

PROCEDURES FOR OCCUPATIONAL DRIVER'S LICENSE

This form packet contains these documents:

1. Checklist for Obtaining Occupational Driver's License
2. Petition for Occupational License
3. Fiat
4. Order Granting Occupational Driver's License

Steps to follow:

1. 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.

2. Obtain a certified copy of your Texas driving record from the Texas Department of Public Safety. For instructions on how to obtain the driving record, contact the Texas Dept. of Public Safety at: 512-424-2600. You may also obtain information about this from the DPS website at: www.txdps.state.tx.us.

3. Carefully read the Checklist for Obtaining Occupational Driver's License. This Checklist has been provided by the Texas Department of Public Safety. Please note that the fees reflected on this form are subject to change.

4. Prepare the Petition for Occupational Driver's License. You may use this form as a "fill in the blank" if it fits your circumstances. If these forms do not fit your circumstances, you may re-type or re-write the forms, changing them to fit your circumstances, using the forms as a guideline. You will be assigned a case number and court when you file. *It is perfectly all right to hand-write the forms.* DO NOT sign the Petition UNTIL you are in front of the Notary.

5. Prepare the Order Granting Occupational Driver's License, changing it to fit your set of circumstances.

NOTE: You will need two copies of everything that you file with the Clerk.

6. If your case was a misdemeanor, file the original Petition with the SR22 and Texas driving record attached, Fiat and Order with the County Court at Law Clerk's Office located on the first floor of the courthouse at 2100 Bloomdale Road in McKinney. If the Judge does not automatically sign the Order, the clerk will arrange to have a hearing date set for you. You can check if a hearing has been set at <http://apps.collincountytx.gov/cccasesearch/> and look up your case docket. If the Court signed the Order **go to step 12.**

7. If your case was a felony, file with the District Clerk's office on the first floor of the courthouse located at 2100 Bloomdale Road in McKinney. At this time, give the Clerk the **Fiat** form. The Clerk will arrange to have a hearing date set for you.

8. You must send a file-stamped copy of the Petition, completed Fiat with hearing date, and Order to the District Attorney's office. Mail the Petition and Fiat to the District Attorney via certified mail, return receipt requested to the following address:

Collin County District Attorney's Office
2100 Bloomdale Road, Suite 100
McKinney, TX 75071

Make sure to complete the **Certificate of Service** showing the date mailed.

9. If applicable, on your hearing date, bring the following with you to the hearing:

- A copy of your filed Petition for Occupational License with the SR-22 certificate of liability insurance and certified copy of your driving record attached
- Your prepared Order

10. At the hearing, the following is recommended to properly address the Court:

“Good morning/afternoon, Your Honor. I am here to present my Petition for an Occupational Driver's License.”

Summarize each paragraph of the Petition and give the prepared Order to the judge to be signed.

11. Send your original SR-22 insurance certificate, the SIGNED Order Granting Occupational Driver's License, and any fees to the address printed at the bottom of the Checklist for Obtaining Occupational Driver's License. (To determine your complete payment and fees, see www.txdps.state.tx.us and www.txsurchargeonline.com).

12. It usually takes from two to four weeks for the Department of Public Safety to issue an occupational driver's license. A certified copy of the signed Order Granting Occupational Driver's License will serve as the license until the DPS sends you the official occupational driver's license in the mail.

After you receive the license from the 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

OBTAINING AN OCCUPATIONAL DRIVER'S LICENSE

This information provided by Texas Department of Public Safety

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.

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 30 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). Individuals should contact their local insurance agent or provider to obtain an SR-22 or visit the Texas Department of Insurance for a complete list of providers authorized to write liability insurance for the State of Texas.
3. Payment of the occupational license fee. New or renewal \$10 per year issued up to two years (Must pay reinstatement fees first. See step 4)
 - 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. See <https://www.txsurchargeonline.com> for fees.

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.

****These forms are not a substitute for legal advice.****

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Ex Parte

Print your name

First Middle Last

§
§
§
§
§
§

Cause No: The clerk fills out below

District County Justice Court of:
_____ County, Texas

Petition for Occupational Driver's License

Print your answers:

My name is: _____
First Middle Last

I am the Petitioner, and I am asking the court for an Occupational Driver's License.

I ask the Court to consider the information I have provided below.

Upon approval of this Petition, I ask the Clerk to send a certified copy of the Petition and the court Order setting out the judge's findings and restrictions to the Texas Department of Public Safety.

