

These forms are not a substitute for legal advice.

\$1.50

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
5. SR-37 Form

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. Sign the Petition** in front of a Notary Public. DO NOT sign the Petition UNTIL you are in front of the Notary.
- 6. Make two additional copies of the prepared and notarized Petition to take with you when you file.**
- 7. File the Petition** – If your case was a misdemeanor, file with the County Court at Law Clerk's Office located in the University Drive Court Complex at 1800 N. Graves St. at Highway 380 in McKinney. 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 FILED copy of the Petition and Fiat 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 Drive
McKinney, TX 75071

Now complete the [Certificate of Service](#) form. Once you have received the completed return receipt from the postal service, attach it to the completed Certificate of Service form and file this with the Clerk of the Court.

9. Prepare the [Order Granting Occupational Driver's License](#), changing it to fit your set of circumstances.

10. Make an additional copy of the prepared Order to take with you to the hearing.

11. On your hearing date, bring the following with you to the hearing:

- A copy of your filed Petition for Occupational License
- Two copies of your prepared Order
- The original pink SR-22 certificate of liability insurance
- A certified copy of your driving record

12. 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.

13. Complete the [SR-37 Form](#). Send it along with 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.

14. 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

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

This page intentionally left blank.

CHECKLIST FOR OBTAINING OCCUPATIONAL DRIVER'S LICENSE

***Note: 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.

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

1. A certified copy of petition and a certified copy of a legally issued court order finding an essential need for operating a non-commercial motor vehicle and setting forth the conditions for such driving. Actual travel time does not have to be continuous, but specific hours must be stated in Court Order, and shall not exceed twelve (12) hours in any twenty-four (24) consecutive hours.
2. The filing of an SR-22 certificate and the maintenance of such proof of financial responsibility (an original pink certificate of liability insurance, PHOTOCOPIES ARE NOT ACCEPTABLE). An Insurance Agent may assist you in obtaining the SR-22.
3. A \$10.00 fee for the issuance of the Occupational Driver's License for one year or less.
OR
4. A \$20.00 fee for the issuance of the Occupational Driver's License for two years or less.
5. A \$50.00/\$100.00 statutory reinstatement fee is required to complete your Safety Responsibility fee requirements. (This fee is only required if there is a safety Responsibility suspension.)
6. A \$50.00/\$100.00 statutory reinstatement fee is required to complete your Driver Improvement requirements. (This fee may be paid now, or at the end of the suspension period.)
7. A \$125.00 statutory reinstatement fee for the Administrative License Revocation.
8. Complete form SR-37, providing information to appear on the Occupational License.

*****All fees must be paid before the department may issue an occupational license.**
*****An occupational license cannot authorize the operation of a commercial motor vehicle.**
*****Return all specified items in one package to expedite issuance of the Occupational License.**

Mail to the following address:

Occupational License Section
Safety Responsibility
Texas Department of Public Safety
P.O. Box 15999
Austin, TX 78761-5999

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

This page intentionally left blank.

Case No. _____

In the Matter of

[Petitioner's name]

|
|
|

In the County Court at Law

Number _____

Collin County, Texas

PETITION FOR OCCUPATIONAL LICENSE

COMES NOW _____ [petitioner's name], Petitioner, on _____ [date], in the above-styled and numbered cause, and files this verified petition for an occupational license, to meet actual and essential needs.

I. Discovery Level

The Petitioner affirmatively pleads that discovery should be conducted in accordance with a discovery control plan under Civil Procedure Rule 190.3.

II.

Petitioner is a resident of _____ [name of county] County, Texas. _____ [His/Her] date of birth is _____ [birth date], _____ [last three digits of social security number (if issued)], _____ [last three digits of driver's license number (if issued)], who resides at: _____ [address].

III.

Petitioner was arrested in _____ [name of county] County, Texas for the offense of _____ [state offense – if for DWI 2nd, so state] on _____ [date].

IV.

[Select one of the following by placing a check mark. Use only the paragraph that is the basis of the suspension for which you seek this occupational license.]

- _____ 1. Petitioner was requested to provide a specimen of _____ [blood OR breath], which _____ [he/she] refused.
- _____ 2. Petitioner was requested to provide a specimen of _____ [blood OR breath], to which _____ [he/she] consented, and an analysis of said specimen showed an alcohol concentration of a level of 0.08 or more.
- _____ 3. Petitioner's license has been automatically suspended or canceled under

Chapter 521 or Ch. 522 of the Transportation Code for a conviction of an offense under the laws of this state, and has not been issued, in the ten (10) years preceding the date of filing this petition, more than one occupational license after a conviction under the laws of this state.

