



## OCCUPATIONAL DRIVER'S LICENSE INFORMATION PACKET

### ITEMS YOU WILL NEED

1. Notarized Petition
2. Prove Financial Responsibility or SR-22 Insurance
3. Copy of Driving Record - Certified Abstract Record Type AR - \$20
4. Letter of Suspension from Austin
5. DIC-37 Form
6. Filing Fee of \$54.00
7. Justice Court Civil Information Sheet

## **OCCUPATIONAL DRIVER'S LICENSE SUSPENDED OR REVOKED DRIVER'S LICENSE**

**1 Your driver's license may be suspended or your right to get a license can be denied for many reasons, such as:**

Refusing to take a breath test

Failing a breath test

Having any detectible amount of alcohol while driving if you're under 21

Causing an auto accident while driving without insurance

Possession of Marijuana or other controlled substances.

**2. What is an occupational or restricted license?**

An occupational or restricted license is a special restricted license authorized by a Court and issued to persons whose license has been suspended or revoked for certain offenses. This restricted or occupational license authorizes the operation of a non-commercial motor vehicle in connection with a person's occupation, for educational purposes or in the performance of essential household duties.

**3. Is the Order from the Court the actual occupational or restricted license?**

No, this is the order granting the occupational license. The Court Order and all other required items need to be submitted to the Texas Department of Public Safety (DPS) so an occupational or restricted license can be issued. The Court Order may be used as a temporarily restricted license for 45 days from the date of the judge's signature while DPS processes the occupational license, and is to be kept in the glove box of the motor vehicle you operate.

**4. Can you drive a commercial motor vehicle with an occupational or restricted license?**

No, If a person's driver license or the privilege to drive is suspended, revoked, cancelled, or denied under any law in this state, the person may not be granted an occupational, restricted or "essential need" license to operate a commercial motor vehicle.

**5. What are the requirements for obtaining the occupational/restricted license in a DWI or ALR suspension case?**

To be eligible to apply for the occupational/restricted license, the person (Petitioner) must have a legitimate essential and actual need to drive a motor vehicle for transportation to and from his/her work place, to attend class at an educational facility, or to perform essential household duties.

## **INSTRUCTIONS FOR ESSENTIAL NEED LICENSE**

**These instructions are provided strictly as a courtesy. You should contact an attorney or the Texas Department of Public Safety if further assistance is needed.**

1. Obtain proof of financial responsibility (Form SR-22) from your insurance carrier and a **Copy of your Driving Record** from the Texas Department of Public Safety.
2. Complete the Petition for Occupational License, Exhibit "A", and Form DIC-37 (last page attached to Petition). Upon completion, you must file the Petition with the Justice Court Clerk. There is a filing fee. Contact the Court for the required filing fee amount.
3. After filing the Petition with the Justice Court Clerk, a hearing will be set on your Petition.

**NOTE: If the Petition and Exhibit "A" are not completely filled out, it will not be considered.**

4. At the hearing, you will be required to provide the Court proof of liability insurance coverage on the vehicles you will be driving. Proof may be in the form of a SR-22 and a **copy of your driving record**. At the hearing, the Presiding Judge will consider your Petition. **The Petitioner is required to attend the hearing.**

5. If the Presiding Judge grants your Petition, you will be given one certified copy of the Order. You must carry one certified copy with you at all times when driving a motor vehicle and present it to any peace officer upon request. **YOU WILL ALSO BE REQUIRED TO KEEP A TRAVEL LOG (EXHIBIT "C").** You should continue to carry the certified Order and maintain the travel log after you receive your occupational license from the Texas Department of Public Safety. **FAILURE TO DO SO WILL RESULT IN REVOCATION OF THE LICENSE.** A second certified copy of the Order will be sent to the Texas Department of Public Safety. The following certified copies will be sent to the Texas Department of Public Safety by the Court:

- (a) a certified copy of the Order Granting Occupational License;
- (b) Form SR-22 (from insurance agent)
- (c) Form DIC-37 (completed);

6. Once the Court submits the certified copy of the Order to the Texas Department of Public Safety, it is the responsibility of the petitioner to contact the Texas Department of Public Safety at **512-424-2600** or at the address below to pay any applicable fees or submit any additional information the Department may require.

