

**JUDGE CATHY PENN
JUSTICE OF THE PEACE PCT. 2
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<https://www.rockwallcountytexas.com/DocumentCenter/View/3152>

Filing for an Occupational Driver License in Justice Court Precinct 2

What is an occupational license?

An occupational license is a special restricted license issued to persons whose license has been suspended or revoked for certain offenses. [Texas Transportation Code Section 521.242](#); [37 Texas Administration Code 15.7](#).

Is the court order the occupational license?

No. This is the order granting the occupational license. The court order and all other required items must be submitted by you to the Texas Department of Public Safety (DPS) so an occupational license can be issued. Note: **The Justice Court does not forward any documents to DPS. Contact DPS at: (512)424-2600 or visit their website: <https://www.txdps.state.tx.us/DriverLicense/OccupationalLicense.htm>**

The court order may be used temporarily as a license for 30 days from the date of the judge's signature while DPS processes the occupational license.

Can I get a refund if the license is not granted? No. The filing fee is \$61.00 and is non-refundable.

To file for an Occupational Driver License you must:

Familiarize yourself with the requirements as set out in the Transportation Code Section 521.241 to 521.253. <http://www.statutes.legis.state.tx.us/Search.aspx>

1. File a Petition with the Rockwall County Justice Court. You must sign the Petition before a Notary Public prior to filing with the court.
2. Obtain and file an SR-22 Certificate of Insurance. An Insurance Agent may assist you in obtaining the SR-22.
3. Obtain and file a Certified Abstract of your Driving Record. This can be requested from the following DPS website: <http://www.txdps.state.tx.us/DriverLicense/>
4. Obtain and file a letter from your employer or a school certificate, if applicable.
5. Print, fill out and file Order Granting Occupational License found below.
6. Submit a copy of the suspension letter you received from DPS to the court.
7. After filing your Petition and all other required documentation, the Rockwall County Attorney's office will review your petition. The Court Coordinator will notify you if you will be required to present your Order to the Judge. Otherwise, you will be notified when you may return to the court to receive certified copies of the Petition and Order for filing with DPS and for your records.

Notice:

This procedure can be very complicated. It may be beneficial to employ an attorney to assist you. **The Judge and respective staff are prohibited by law to assist you in the preparing of the application or procedural steps taken after the Judge signs the Order.**

CAUSE NO. _____

EX PARTE

§ IN THE JUSTICE COURT

§

§ PRECINCT NO. TWO

§

PETITIONER'S NAME

§ ROCKWALL 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: _____

_____.

My Texas driver's license number is: _____.

I am employed, and my occupation is _____.

I am as student at _____.

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.

- 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 for another reason, described below:

Section 3. Essential Need.

(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: 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.”* 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.
- I am not seeking an occupational license to drive a commercial vehicle.

The following are addresses and descriptions of all destinations to which I seek 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:

_____.

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: _____

Section 4. Suspension History

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 (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).
- 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.

- 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 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 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 send a certified copy of this Petition, along with its order granting petitioner's occupational license to the Department of Public Safety of Texas.

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