)*

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

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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.*)

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

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I perform the following essential household duties:

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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*):

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#### **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:

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**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.

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Petitioner’s Signature

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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Notary Public or Clerk of the Justice Court