

CAUSE NO. _____

§ IN THE JUSTICE COURT

§

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§ PRECINCT _____

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PETITIONER

§ _____ COUNTY, TEXAS

PETITION FOR OCCUPATIONAL LICENSE

I, _____, seek an occupational driver's 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 One – 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 or looking for work, and my occupation is _____.

☐ I am a student at _____.

☐ I am the primary caretaker of _____ dependents who cannot drive.

☐ I have been ordered by a magistrate or other court order 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 or other court order 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.

Section Two – 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.)*

- ☐ My driver's license has been suspended as the result of a physical or mental disability.
- ☐ My driver's license has been revoked for failure to pay child support.
- ☐ 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 for another reason, described below:

Section Three – Essential Need.

(Note: 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: 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; for transportation to and from an educational facility in which the person is enrolled; or in the performance of essential household duties." 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 Five of this petition.)

- ☒ I am seeking this occupational license 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.
- ☒ I am not seeking an occupational license to drive a commercial motor vehicle.

- ☒ The following are addresses and descriptions of all destinations where I am requesting to travel with my occupational license:

- ☒ To reach the destinations described above, I must travel to or through the following Texas counties *(please fully describe all counties and routes traveled)*:

- ☒ 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:

- ☐ 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:

Section Four – Suspension History

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 (Penal Code § 49.04); Driving While Intoxicated with Child Passenger (Penal Code § 49.045); Flying While Intoxicated (Penal Code § 49.05); Boating While Intoxicated (Penal Code § 49.06); Assembling or Operating an Amusement Ride While Intoxicated (Penal Code § 49.065); Intoxication Assault (Penal Code § 49.07); or Intoxication Manslaughter (Penal Code § 49.08).

Section Five – Additional Documents.

- ☐ I have obtained evidence of financial responsibility (*automobile liability insurance*), 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 Type AR certified abstract of my driving record to this petition. (*Note: the court cannot grant your petition without reviewing your driving record.*)
- ☐ I have attached documents demonstrating my essential need to operate a motor vehicle.
- ☐ I have attached other documents, which are described below:

_____.

Petitioner requests that the court grant this Petition for Occupational License, and send a certified copy of this Petition, along with its order granting petitioner's occupational license, to the Texas Department of Public Safety.

Petitioner's Signature

SWORN TO AND SUBSCRIBED before me on _____, 20____.

CLERK OF THE JUSTICE COURT OR NOTARY

FILING INFORMATION:

The responsibility for filling out your petition and civil case information sheet rests with you. Court clerks will assist you if you have procedural questions. The filing fee is **\$54.00** (fifty-four dollars.) **Payment must be in the form of a **Money Order** or **Cashier's Check**, payable to **Caldwell County Treasurer****

Effective 1/1/22

(a) A person whose license has been suspended for a cause other than a physical or mental disability or impairment or a conviction under Section 49.04, Penal Code, may apply for an occupational license by filing a verified petition (approved by District Attorney's office) with the clerk of the county court or district court with jurisdiction in the county in which:

(1) The person resides; or

(2) The offense occurred for which the license was suspended. (note: felony offenses must go back to the convicting court and if a person's license has been automatically suspended based on a conviction must go to the convicting court)

(b) A person may apply for an occupational license by filing a verified petition only with the clerk of the county court or district court in which the person was convicted if:

(1) The person's license has been automatically suspended or canceled under this chapter for a conviction of an offense under the laws of this state; and

(2) The person has not been issued, in the 10 years preceding the date of the filing of the petition, more than one occupational license after a conviction under the laws of this state.

(c) A petition filed under this section must set forth in detail the person's essential need.

(d) A petition filed under Subsection (b) must state that the petitioner was convicted in that court for an offense under the laws of this state.

(e) The clerk of the court shall file the petition as in any other civil matter.

(f) A court may not grant an occupational license for the operation of a commercial motor vehicle to which Chapter 522 applies.

CAUSE NO. _____

EX PARTE

(Name of Petitioner)

§ IN THE JUSTICE COURT
§
§ PRECINCT NO. 3
§
§ CALDWELL COUNTY, TEXAS

WAIVER OF NOTICE

COMES NOW, the State of Texas, by and through her Criminal District Attorney, and waives any notice for the Application for Occupational Driver's License in the cause.

Date _____

Assistant District Attorney
for Caldwell County, Texas _____

Justice of the Peace, Pct 3, Caldwell County
9675 Hwy 142, PO Box 145
Maxwell, TX 78656
512-357-6729

MAY NOT BE USED FOR COMMERCIAL DRIVER'S LICENSE

The requirements for the issuance of a Texas Occupational Driver's License are:

1. Get your **SR-22** form from your car insurance company.
2. Obtain a copy of your driving history; this is available through the Texas Department of Public Safety or online at www.texas.gov. Option/Type AR (Abstract Record)
3. Complete the Petition for Occupational Driver's License and Order and take to the **District Attorney's Office @ 1703 S. Colorado, Lockhart, TX 78644**. You can obtain the forms from the Justice of the Peace office.
4. The District Attorney's Office will review your Petition and Order and if approved, you will return the Petition and Order to this Court with the filing fee of **\$54.00**.
5. If granted, you will receive **two (2) certified copies** of the Petition and the Order. Mail one set to the DPS along with required documents and keep the other set. **You must have a certified copy of the Petition and Order on your person for the entire period that your regular license is suspended.**
6. Send the following items to **DPS** by mail:
 - **Certified copy of the Petition and Order**
 - **Copy of the SR-22**
 - **A money order payable to DPS for reinstatement fees or pay online at www.texas.gov for amount due and payment online**
 - **Send a \$10 money order for a 1-year license or \$20 money order for a 2-year license payable to DPS (occupational license fee).**
7. Send the above to:
**TEXAS DEPT. OF PUBLIC SAFETY Enforcement and Compliance Service
PO BOX 4087
AUSTIN, TX 78773-0320**

Required documents can be submitted by mail. Please write your name, date of birth and driver license number on all documents so your record can be properly identified.

Additional Information:

www.texas.gov

Email: driver.improvement@dps.texas.gov

Texas Department of Public Safety- Austin- 512-424-2000

Caldwell County District Attorney's Office- 512-398-1811

The license eligibility application allows you **to pay reinstatement fees online**

To determine the amount of reinstatement fees due:

Log onto the DPS website at www.texas.gov

- Click Driver at the bottom of the page
- Click on Driver License Reinstatement & Status
- Complete the information on the page and it will tell what reinstatement fees are due and instructions for payment.