I. Petitioner's Personal Information

1. Home address: _____
Street address City
_____, Texas
County Zip

2. Mailing address (if different from above): _____

3. Phone number: () _____

4. Email address: _____

5. Date of birth: _____
Month Day Year

6. The last four digits of my Social Security Number are . ____ . ____ . ____ . ____

Or

I do not have a Social Security Number.

II. Driver's License Information

5. Check all that apply and provide requested information:

- I have never held a Texas Driver's License.
- My Texas Driver's License # is: _____, Expiration date: ____/____/____.
- My Driver's License was issued by the state of _____.
My Driver's License number is _____, Expiration date: ____/____/____.

6. Is your license suspended because of a physical or mental disability? Yes No
- Is your license suspended for non-payment of child support? Yes No
- Have you had 2 or more occupational driver's licenses because of a conviction in the last 10 years? Yes No

III. Notice to the State If Applicable

7. If any of the following are applicable, the Clerk of the Court should serve the State with notice of this Petition as required by the Texas Transportation Code section 521.243(a).

(Check all that apply and fill in the blanks.)

A. My license is suspended under Transportation Code section 521.342. (Conviction of various offenses of an individual under the age of 21)

- Yes No

_____ Date of conviction

_____ Court of conviction

B. My license is suspended because I was convicted of:

- a. Criminally Negligent Homicide *Penal Code 19.05*
- b. Driving While Intoxicated *Penal Code 49.04*
- c. Driving While Intoxicated with Child Passenger *Penal Code 49.045*
- d. Flying While Intoxicated *Penal Code 49.05*
- e. Boating While Intoxicated *Penal Code 49.06*
- f. Assembling or Operating an Amusement Ride While Intoxicated *Penal Code 49.065*
- g. Intoxication Assault *Penal Code 49.07*
- h. Intoxication Manslaughter *Penal Code 49.08*

on _____ in _____
Date of conviction Court of conviction County of Conviction

IV. Suspensions and Charges

8. Why is your Driver's License suspended? (Check all that apply and fill in the blanks):

A. I was arrested on ___ / ___ / ___ and the breath sample I provided registered above 0.08.
(date)

B. I was arrested on ___ / ___ / ___, and I did not give a breath sample, as requested.
(date)

Within the past ten (10) years from the date of the arrest that led to your current suspension, have you had a suspension for refusal to give a breath/blood sample or providing a sample with a blood alcohol content greater than .08 following an arrest for DWI?

YES NO

C. This court convicted me of _____ on (date) ___ / ___ / ___.

D. A Texas court determined that I am a "habitual violator of traffic laws."

E. A Texas court ordered me to go to a Driver Education Program, and my license, permit, and/or driving privilege is automatically suspended for 365 days.

F. Other (If you did not check any of the above, why is your license suspended or invalid? Be specific.)

9. I have the following criminal charges pending. (You do not need to list traffic or Class C charges.)

V. Petitioner's Essential Need to Drive

If your license is suspended based on an alcohol-related offense under Penal Code 49.04 - 49.08 AND you are required to have an interlock device installed on each motor vehicle you own or operate, you do not need to complete Numbers 10, 11, and 12 below.

10. Why do you need an Occupational Driver's License? (Check all that apply):

I need an Occupational Driver's License to drive to and from my place of work.

Name of Employer #1: _____

Employer's Address: _____

Days and hours you work: _____

Job title: _____

Name of Employer #2: _____

Employer's Address: _____

Days and hours you work: _____

Job title: _____

I need to drive to **school**. (Fill out below):

School Name: _____

School Address: _____

Days and hours of your classes: _____

Other (explain): _____

11. Driving schedule you are requesting:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From:	___ am/pm						
To:	___ am/pm						

12. If you are asking the Court to allow you to drive for more than 4 hours per day, explain why below:

VI. Petitioner's Request to the Court

13. I ask the Court to order the Texas Department of Public Safety to issue me an Occupational Driver's License to drive for the purposes described above.

I further ask this Court to order the Texas Department of Public Safety to administer any and all tests required for the issuance of said Occupational License.