Driver Improvement and Control Bureau  
Texas Department of Public Safety  
Occupational License Section  
P.O. Box 15999  
Austin, TX 78761

7. Additional information concerning occupational licenses may be obtained from the Texas Department of Public Safety in Austin, Texas, at:

**"Driver Improvement" - (512) 424-2000**

## CHECKLIST FOR ESSENTIAL NEED LICENSES:

**§521.244, Texas Transportation Code - Insurance:** Petitioner must have proof of liability insurance.

**§521.242(b) and (d), Texas Transportation Code - Jurisdiction:** Jurisdiction for Justice Courts includes the precinct or county in which:

- (1) The person resides; or
- (2) the offense occurred for which the license was suspended.

Justice Courts do not have jurisdiction over suspensions of licenses for convictions of the following offenses:

- (1) Texas Penal Code 19.05
- (2) Texas Penal Code 49.04
- (3) Texas Penal Code 49.07
- (4) Texas Penal Code 49.08

The County and District Courts have jurisdiction over license suspensions for the above offenses. The Justice Courts **do** have jurisdiction over, but are not limited to, administrative suspensions for Failing a Breath Test, Chapter 524 of the Texas Transportation Code, or Refusing to Take a Breath Test, Chapter 724 of the Texas Transportation Code.

**§521.245, Texas Transportation Code - Required counseling:** If Petitioner's suspension is for refusing/failing the breath/blood test, then he/she is required to attend a program designed to provide counseling and rehabilitation services to persons for alcohol dependence. Cannot be the same programs covered by DWI School or Repeat Offender School.

**§521.248, Texas Transportation Code - Restrictions:** Person may not operate a vehicle more than **four (4)** hours in any **twenty-four (24)** hour period unless waived for good cause, then not more than **twelve (12)** hours in any **twenty-four (24)** period.

**§521.251, Texas Transportation Code - Effective Dates:** The essential need license takes effect:

- (1) Immediately: If suspended for failing/refusing breath test and **no** suspensions for failing/refusing breath test or DWI within **five (5) years** prior;
- (2) 91<sup>st</sup> day: If suspended for failing/refusing breath test and there has been a suspension for failing/refusing breath test within **five (5) years** prior;
- (3) 181<sup>st</sup> day: If there is a suspension within **five (5) years** prior for conviction of DWI, Intoxication Assault or Intoxication Manslaughter.

**DOCUMENTS REQUIRED TO BE FILED WITH THE COURT FOR OCCUPATIONAL  
LICENSE.**

1. Original Petitions with Oath (Verified Petition)
2. A copy of the Petitioner's driving record
3. DIC-37 ( Filled out)
4. SR-22 (for all vehicles to be driven)
5. Exhibit A Restrictions Requested by Petitioner (Filled out)
6. Justice Court Civil Information Sheet

## WHAT IS AN SR-22?

## EXPLANATION

### **SR-22 (insurance)**

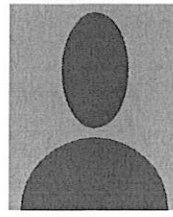
In the United States, an **SR-22** is a vehicle liability insurance document used by some state Department of Motor Vehicles (DMV) offices. It provides proof that a driver has the minimum required insurance liability insurance coverage for a particular state.

A DMV may require an SR-22 from a driver in order to reinstate his or her driving privileges following an uninsured car accident or conviction of another traffic related offense, such as Driving While Intoxicated (DWI). For drivers who require SR-22 documentation, but do not own a vehicle, the state may require such drivers to obtain and provide proof of non-owner SR-22 policy to be eligible for reinstated driving privileges.

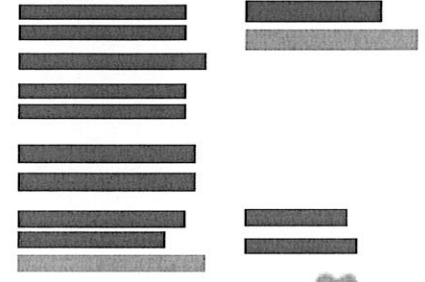
An SR-22 may be required for three years for driving without insurance or driving with suspended license and up to five years for Driving While Intoxicated (DWI). If an SR-22 should expire or be canceled, the insurance company is required to issue an SR-26 form, which certifies the cancellation of the policy.

# Eligibility for an ODL

## Texas Occupational Driver's License



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(Transportation Code § 521.242; 521.001(a)(6))

For a person to be eligible for an ODL, their license (including a permit, a privilege to operate a motor vehicle, and a non-resident's operating privilege) has to first be suspended.

[Note: All citations below are to the Transportation Code.]

