

Cause No: _____

IN RE:

§
§
§
§
§

IN THE COUNTY COURT

AT LAW NUMBER _____

_____ COUNTY, TEXAS

ORDER GRANTING OCCUPATIONAL DRIVER'S LICENSE

This Order Granting Occupational Driver's License is considered and **GRANTED** without the need of a petition being filed by the Petitioner/Participant due to their involvement in the _____ COUNTY DWI COURT PROGRAM under the authority of Section 469.009 of the Texas Health and Safety Code, effective September 1, 2007.

Came to be considered the **Verified Petition** for an Occupational Driver's License of, Petitioner, who appeared:

Pro se and announced ready; **or**

By and through their attorney of record: The State of Texas appeared by her attorney and announced ready for trial.

I. JURISDICTION

The Court **FINDS** it has jurisdiction of this matter for the following reason(s):

The Petitioner's license was suspended for a cause other than a physical or mental disability or impairment and is not the result of a conviction under Section 49.04, Penal Code.

The Petitioner is a resident of _____ County; OR

The offense for which the Petitioner's license was suspended occurred in _____ County.

The Petitioner's license was automatically suspended for a conviction of an offense occurring in _____ County.

II. FINDINGS

The Court **FINDS** that:

- 1. The Petitioner's Texas Driver's License was suspended for the following reasons:

Petitioner was charged for the alleged offense of Driving While Intoxicated-Subsequent Offense which occurred in _____ County, Texas. Petitioner was convicted

of said offense and as a result Petitioner's Texas Driver's License was automatically suspended for two years.

Petitioner was **arrested/charged** for the alleged offense of _____, which occurred in _____ County, Texas. As a result of the foregoing arrest/charge, Petitioner's Texas Driver's License was suspended effective _____, 200__ (_____ days).

Other: _____

2. That Petitioner has not been issued, in the 10 years preceding the date of the filing of this petition, *more than one* occupational license due to a conviction under the laws of this State.

3. There is an essential need for Petitioner to operate and drive a motor vehicle:

To perform Petitioner's occupation or trade or for transportation to and from where Petitioner practices Petitioner's occupation or trade;

For transportation to and from an educational facility in which the person is enrolled;

To perform essential household duties.

4. Four Hour Restriction:

The Court finds there is a sufficient showing of the necessity for waiving the 4 hour restriction and that Petitioner should be allowed, authorized and granted the right to operate a motor vehicle pursuant to the driver's license ordered herein for a period not to exceed **12** hours in any 24 consecutive hours.

The Court finds there is a sufficient showing of the necessity for waiving the 4 hour restriction and that Petitioner should be allowed, authorized and granted the right to operate a motor vehicle pursuant to the driver's license ordered herein for a period not to exceed _____ hours in any 24 consecutive hours.

The Court finds there is an insufficient showing of the necessity for waiving the 4 hour restriction and therefore Petitioner is authorized and granted the right to operate a motor vehicle pursuant to the driver's license ordered herein for a period not to exceed **4** hours in any 24 consecutive hours.

Other: _____

5. Petitioner has a valid policy of liability insurance as required by the Texas Motor Vehicle Safety-Responsibility Act and proof of employment.

6. The Texas Department of Public Safety should issue an occupational driver's license to Petitioner for the duration of the suspension period, accordingly.

7. Suspensions under Texas Transportation Code Chapter 525/724:

- a. Petitioner's driver's license was suspended under Chapter 524/724 of the Texas Transportation Code.
- b. The Petitioner is **ORDERED** to attend a Court approved program that is designed to provide counseling and rehabilitation services to persons for alcohol dependence and the Petitioner **SHALL** provide the Court proof of attendance no later than 90 days after the signing of this order.
- c. Petitioner's driver's license was NOT suspended under Chapter 524/724 of the Texas Transportation Code.

III. ORDER

It is, therefore, **ORDERED** by this Court, that Petitioner be and is here now GRANTED an occupational driver's license and use of a motor vehicle on the following days, times, routes and areas listed below.

It is further **ORDERED** that the four hour driving restriction is:

WAIVED

NOT WAIVED; and

Petitioner is authorized the right to operate a motor vehicle pursuant to the driver's license ordered herein for a period not to exceed 12 hours (not to exceed the statutory 12 hour limit) in any 24 consecutive hours is:

GRANTED

NOT GRANTED

DAYS AND TIMES

- a. Monday through Friday, ____ a.m. until ____ p.m.; **or**
- b. Monday through Sunday, 7:00a.m. until 7:00a.m.; until shift work begins **or**
- c. _____

COUNTIES

Petitioner's occupational driver's license shall be restricted to all public roadways and routes in _____ County, Texas.

