

Procedure for Filing Petition for Occupational Driver's License In the Justice of the Peace Court

The requirements necessary to obtain an Occupational License are outlined in the Transportation Code in Section 521. Basically, these requirements are as follows:

1. There must be an essential need for the Court to issue an occupational license.
2. A petition must be filed at the Justice of the Peace Court and County where:
 - a. A person resides:
 - b. In the Court where the Offense occurred
3. The petition must include the following:
 - a. The reason the driver's license was suspended, and the length of time of the suspension.
 - b. The days and times necessary for travel. (No more than 4 hours a day, or 12 hours a day with cause shown, in any 24-hour day.)
 - c. The routes of travel requested, including the counties in the routes.
 - d. The petition must be in a format acceptable and suitable for filing at the Justice of the Peace Court. You may want to check with the clerk on this issue.
 - e. A filing fee of \$54.00 will be collected at the time of filing petition (Money Order, Cashier's Check, Debit/Credit Card w/ fee, or Cash.)
4. A DPS abstract of driving record must be filed with the petition along with proper proof of financial responsibility or SR22.
5. After filing the petition, the Court will set a date for hearing.
6. The Justice of the Peace will hear the petition at the set time and either Grant or Deny your petition at the time. If necessary the County Prosecutor may be asked to sit in the proceedings depending on the circumstances of your suspension.

If you have any questions regarding filling out the Petition or any legal questions regarding this matter, please seek legal advice thru an attorney; the court clerks may not answer such questions.

- b. The court must grant the issuance of an occupational license beyond one year.
4. Payment of reinstatement fees.

DPS Mailing Address, Fax Number and Email Information

Waiting Periods

An occupational license is issued once the request is processed unless one of the following situations applies:


1. The individual's driver license was previously suspended as a result of an alcohol- or drug-related offense then there is a 90-day waiting period.
2. The individual's driver license was in suspension as a result of an intoxication-related conviction then there is a 180-day waiting period.
3. There are at least two administrative license revocations on the individual's driver record then a mandatory one-year waiting period applies.

Individuals Not Eligible

If an individual's driving privilege is currently suspended, revoked, cancelled or denied under any law in the State of Texas, then an occupational license will not be issued to operate a commercial driver license.

Driver Eligibility Status

For individuals who are required to submit compliance documents (i.e. certificate of completion, SR-22, etc.); their driver eligibility status will change from "ineligible" to "eligible" on the License Eligibility website once all documents have been processed and fees have been paid.



Accessibility	Site Policies	TRAIL	TSIEC	Report Fraud, Waste or Abuse	American Recovery and Reinvestment Act
Outlook Web Access	ETA Time Entry	Texas Homeland Security	Public Information Act	Compact with Texans	Espanol
The Governor's Committee on People with Disabilities	Personnel Complaint Process (Espanol)	Customer Survey			
Texas Veterans Portal	Texas Fusion Center Privacy Policy	texas.gov			

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CAUSE NO. _____

§ IN THE JUSTICE COURT

§

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§ PRECINCT _____

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PETITIONER

§ _____ COUNTY, TEXAS

PETITION FOR OCCUPATIONAL LICENSE

I, _____, seek an occupational driver's 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 One – 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 or looking for work, and my occupation is _____.
- I am a student at _____.
- I am the primary caretaker of _____ dependents who cannot drive.
- I have been ordered by a magistrate or other court order 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 or other court order 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.

Section Two – 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 revoked for failure to pay child support.
- 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 for another reason, described below:

Section Three – Essential Need.

(Note: 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.” 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 Five of this petition.)

I am seeking this occupational license 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 motor vehicle.

The following are addresses and descriptions of all destinations where I am requesting 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:

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 Four – Suspension History

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).

Section Five – Additional Documents.

- I have obtained evidence of financial responsibility (*automobile liability insurance*), 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 demonstrating my essential need to operate a motor vehicle.
- I have attached other documents, which are described below:

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