Petitioner's name (print)



Petitioner's signature

Date

Unsworn Declaration Made Under Penalty of Perjury

As allowed by Section 132.001 of the Texas Civil Practices and Remedies Code, I am filing this Unsworn Declaration in support of the Petition for Occupational Driver's License in place of a Verified Petition.*

My current legal name is:

First Middle Last

My date of birth is: ____/____/____.
Month Day Year

My address is:

Street Address City State Zip Code Country

I declare under penalty of perjury that all information in this Petition is true and correct. I understand I could be prosecuted for lying on this form.

Formally signed in _____ County, _____ State
County State

on this date: ____/____/____.
Month Day Year



**Signature of Person Asking for
Occupational Driver's License**

*Pursuant to Texas Civil Practice and Remedies Code Section 132.001, an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law. This provision does not apply to an oath of office or an oath required to be taken before a specified official other than a notary public. An unsworn declaration made under this section must be 1) in writing, 2) signed by the person making the declaration as true under penalty of perjury and 3) in substantially the form used above.

See below for a list of documents to attach to this Petition:

- A certified abstract (Type AR) of your driver's license record.
- An SR22 from your insurance company providing proof of current valid auto liability insurance.
- Proof of need to drive: Examples of proof: A letter from your employer or immediate supervisor on your employer's letterhead that verifies your work schedule, a current pay stub, school registration with schedule, or your sworn affidavit explaining to the court why you need to drive unless your license is suspended solely based on an intoxication offense under Penal Code 49.04 – 49.08 and any vehicle you own or operate must be equipped with an interlock device.

Case No. _____

Ex Parte

[Petitioner's name]

In the (check one):

- _____ District Clerk
- (Court Number) County Court at Law
- Justice Court

Collin County, Texas

FIAT

Take notice that the _____ [name of Plaintiff's OR Defendant's]
 foregoing Motion is hereby set for hearing on the _____ day of _____,
 20____, at _____ [time] in the _____ [name & designation
 of court] Court of Collin County, Texas.

SIGNED this the _____ day of _____.

JUDGE PRESIDING

CERTIFICATE OF SERVICE

I certify that a true copy of the above Petition has this day been sent by certified mail, return receipt requested to:

 [name & address of District Attorney's office]

On this _____ day of _____, 20____.

[Signature]

[Typed or Printed Name]

[address and phone number]

4. The Court FINDS that Petitioner's driver's license is **suspended** because: *(Check all that apply and fill in the blanks.)*

This Court convicted Petitioner of _____ on (date) ____ / ____ / ____
under cause number: _____.

Petitioner refused to submit to a breath or blood test or submitted a breath or blood test that registered more than 0.08 following an arrest on ____ / ____ / ____ for:
Date

(Check one.)

Driving While Intoxicated

Other: _____

The Texas Department of Public Safety said Petitioner was a habitual violator of traffic laws.

Other: _____

5. The Court FINDS that Petitioner's driver's license is not denied, suspended or revoked because of a physical or mental disability or nonpayment of child support.

The Court further FINDS that Petitioner has not been issued more than one Occupational Driver's License following a conviction during the past 10 years.

6. *(Check all that apply and fill in the blanks.)*

The Court FINDS that the suspension of Petitioner's license began/begins on ____ / ____ / ____
and ends on (date): ____ / ____ / ____.

The Court FINDS that the Petitioner's license is invalid for an indefinite period of time.

7. The Court FINDS that Petitioner: *(Check all that apply and fill in the blanks. NOTE: If your license is suspended based on an alcohol-related offense under Penal Code 49.04 - 49.08 AND you are required to have an interlock device installed on each motor vehicle you own or operate, you do not need to complete Number 7.)*

works for the following employer(s):

Employer #1: _____ Work Phone: _____

Work Address _____

Employer #2: _____ Work Phone: _____

Work Address _____

works for him/herself. Petitioner's occupation is: _____

Petitioner's work address is: _____

drives as part of his/her work throughout the following county or counties: _____

attends school at or transports family members to the following school(s):

School #1: _____ School Phone: _____

School Address: _____

School #2: _____ School Phone: _____

School Address: _____

has other essential needs to drive _____

The Court fills out the rest of this form.

(Check applicable.)

- The Court FINDS that Petitioner's driver's license is suspended because of an intoxication offense and the Occupational License here Ordered is subject to the restrictions set out below.
- The Court FINDS that Petitioner has an **essential need** to drive and the Occupational Driver's License here Ordered is subject to the restrictions set out below.

II. Orders

The Court **ORDERS** that this Petition for Occupational Driver's License is **GRANTED** subject to the following restrictions and **ORDERS** Petitioner to follow all restrictions listed below.

