

HUNT COUNTY JUSTICE COURT – PRECINCT 2

PROCEDURES FOR OCCUPATIONAL DRIVERS LICENSE

This form contains important information about the requirements and the qualifications to obtain an occupational driver's license. Please read it carefully to make sure you qualify. Once you pay the filing fee, and the court determines you do not qualify, you will not receive a refund on your filing fee.

Information you need to provide to the Court:

1. Petition for Occupational Driver's License
2. SR-22 (Insurance form)
3. Certified Abstract (3a) of your official Driving Record (this is obtained online at www.texas.gov)
4. \$54.00 filing fee
5. \$10.00 Money Order made payable to: **TEXAS DEPT OF PUBLIC SAFETY**

Steps to follow:

- Fill out the attached Petition for Occupational Driver's License
- Attached the required documents
- Pay the filing fee (**NON-REFUNDABLE**)
- Sign the petition in front of the clerk

Your petition will be entered into our records system and will be reviewed by the Judge to determine if all the requisites are met. Next, a hearing will be scheduled for you to testify to the court regarding the necessity of an ODL. You will need to be present at the hearing to answer any pertinent questions the Judge may have. If the Court determines you qualify for an ODL, it will be issued after the hearing. If the court determines that you DO NOT qualify for an ODL, you will be told the reason.

When submitting the hours needed for operating a motor vehicle, do not put the times you are at work, only the times you are behind the wheel driving (ex. If you drive 1 hour to work and you work 8 hours, then drive 1 hour home, you will put 2 hours).

You are not eligible for an ODL if any of the following are true:

1. Your license was suspended for a medical reason
2. Your license was suspended for delinquent child support
3. You have been issued 2 or more ODL's in the past 10 years.

Refer to the attached checklist to determine where to petition for an ODL. In some circumstances you can file in the Justice Court or may have to file in either County Court or District Court.

For questions, you can contact the court at: 903.886.6726.

Eligibility for an ODL

(Transportation Code § 521.242; 521.001(a)(6))

For a person to be eligible for an ODL, their license (including a permit, a privilege to operate a motor vehicle, and a non-resident's operating privilege) has to first be suspended.

[Note: All citations below are from the Transportation Code.]



Reason Doesn't Have License	Eligible for an ODL?
License expired or was never issued and they <i>just haven't gone to the DMV</i> to get it.	No! There has been no "suspension." They could just go to the DMV, so that's what they need to do.
License or privilege suspended due to a <i>physical or mental disability or impairment</i> .	No! This is an exception in the law – suspensions for this reason are not eligible.
License or privilege <i>automatically suspended or canceled for a conviction</i> of an offense. <ul style="list-style-type: none"> Offenses where conviction results in automatic suspension are listed in Subchapters O & P of Ch. 521. 	Yes! BUT must file application in the court where they were convicted, which will <u>almost never be a justice court</u> . (And applicant must not have been issued more than one ODL after an automatic suspension upon conviction in the past 10 years.)
License or privilege suspended for a reason <i>other than</i> an automatic suspension upon a conviction (so <i>administratively suspended by DPS on its own or as a result of a court order</i>). Includes: <ul style="list-style-type: none"> Suspension for failure to pay surcharges (708.152). Refusal to submit to a breath or blood test following a DWI stop (Ch. 724). Providing a breath/blood sample with over .08 BAC following a DWI stop (Ch. 524). Any cause for suspension listed under 521.292. 	Yes! Must file application in a justice, county, or district court in the precinct or county in which: <ul style="list-style-type: none"> The person resides; or The offense occurred for which the license was suspended.
License cannot be renewed because of <i>placement in OMNI</i> .	No! This is not a suspension. This is a non-renewal. The remedy is for them to do what is necessary to remove themselves from OMNI.

But What If....?	Eligible for an ODL?
The applicant's <i>license has EXPIRED</i> , and they now can't renew for an eligible reason listed above.	Yes! The applicant's privilege has been suspended, so they are eligible.
The applicant <i>NEVER had a license</i> , and they now can't get one for an eligible reason listed above.	Maybe! <ul style="list-style-type: none"> Literal reading of statute: no license or privilege to be suspended, so NOT eligible. DPS position: will honor an ODL in this situation if all other requirements are met.
The applicant is a <i>minor</i> and is otherwise eligible.	Yes! (Subject to the limitations described in 524.022(d)).
The applicant wants an ODL <i>to operate a CMV</i> and is otherwise eligible.	No! (But a CDL holder may get an ODL to operate a non-CMV vehicle).

CAUSE NO. _____

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IN THE JUSTICE COURT

PRECINCT NO. TWO

PETITIONER'S NAME

HUNT COUNTY, TEXAS

PETITION FOR OCCUPATIONAL LICENSE

I, _____, 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.

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:

_____.

I am employed, and my occupation is _____.

My Texas driver's license number 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/check 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 because of a failure to pay surcharges ordered by the State of Texas.

My driver's license has been suspended for another reason, described below:

Section 3. Essential Need.

(You must complete/check 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.

The following are addresses and descriptions of all destinations to which I seek to travel with my occupational license: _____

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:

- 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: _____

- Tuesday: _____

- Wednesday: _____

- Thursday: _____

- Friday: _____

- Saturday: _____

- Sunday: _____

- 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/check 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/check 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 provide a certified copy of this Petition, along with its order granting petitioner's occupational license to the Petitioner.

Petitioner's Signature

SWORN TO AND SUBSCRIBED before me on this ___ day of _____, 20____.

CLERK OF THE JUSTICE COURT OR NOTARY