

These forms are not a substitute for legal advice

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. 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, Type AR 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.*
 5. Sign the Petition in front of a Notary Public. DO NOT sign the Petition UNTIL you are in front of the Notary or the Clerk of the Court.
- NOTE: You will need three 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, and Order with the Justice of the Peace Court located at 111 W Collins, Leonard, Texas, 75452. If the Judge does not automatically sign the Order, the clerk will arrange to have a hearing date set for you.
 7. If your case was a felony, file with the District Clerk's office located at 200 E 1st, Bonham, Texas 75418. At this time, give the Clerk the Fiat form. The Clerk will arrange to have a hearing date set for you.
 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

10. 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.

11. 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.

12. 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

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 \$46.00 filing fee payable to Justice Court 3-2 by EXACT CASH, VISA, Master Card, Money Order or Cashier's Check.

- ***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

CAUSE NO. _____

EX PARTE

§ IN THE JUSTICE COURT

§

§ PRECINCT NO. _____

§

§ _____ COUNTY, TEXAS

PETITIONER'S NAME

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 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 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:
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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: (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

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.

- 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 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's Signature

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

CLERK OF THE JUSTICE COURT OR NOTARY

CAUSE NO. _____

EX PARTE

§ IN THE JUSTICE COURT

§

§ PRECINCT NO. _____

§

§ _____ COUNTY, TEXAS

PETITIONER

ORDER GRANTING OCCUPATIONAL DRIVER'S LICENSE

The Petitioner:

- Has a Texas Driver's License, with the following number: _____
- Does not have a Texas Driver's License

The Court hereby **GRANTS** the above-named Petitioner an Occupational Driver's License pursuant to Transportation Code Sec. 521.248, and **ORDERS** the Petitioner to:

- 1) NOT drive a commercial vehicle.
- 2) Maintain valid auto liability insurance or other financial responsibility in accordance with Chapter 601 of the Texas Transportation Code for the entire period this order is in effect.
- 3) Carry a certified copy of this Order and, after issuance, an Occupational Driver's License while driving. (The Department of Public Safety will provide the Occupational Driver's License after payment to DPS of the Occupational Driver's License fee.)

The Court additionally **FINDS** (check one):

- Petitioner is restricted to the operation of a motor vehicle equipped with an ignition interlock device and has installed such a device on Petitioner's vehicle, and therefore, pursuant to Transportation Code Sec. 521.248(d) is not subject to any time of travel, reason for travel, or location of travel restrictions.
- Petitioner is **ORDERED** to abide by the following time of travel, reason for travel and location of travel restrictions:
 - 1) Restrict driving to travel to and from work or school and essential duties, including medical appointments, court, attorney's office, probation office, and any supervision, education, or counseling required by this Order.
 - 2) Restrict driving to no more than ____ hours per day, and only on the days, times, and in the counties or on the routes listed below. (A person may operate a motor vehicle for no more than four hours within a 24 hour period unless the defendant demonstrates an essential need, in which case the court may allow a person to drive up to 12 hours in a 24 hour period.)

- Monday: _____
- Tuesday: _____
- Wednesday: _____
- Thursday: _____
- Friday: _____
- Saturday: _____
- Sunday: _____

3) Restrict driving to the following counties/routes:

ADDITIONAL CONDITIONS OF ORDER

Petitioner must (check all that apply):

- Record dates, time, mileage, destinations, and reasons for travel in a travel log. Carry and update the travel log every time Petitioner drives, and show the log to any peace officer who asks to see it.
- Within _____ days of this order, attend the alcohol/drug counseling program listed below, and give the court clerk proof of attendance within that time period.
Program: _____
(Must be selected if Petitioner's license has been suspended under Chapter 524 or 724 of the Texas Transportation Code.)
- Report to the court every ___ days, demonstrating compliance with the order requiring attendance at the counseling program described above.
- Submit to testing for alcohol controlled substances every ___ days, to be conducted by the following entity: _____
(May be selected only if Petitioner's license has been suspended under Chapter 524 or 724 of the Texas Transportation Code.)
- Submit to supervision by the local community supervision and corrections department to verify compliance with all terms of this order, and pay a monthly administrative fee of \$_____, as authorized by Government Code Sec. 76.015.
- NOT drive any vehicle unless it is equipped with an ignition interlock device, as required by Petitioner's existing restricted license or bond condition.
- Comply with all applicable statutes, administrative regulations, and orders from DPS related to licensing.