The Court **ORDERS** the Texas Department of Public Safety to issue an Occupational Driver's License to Petitioner subject to the following restrictions. The Court further orders the Texas Department of Public Safety to administer any and all tests required for the issuance said Occupational License, and, if Petitioner passes all required tests, issue an Occupational Driver's License to Petitioner subject to the following restrictions.

Restrictions

- ✓ Petitioner **must not** drive a commercial vehicle with this license.
- ✓ Petitioner **must** maintain in full force and effect an SR-22 automobile liability insurance policy for the entire period the Occupational Driver's License is in effect.
- ✓ Petitioner **must** have in his/her possession a certified copy of this court order while driving and **must** allow a peace officer to examine the order when requested.

The Court also **ORDERS** the restrictions checked below: *(Check all that apply.)*

Any vehicle owned or operated by the Petitioner **MUST** be equipped with a working ignition interlock device in accordance with Texas Transportation Code Section 521.2465.

Petitioner **must not** refuse any lawful request by law enforcement for a sample of Petitioner's breath or blood if stopped for Driving While Intoxicated.

Petitioner **must** submit to periodic testing for alcohol or controlled substances as follows:

Petitioner **must** attend the alcohol/drug counseling program listed below and give the court clerk proof of attendance within _____ days of this order.

Program: _____

Petitioner **must** submit to community supervision as follows: .

Petitioner **may** only drive in the counties listed here:

Petitioner **must** only drive to and from work or school and for essential duties, including medical appointments, court appointments, attorney appointments probation office meetings, and any supervision, education, counseling, or other essential needs authorized by this court.

Petitioner **must not** drive more than: *(Check one.)*

- 4 hours in any 24 hour period.
- 12 hours in any 24 hour period. The Court specifically finds that Petitioner needs to drive more than 4 hours and ORDERS that the 4 hour limitation is waived.

Petitioner **must** only drive on the days and at the times listed below:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From:	___ am/pm						
To:	___ am/pm						

Petitioner **must** always keep a log book in any car Petitioner drives. Petitioner must correctly record in the log book all dates and times Petitioner drives and the destination and reason for each trip. Petitioner must show this log book to any law enforcement officer upon demand.

Additional Restrictions:

III. Date this Order takes Effect

The Court Clerk shall send a certified copy of the Petition and the court Order setting out this Court's findings and restrictions to the Texas Department of Public Safety.

This Order takes effect on: *(Check one and write in the date, if applicable.)*

- the date this Order is signed by the Court.
- ___ / ___ / ___ which is 91 days after the date Petitioner's license was suspended.
- ___ / ___ / ___ which is 181 days after the date Petitioner's license was suspended.
- ___ / ___ / ___ which is 366 days after the date Petitioner's license was suspended.

Petitioner may use a certified copy of this Order for Occupational Driver's License as a restricted license ONLY for 45 days, beginning on the date this Order takes effect.

IV. Date this Order Ends

Unless revoked by the Court, this Order for Occupational Driver's License remains valid until:

(Check one and write in the date, if applicable.)

____/____/____.

____/____/____ which is the date Petitioner's current driver's license suspension ends.

The reason for Petitioner's current driver's license suspension is listed in 4 above.

V. Warnings to Petitioner

It is a **Class B Misdemeanor** for you to drive in violation of any of the restrictions listed above.

It is a **Class B Misdemeanor** for you to drive without a certified copy of this order in your possession.

The Court may revoke this Order, at any time, for good cause.

This Order and your Occupational Driver's License are automatically revoked if you are convicted of driving in violation of any of the restrictions listed above or convicted of driving without a certified copy of this Order in your possession.

You may use a certified copy of the Order for Occupational Driver's License to drive for 45 days only, beginning on the date this Order takes effect. **If you do not receive your Occupational Driver's License from the Texas Department of Public Safety (DPS) before the 45th day after the date this Order takes effect, you MUST not drive until you receive your Occupational Driver's License from Texas Department of Public Safety or come back to court to get an Amended Order for Occupational Driver's License that extends the 45-day time period.**

If this ORDER includes a finding of an essential need to drive, and the places, reasons, days or times that you need to drive change, you must come back to Court to get an Amended Order for Occupational Driver's License that reflects those changes.

Signed On: _____

By: _____
Judge's Signature