Petitioner's occupational driver's license shall be restricted to all public roadways and routes in _____ and contiguous Counties.

Petitioner's occupational driver's license shall be restricted to all public roadways and routes in _____ county within the State of Texas.

Petitioner's occupational driver's license shall be restricted to _____

IV. DRIVING LOG & IGNITION INTERLOCK

It is **ORDERED** that:

- a. Petitioner **SHALL** maintain a DRIVING LOG which will contain the location driven from and the time from which Petitioner departs and the location arrived and the time that Petitioner arrives at that location. Petitioner is required to have driving log in the vehicle during any periods of operations.
- b. Petitioner **SHALL** have an IGNITION INTERLOCK DEVICE installed and operating properly during the term of this occupational license on any and all vehicles the Petitioner operates under the authority of this occupational license.

V. REQUIREMENTS

It is further **ORDERED** that:

1. **Effective Date of Occupational License** (Texas Transportation Code §521.251)

Petitioner is a participant in the _____ COUNTY DWI COURT PROGRAM and this Occupational Order is being **GRANTED** without need of a petition under Health and Safety Code Section 469.009 and **SHALL take effective immediately** and continue through (date).

Petitioner's license **is suspended under Chapter 524/724** of the Texas Transportation Code and has **NOT had a prior suspension** arising from an alcohol/drug related enforcement contact in the five years preceding the date of the person's arrest. The Order Granting Occupational License can take effect immediately and shall continue through (date). Petitioner may use a copy of this Court order as an occupational Texas Driver's License for 45 days after the date this order becomes effective.

Petitioner's license **has been suspended as a result of an alcohol/drug related enforcement contact** during the five years preceding the date of the person's arrest; therefore, the Order Granting Occupational License **may not take effect before the 91st day** after the effective date of the current suspension and shall continue through (date).

Petitioner's license has been suspended as a result of a conviction under **Texas Penal Code section 49.04 or 49.07 or 49.08** during the five years preceding the date of the person's arrest, the Order Granting Occupational License **may not take effect before the 181st day** after the effective date of the suspension and shall continue through the (date)

Petitioner's license has been suspended as a result of a second or subsequent conviction under **Texas Penal Code section 49.04 or 49.07 or 49.08** committed within five years of the date on which the most recent preceding offense was committed, the Order

Granting Occupational License **may not take effect before the first anniversary of the effective date of the suspension** and shall continue through (date).

2. Petitioner shall use a copy of this Court order as an occupational Texas Driver's License for 45 days after the date this order becomes effective.
3. The Texas Department of Public Safety shall issue to Petitioner an occupational Texas Driver's License, referring on its face to this order of the Court.
4. The clerk of this Court shall furnish Petitioner with a certified copy of this order, at the Petitioner's expense.
5. The clerk of this Court shall forward a certified copy of this order to the Texas Department of Public Safety, together with Petitioner's license and record of conviction, as required.

VI. WARNING

A CERTIFIED COPY OF THIS ORDER MUST BE CARRIED BY THE NAMED PETITIONER AT ALL TIMES WHILE OPERATING A MOTOR VEHICLE. A PEACE OFFICER MAY EXAMINE THE CERTIFIED COPY UPON REQUEST WHEN PETITIONER IS OPERATING A MOTOR VEHICLE. IT IS AN OFFENSE TO OPERATE A MOTOR VEHICLE WHEN A CERTIFIED COPY OF THIS ORDER IS NOT CARRIED.

VIOLATION OF ANY RESTRICTION SET FORTH IN THIS ORDER SHALL AUTOMATICALLY CANCEL THIS LICENSE GRANTED HEREIN AND APPLICANT MAY BE PROSECUTED FOR DRIVING WHILE LICENSE INVALID.

RENDERED, SIGNED AND ENTERED on this ____ day of _____, 200__.

JUDGE PRESIDING
County Court at Law Number ____

County, Texas

NOTICE

Petition for Occupational Driver's License:

Was furnished to the _____ County Criminal District Attorney's Office and the Criminal District Attorney's Office expressly waives notice as otherwise required by law.

Was furnished to the _____ County Criminal District Attorney's Office and the District Attorney's Office has no objections to the above Order.

Was furnished to the _____ County Criminal District Attorney's Office and the District Attorney's Office is in opposition to the above ORDER in whole or part and wishes to be present at any hearing on this Petitioner's Occupational Driver's License.

Was not furnished to the _____ County Criminal District Attorney's Office because notice is not required. The Petitioner's driver's license was NOT suspended for an offense under Penal Code Sections: 19.05 (criminally negligent Homicide), 49.04 (DWI), 49.07 (Intoxication Assault), 49.08 (Intoxication Manslaughter), or Section 521.342 of the Texas Transportation Code.

Assistant Criminal District Attorney