EFFECTIVE DATE OF ORDER

This order is effective beginning:
(See Transportation Code Sec. 521.251)

- Today
- 91 days after the date the license was suspended.
- 181 days after the date the license was suspended.
- 365 days after the date the license was suspended.

ISSUED AND SIGNED the ___ day of _____, 20__.

JUSTICE OF THE PEACE, PRECINCT _____

COUNTY, TEXAS

CAUSE NO. _____

EX PARTE

§ IN THE JUSTICE COURT

§

§ PRECINCT NO. _____

§

§ _____ COUNTY, TEXAS

PETITIONER

ORDER DENYING OCCUPATIONAL DRIVER'S LICENSE

The Court **DENIES** the Petition for Occupational Driver's License in the above-styled and numbered cause, for the following reason(s):

- Petitioner's license was suspended due to a physical or mental disability or impairment.
- Petitioner's license was automatically suspended due to a conviction of an offense in a different court as provided by Transportation Code Chapter 521, Subchapter O or P, therefore the petition must be filed with the convicting court as provided by Transportation Code Sec. 521.242(b).
- Petitioner failed to demonstrate an essential need for an Occupational Driver License.
- Other:

ISSUED AND SIGNED the ____ day of _____, 20__.

JUSTICE OF THE PEACE, PRECINCT _____

COUNTY, TEXAS

Case No. _____

IN THE MATTER OF

§

IN THE JUSTICE COURT

§

PRECINCT 2, PLACE 1

PETITIONER'S NAME

§

FANNIN COUNTY, TEXAS

FIAT

Take notice that _____, Plaintiff's/Defendant's foregoing Motion is hereby set for hearing on the _____ day of _____, 20____, at _____ am/pm in the Justice of the Peace Court, Precinct 2, Place 1 at 111 W. Collins, Leonard, Texas, 75452.

SIGNED this the _____ day of _____.

JUDGE BOB CLEMONS, 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:

On this _____ day of _____.

Signature

Printed Name

Address and Telephone No.

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.

Usual Signature of Applicant

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

INFORMATION BELOW THIS LINE IS FOR DEPARTMENT USE ONLY

Date of Issue: _____

Expire: _____

TEXAS DPS

APPLICATION FOR COPY OF DRIVER RECORD



MAIL TO: Texas Department of Public Safety, Box 149008, Austin, TX 78714-9008

DO NOT MAIL CASH. Mail check or money order payable to: Texas Department of Public Safety

Any questions regarding the information on this form should be directed to the Contact Center at 512-424-2600. Allow 2-3 weeks for delivery.

Check Type of Record Desired

| | FEE |
|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| <input type="checkbox"/> 1. Name – DOB – License Status – Latest Address. | \$ 4.00 |
| <input type="checkbox"/> 2. Name – DOB – License Status – 3 Year Record only lists Crashes/Moving Violations. | \$ 6.00 |
| <input type="checkbox"/> 2A. CERTIFIED version of #2. This Record is Not acceptable for a Defensive Driving Course (DDC). | \$ 10.00 |
| <input type="checkbox"/> 3. Name – DOB – License Status – Record of ALL Crashes/Violations. Furnished to Licensee Only. | \$ 7.00 |
| <input type="checkbox"/> 3A. CERTIFIED version of #3. Furnished to Licensee Only and is Acceptable for DDC. | \$ 10.00 |
| <input type="checkbox"/> 4. Abstract Record – Certified abstract of completed driver record. | \$ 20.00 |
| <input type="checkbox"/> Other: (Original Application, DWLI, etc.) _____ | \$.00 (If Required) |

Mail Driver Record To: (Please Print or Type)

Requestor's Last Name _____ Requestor's First Name _____

Street Address _____ Texas Driver License Number _____

City _____ State _____ Zip Code _____ Daytime Telephone Number (include area code) _____

If requesting on behalf of a business, organization, or other entity, please include the following:

Name of business, organization, entity, etc. _____

Your Title or Affiliation with above _____

Type of business, organization, etc. (i.e., insurance provider, towing company, private investigation, firm, etc.) _____

Information Requested On:

Texas Driver License Number _____ Date of Birth _____ Suffix (SR., JR., etc.) _____

Last Name _____

First Name _____

Middle Name/Maiden Name _____

Individual's Written Consent For ONE TIME Release to Above Requestor

(Requestor, if you do not meet one of the exceptions listed on the back of this form, please be advised that without the written consent of the driver license/ID card holder, the record you receive will not include personal information.)

