

## **OCCUPATIONAL DRIVER'S LICENSE**

These forms are provided by TexasLawHelp.org.

We cannot help you fill out these forms. If you need assistance with these forms, you are encouraged to contact Texas Law Help at:

<https://texaslawhelp.org/guide/i-need-an-occupational-drivers-license>

Or you can go to

<https://texaslawhelp.org>

and search for "Occupational Driver's License".

Once you've completed the forms, bring them back to the County Clerk's Office to be filed.

Filing fee: \$350.00



6. The last four digits of my Social Security Number are \_\_\_\_\_.

7. Jurisdiction: (Check all that apply.)

I reside in this County.

The incident for which my license was suspended, canceled, or revoked occurred in this county.

This Court convicted me of an offense that, under Texas law, resulted in an automatic suspension, cancellation, or revocation of my license.

My license was suspended, canceled, or revoked due to another court, located in this county, submitting an order to DPS. The court that made the order is the  District  County  Justice  Other \_\_\_\_\_ Court of \_\_\_\_\_, Texas.  
Other type of court County

## II. Driver's License Information

8. Check all that apply and fill in the blanks:

I have never had a Texas Driver's License.

My Texas Driver's License # is: \_\_\_\_\_ .  
Expiration date: \_\_\_\_\_  
Month Day Year

My non-Texas Driver's License was issued by the state of \_\_\_\_\_ .  
My Driver's License number is \_\_\_\_\_ .  
Expiration date: \_\_\_\_\_  
Month Day Year

9. Check Yes or No for each:

My license is canceled, suspended, or revoked because of a physical or mental disability.

Yes  No

My license is canceled, suspended, or revoked for non-payment of child support.

Yes  No

**DPS has determined that I am incapable of safely operating a motor vehicle.**

Yes  No

### III. Notice to the State If Applicable

10. If any of the following apply, the Clerk of the Court must give the State notice of this Petition as required by the Texas Transportation Code section 521.243(a).

(Check all that apply and fill in the blanks.)

- A.  My license is suspended, canceled, or revoked under Transportation Code section 521.342. (Person under 21 convicted of certain drug or alcohol charges.)

Convicted on \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_.  
Month Day Year Court of Conviction County of Conviction

- B.  My license is suspended, canceled, or revoked because I was convicted of:  
(Check all that apply and fill in the blanks.)

- a.  Criminally Negligent Homicide *Penal Code 19.05*  
b.  Driving While Intoxicated *Penal Code 49.04*  
c.  Driving While Intoxicated with Child Passenger *Penal Code 49.045*  
d.  Flying While Intoxicated *Penal Code 49.05*  
e.  Boating While Intoxicated *Penal Code 49.06*  
f.  Assembling or Operating an Amusement Ride While Intoxicated *Penal Code 49.065*  
g.  Intoxication Assault *Penal Code 49.07*  
h.  Intoxication Manslaughter *Penal Code 49.08*

Convicted on \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_.  
Month Day Year Court of Conviction County of Conviction

In addition, the Court may notify the attorney representing the State of any hearing on this Petition for Occupational Driver License.

### IV. Prior History

11. My license is suspended, canceled, or revoked because: (Check all that apply and fill in the blanks.)

- A.  I was arrested on \_\_\_\_\_ (arrest date) and an analysis of my breath sample or blood sample registered above 0.08.
- B.  I was arrested on \_\_\_\_\_ (arrest date) and I refused to give a breath sample or blood sample, as requested.

C.  Substance-related loss of license in the past ten years: My license was suspended, canceled, or revoked within ten years prior to the date of the arrest that led to my current suspension, cancellation, or revocation. The previous suspension(s), cancellation(s), or revocation(s) were due to: (Check all that apply.)

refusal to give a breath or blood sample following an arrest for DWI.

giving a sample with a blood alcohol content greater than .08 following an arrest for DWI.

conviction of an alcohol or drug-related offense.

D.  This court convicted me of \_\_\_\_\_ on \_\_\_\_\_  
under cause number \_\_\_\_\_ . Month Day Year  
Cause number

E.  A court in \_\_\_\_\_ (County) ordered the suspension, cancelation, or revocation without convicting me.

F.  A Texas court determined that I am a “habitual violator of traffic laws.”

G.  A Texas court ordered me to go to a Driver Education Program, **and** my license, permit, and/or driving privilege is automatically suspended, canceled, or revoked for 365 days.

H.  Other: (If you did not check any of the above, why is your license suspended, canceled, or revoked? Be specific.)

12. I have the following criminal charges pending: (You do not need to list traffic or Class C charges.)

## V. Petitioner's Essential Need to Drive

The law requires me to demonstrate to the judge that I have an essential need for an Occupational Driver's License. I ask the Court to consider all of the following information as a demonstration of my essential need:

(Check all that apply and fill in blanks.)