____ 4. Petitioner's license was suspended following a conviction under §19.05(a)(2), Penal Code [now §49.08, Intoxication Manslaughter].

____ 5. Petitioner's license was suspended:
[State reason license was suspended.]

V.

[Select one of the following by placing a check mark.]

____ 1. Petitioner has never been issued an occupational license.

____ 2. Petitioner has been issued an occupational license in Cause Number _____ [case no.], from _____ to _____ [effective dates of occupational license].

VI.

Petitioner's license to operate a motor vehicle _____ [was OR will be] suspended for causes other than physical or mental disability or impairment.

VII.

[Select one of the following by placing a check mark.]

____ 1. Petitioner has no previous driver's license suspension as a result of an alcohol-related or drug-related enforcement contact in Texas, or some other state, during the five (5) years immediately preceding the date of Petitioner's arrest.

____ 2. Petitioner has had _____ [number] previous driver's license suspension(s) as a result of an alcohol-related or drug-related enforcement contact in Texas, or some other state, during the five (5) years immediately preceding the date of Petitioner's arrest.

VIII.

[Select one of the following by placing a check mark.]

- _____ 1. Petitioner’s license has not been suspended following a conviction under §19.05(a)(2), Penal Code [now §49.08, Penal Code: Intoxication Manslaughter].
- _____ 2. Petitioner’s license has been suspended following a conviction under §19.05(a)(2), Penal Code [now §49.08, Penal Code: Intoxication Manslaughter].

IX.

Petitioner states that _____ [he/she] has an actual and essential need to operate a motor vehicle:

[Select all of the following that apply by placing a check mark.]

- _____ 1. A. In the performance of _____ [his/her] occupation.
[Set out nature of occupation and driving needs required by occupation.]

B. To and from _____ [his/her] home to _____ [his/her] place of business.

- _____ 2. For transportation to and from an education facility in which _____ [he/she] is enrolled.
- _____ 3. In the performance of essential household duties.

X.

[Note: The request may not be for more than 4 hours in any 24 consecutive hour period.

Upon a proper showing of necessity, however, the Court may waive the 4-hour restriction and allow Petitioner to operate a motor vehicle for not more than 12 hours in any 24 consecutive hour period.]

[Set out below the necessity to have the court waive the 4-hour restriction and allow Petitioner to operate for a period not to exceed 12 hours in 24 consecutive hours.]

XI.

Petitioner requests that _____ [he/she] be allowed to operate a motor vehicle for the following hours:

Hours of the day: _____

Days of the week: _____

Areas and routes of travel: On all roads, streets, and highways in _____ [name of county] County, Texas and contiguous counties:

[names of contiguous counties]. Additionally, Petitioner is authorized to drive on all roads, streets, and highways in the following Texas counties:

[names of counties].

XII.

[The following paragraphs apply if there has been a DWI anytime within ten years before the date of this offense. These paragraphs affect the installation of an ignition interlock device. Select one of the following by placing a check mark.]

- _____ 1. Petitioner has one or more convictions under §19.05(a)(2) Penal Code (now §49.08 Penal Code: Intoxication Manslaughter).
- _____ 2. Petitioner has two or more convictions under any combinations of §49.04, 49.07, or 49.08 Penal Code.
- _____ 3. Petitioner’s license has been suspended after a conviction under §49.04 Penal Code, for which _____ [he/she] has been punished under §49.09 Penal Code.
- _____ 4. Petitioner has never been convicted under any provision of §521.246 Transportation Code.

WHEREFORE, PREMISES CONSIDERED, Petitioner asks that this Court find that an essential and actual need exists for Petitioner to operate a motor vehicle, and grant _____ [him/her] an occupational license to meet essential needs for the duration of the suspension, or until the suspension is lifted by the Department of Public Safety.

Respectfully submitted,

[Petitioner's signature]

[Typed or printed name]

[Address & telephone no.]

Subscribed and sworn to before me by _____
[petitioner's name] on _____ [date].