I, _____, hereby certify that I granted access on this one occasion to my Driver License/ID Card record, inclusive of the personal information (name, address, driver identification number, etc.) to _____

Signature of License/ID Card Holder or Parent/Legal Guardian _____

Date _____

State and Federal Law Requires Requestors to Agree to the Following:

In requesting and using this information, I acknowledge that this disclosure is subject to the federal Driver's Privacy Protection Act (18 U.S.C. Section 2721 et seq.) and Texas Transportation Code Chapter 730. False statements or representations to obtain personal information pertaining to any individual from the DPS could result in the denial to release any driver record information to myself and the entity for which I made the request. Further, I understand that if I receive personal information as a result of this request, it may only be used for the stated purpose and I may only resell or disclose the information pursuant to Texas Transportation Code §730.013. Violations of that section may result in a criminal charge with the possibility of a \$25,000 fine.

I certify that I have read and agree with the above conditions and that the information provided by me in this request is true and correct. If I am requesting this driver record on behalf of an entity, I also certify that I am authorized by that entity to make this request on their behalf. I also acknowledge that failure to abide by the provisions of this agreement and any state and federal privacy law can subject me to both criminal and civil penalties.

Signature of Requestor _____

Date _____

If you are not requesting a copy of your own record or do not have the written consent of DL/ID holder, you must provide the information requested on the reverse.

Important Instructions – Read Carefully

The Texas Department of Public Safety may disclose personal information to a requestor without written consent of the DL/ID holder, on proof of their identity and a certification by the requestor that the use of the personal information is authorized under state and federal law and that the information will be used only for the purpose stated and in complete compliance with state and federal law.

You must meet one or more of the following exceptions if you do not have written consent of the DL/ID holder to be entitled to receive personal information on the above named individual. Please *initial* each category that applies to the requested driver record.

- _____ 1. For use in connection with any matter of (a) motor vehicle or motor vehicle operator safety; (b) motor vehicle theft; (c) motor vehicle emissions; (d) motor vehicle product alterations, recalls, or advisories; (e) performance monitoring of motor vehicles or motor vehicle dealers by a motor vehicle manufacturer; or (f) removal of nonowner records from the original owner records of a motor vehicle manufacturer to carry out the purposes of the Automobile Information Disclosure Act, the Anti Car Theft Act of 1992, the Clean Air Act, and any other statute or regulation enacted or adopted under or in relation to a law included in the above.
- _____ 2. (Valid for Certified Abstract) For use by a government agency in carrying out its functions or a private entity acting on behalf of a government agency in carrying out its functions.
- _____ 3. For use in connection with a matter of (a) motor vehicle or motor vehicle operator safety; (b) motor vehicle theft; (c) motor vehicle product alterations, recalls, or advisories; (d) performance monitoring of motor vehicles, motor vehicle parts, or motor vehicle dealers; (e) motor vehicle market research activities, including survey research; or (f) removal of nonowner records from the original owner records of motor vehicle manufacturers.
- _____ 4. For use in the normal course of business by a legitimate business or an authorized agent of the business, but only to verify the accuracy of personal information submitted by the individual to the business or the authorized agent of the business and to obtain correct information if the submitted information is incorrect to prevent fraud by pursuing a legal remedy against, or recovering on a debt or security interest against the individual.
- _____ 5. (Valid for Certified Abstract) For use in conjunction with a civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self regulatory body, including service of process, investigation in anticipation of litigation, execution or enforcement of a judgement or order, or under an order of any court.
- _____ 6. For use in research or in producing statistical reports, but only if the personal information is not published, redisclosed, or used to contact any individual.
- _____ 7. For use by an insurer or insurance support organization, or by a self insured entity, or an authorized agent of the entity, in connection with claims investigation activities, antifraud activities, rating or underwriting.
- _____ 8. For use in providing notice to an owner of a towed or impounded vehicle.
- _____ 9. For use by a licensed private investigator agency or licensed security service for a purpose permitted as stated on this page.
- _____ 10. (Valid for Certified Abstract) For use by an employer or an authorized agent or insurer of the employer to obtain or verify information relating to a holder of a commercial driver license that is required under 49 U.S.C. Chapter 313.
- _____ 11. For use in connection with the operating of a private toll transportation facility.
- _____ 12. For use by a consumer-reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. §1681 et seq.) for a purpose permitted under the Act.
- _____ 13. For any other purpose specifically authorized by law that relates to the operation of a motor vehicle or to public safety.
Please state specific statutory authority _____
- _____ 14. For use in the preventing, detecting, or protecting against identity theft or other acts of fraud. The Department prior to release of personal information may require additional information.

Below is an example of how numbers and letters should be written on front of this form:

1 2 3 4 5 6 7 8 9 0

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