13. Work or essential needs:

I need an Occupational Driver's License to drive to and from my place of work.

Name of Employer #1: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Employer's Telephone: \_\_\_\_\_

Job title: \_\_\_\_\_

Days and hours you work: \_\_\_\_\_

\_\_\_\_\_

Name of Employer #2: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Employer's Telephone: \_\_\_\_\_

Job title: \_\_\_\_\_

Days and hours you work: \_\_\_\_\_

\_\_\_\_\_

Name of Employer #3: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Employer's Telephone: \_\_\_\_\_

Job title: \_\_\_\_\_

Days and hours you work: \_\_\_\_\_

\_\_\_\_\_

I am self-employed as \_\_\_\_\_

My work address is: \_\_\_\_\_

Need for an Occupational Driver's License: (Explain) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I am in pursuit of employment. (Explain)

I need to go to and/or transport family members to school. (Fill out below.)

School #1 Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_

School #2 Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_

School #2 Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_

Other reasons for which I need to drive: (Explain)

14. My work or essential needs require me to drive throughout the following county or counties:  
(List counties where you drive.)

15. I request the following driving schedule: (Enter the times you need to drive.)

|       | Monday             | Tuesday            | Wednesday          | Thursday           | Friday             | Saturday           | Sunday             |
|-------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| From: | ____:____<br>am pm |
| To:   | ____:____<br>am pm |

16.  I ask the Court to allow me to drive more than four hours of **actual drive time** per day.  
(This cannot be more than 12 hours in a 24 hour period.) This is necessary because:  
(Explain)

## VI. Request for Interlock Exception

17. Check one of the following:

- I **do not** ask the court to waive the requirement for an interlock device or no such requirement exists.
- I **do** ask the court to waive the requirement for an interlock device due to: (Check all that apply.)

Indigence / Inability to Pay

Physical disability

Other: (Explain) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. An interlock device is not needed for the safety of the community and in the interest of justice should be waived because: (Explain)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## VII. Request for Waiver of Counseling Requirement

19. Check one of the following:

- I **do not** ask the court to waive the substance/drug abuse counseling requirement or there is no such counseling requirement.
- I **do** ask the court to waive the requirement for substance/drug abuse counseling due to: (Check all that apply.)

Indigence / Inability to Pay

Physical disability

Other: (Explain)

20. Substance and drug abuse counseling is not needed for the safety of the community and in the interest of justice should be waived because: (Explain)

## VIII. Attached Documents

I have attached true, accurate, and unaltered copies of the following documents,

### Documents attached to this Petition:

**(Required)** A certified abstract (Type AR) of your driver's license record. (Can be obtained at: <https://txapps.texas.gov/tolapp/txldrcdr/TXDPSLicenseeManager>)

**(Required)** An SR22 from your insurance company providing proof of current valid auto liability insurance.

**(Required if applicable)** Proof of installation of interlock.

**(Optional)** Additional proof of need to drive. (Examples of proof: A letter from your employer or immediate supervisor on your employer's letterhead that verifies your work schedule, a current pay stub, school registration with schedule, or your sworn affidavit explaining to the court why you need to drive unless your license is suspended solely based on an intoxication offense under Penal Code 49.04 –49.08 and any vehicle you own or operate must be equipped with an interlock device.)

**(Optional)** Other: (Explain)

## IX. Petitioner's Request to the Court

21. I ask the Court to order the Texas Department of Public Safety to issue me an Occupational Driver's License to drive for the purposes described above.

22. I ask this Court to order the Texas Department of Public Safety to conduct any and all tests required for the issuance of said Occupational License.

23. I ask the court to schedule a hearing, if one is required.



Pursuant to Texas Civil Practice and Remedies Code Section 132.001, an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law. This provision does not apply to an oath of office or an oath required to be taken before a specified official other than a notary public. An unsworn declaration made under this section must be 1) in writing, 2) signed by the person making the declaration as true under penalty of perjury and 3) in substantially the form used above.

**Option #2: Notarization**

**(This document does not have to be notarized if you completely filled out and signed the Unsworn Declaration Made Under Penalty of Perjury above.)**

I swear under penalty of perjury that all information in this Petition is true and correct. I affirm that the attached documents are true and accurate and have not been modified. I understand I could be prosecuted for lying on this form.



\_\_\_\_\_  
Signature of Person Asking for Occupational Driver's License  
(Do not sign except in the presence of a notary.)

\_\_\_\_\_  
Date

State of Texas  
County of \_\_\_\_\_  
(County where statement is notarized)

Sworn to and subscribed before me, the undersigned authority, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ year, by \_\_\_\_\_.  
(Full name of Petitioner.)

\_\_\_\_\_  
Notary Public, State of Texas (Notary's signature)

(Notary's seal)