[Signature of Notary Public]

[Typed or printed name]
Notary Public in and for the State of Texas
My commission expires: _____

Case No. _____

In the Matter of

[Petitioner's name]

|

|

|

In the County Court at Law

Number _____

Collin County, Texas

FIAT

Take notice that the _____ [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 _____ [name of county] 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 _____.

[Signature]

[Typed or Printed Name]

[Address and Telephone No.]

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

This page intentionally left blank.

Case No. _____

In the Matter of

[Petitioner's name]

|

|

In the County Court at Law

Number _____

Collin County, Texas

ORDER GRANTING OCCUPATIONAL LICENSE

I.

On _____ [date] in the above-entitled cause, came on to be considered Petitioner's application to have the Court grant an occupational license to meet actual and essential needs.

II.

The Court finds that Petitioner's license was suspended on _____ [date] until _____ [date], pursuant to Texas Transportation Code § 524.022.

III.

The Court, having considered the Petition finds an actual and essential need for Petitioner to operate a motor vehicle:

[Select all of the following that apply by placing a check mark.]

- _____ in the performance of _____ [his/her] occupation;
- _____ for transportation to and from _____ [his/her] home to the place of employment;
- _____ for transportation in the course and scope of _____ [his/her] employment;
- _____ for transportation to and from an education facility in which _____ [he/she] is enrolled;
- _____ in the performance of essential household duties;

under the following conditions:

Hours of the day: _____

Days of the week: _____

Areas and routes of travel: On all roads, streets, and highways in _____ [name of county] County, Texas and contiguous counties:

[names of contiguous counties]. Additionally, Petitioner is authorized to drive on all roads, streets, and highways in the following Texas counties:

[names of counties].

Petitioner having shown proper necessity, the Court waives the four-hour restriction.

IV.

The Court finds that the Petitioner has not had a prior suspension arising from an alcohol-related or drug-related enforcement contact in Texas, or any other state in the five years immediately preceding the date of this arrest.

V.

Petitioner shall maintain a valid policy of automobile liability insurance in accordance with Texas Transportation Code, Article 601 et seq. for the period that this occupational license is in effect.

VI.

*[Select the following, if applicable, by placing a check mark.
Mark through it completely if it does not apply.]*

_____ Petitioner may not operate any motor vehicle unless the vehicle is equipped with an ignition interlock device. Business vehicles are excepted, but only if the requirements of Texas Transportation Code § 521.246(e) are met: *i.e.*, 1) the person is required to operate a motor vehicle in the course and scope of the person's employment; 2) the vehicle is owned by the person's employer; 3) the employer is not owned or controlled by the person whose driving privilege is restricted; 4) the employer is notified of the driving privilege restriction; and 5) proof of that notification is with the vehicle.

VII.

_____ Petitioner shall attend and successfully complete an approved program for counseling and rehabilitation services for alcohol dependence within 90 days: A.D.A.P.T.

VIII.

_____ Petitioner shall submit to periodic testing for alcohol or controlled substances.

IX.

Petitioner shall carry a certified copy of this order with _____ [him/her] when _____ [he/she] is operating a motor vehicle.

X.

WHEREAS, the proof of insurance presented at the time that this occupational license was granted does not cover the entire period that this occupational license is in effect;

IT IS THE ORDER OF THIS COURT that the occupational license granted herein is VOID unless Petitioner maintains proof of a valid policy of automobile liability insurance.

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

This Order is effective for the duration of the suspension, or until the suspension is lifted by the Department of Public Safety.

SIGNED and ENTERED on _____ [date].

JUDGE PRESIDING

This page intentionally left blank.

SR-37 FORM

DEPARTMENT USE ONLY
AMOUNT: _____
MONEY NUMBER: _____

DATA FOR TEXAS OCCUPATIONAL DRIVER'S LICENSE

Print or Type

Full Name: _____
(First) (Middle) (Last)

(Street Address) (City) (State) (Zip Code)

Month	Date of Birth		Sex	Color Eyes	Color Hair	Weight Pounds	Height		Driver License Number
	Day	Year					Ft.	Inches	

This is to certify that I am the person named and described herein.

Mail to: Safety Responsibility Bureau
Occupational License Section
Texas Department of Public Safety
Box 15999
Austin, TX 78761-5999

Usual Signature of Applicant

INFORMATION BELOW THIS LINE IS FOR DEPARTMENT USE ONLY

Date of Issue: _____

Expire: _____