Reason Does Not Have License	Eligible for an ODL?
License expired or was never issued and they <i>just haven't gone to the DMV</i> to get it.	<b>No!</b> There has been no "suspension." They could just go to the DMV, so that's what they need to do.
License or privilege suspended due to a <i>physical or mental disability or impairment</i> .	<b>No!</b> This is an exception in the law – suspensions for this reason are not eligible.
License or privilege <i>automatically suspended or canceled for a conviction</i> of an offense. <ul style="list-style-type: none"> <li>Offenses where conviction results in automatic suspension are listed in Subchapters O &amp; P of Ch. 521.</li> </ul>	<b>Yes! But</b> must file application in the court where they were convicted, which will <i>almost never be a justice court</i> . (And applicant must not have been issued more than one ODL after an automatic suspension upon conviction in the past 10 years.)
License or privilege suspended for a reason <i>other than an automatic suspension upon a conviction (so administratively suspended by DPS on its own or as a result of a court order)</i> . Includes: <ul style="list-style-type: none"> <li>Refusal to submit to a breath or blood test following a DWI stop (Ch. 724).</li> <li>Providing a breath/blood sample with over .08 BAC following a DWI stop (Ch. 524).</li> <li>Any cause for suspension listed under 521.292.</li> </ul>	<b>Yes!</b> Must file application in a justice, county, or district court in the precinct or county in which: <ul style="list-style-type: none"> <li>The person resides; or</li> <li>The offense occurred for which the license was suspended.</li> </ul>
License cannot be renewed because of <i>placement in OMNI</i> .	<b>No!</b> This is not a suspension. This is a non-renewal. The remedy is for them to do what is necessary to remove themselves from OMNI.
License revoked for failure to pay child support.	<b>No!</b> This is not a suspension. This is a revocation. A person whose license has been revoked due to non-payment of child support is not eligible for an ODL.

But What If...?	Eligible for an ODL?
The applicant's <i>license has expired</i> , and they now can't renew it for a reason listed above that would allow them to get an ODL?	<b>Yes!</b> The applicant's privilege has been suspended, so they are eligible.
The applicant <i>never had a license</i> , and they now can't get one for a reason listed above that would allow them to get an ODL?	<b>Maybe! (Up to the judge but be consistent.)</b> <ul style="list-style-type: none"> <li>Literal reading of statute: no license or privilege has been suspended, so <b>not</b> eligible.</li> <li>DPS position: will honor an ODL in this situation if all other requirements are met.</li> </ul>
The applicant is a <i>minor</i> and is otherwise eligible.	<b>Yes!</b> (Subject to the limitations described in 524.022(d)).
The applicant wants an ODL <i>to operate a CMV</i> and is otherwise eligible.	<b>No!</b> (But a CDL holder may get an ODL to operate a non-CMV vehicle).



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.)*

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- 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:

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**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:

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To reach the destinations described above, I must travel to or through the following Texas counties *(please fully describe all counties and routes traveled)*:

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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.)*

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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.)*

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- I own a bicycle or other means of non-motorized conveyance, described below.

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- 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:

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- Tuesday:

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- Wednesday:

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- Thursday:

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- Friday:

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- Saturday:

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- Sunday:

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- 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.)*

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- My job duties include automobile travel. My employer requires me to travel by automobile to perform the following tasks:

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- I perform the following essential household duties:

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- 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:

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Tuesday:

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Wednesday:

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Thursday:

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Friday:

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Saturday:

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Sunday:

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**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:

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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

**DATA FOR TEXAS  
OCCUPATIONAL DRIVER'S LICENSE**

**PRINT OR TYPE:**

Full Name: \_\_\_\_\_  
                    First                                    Middle                                    Last

Address: \_\_\_\_\_  
  Street Address

\_\_\_\_\_  
City  State                                    Zip Code

Date of Birth			Sex	Color Eyes	Color Hair	Weight Pounds	Height Ft. Inch	Driver's License No.
Month	Day	Year						

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

\_\_\_\_\_  
Usual Signature of Applicant

**Mail to:** Driver Improvement and Control  
Occupational License Section  
Texas Department of Public Safety  
P.O. Box 15999  
Austin, TX 78761

**INFORMATION BELOW THIS LINE IS FOR DEPARTMENT USE ONLY**

DATE OF ISSUE: \_\_\_\_\_ EXPIRE: \_\_\_\_\_

(DIC-37)

# Justice Court Civil Case Information Sheet

(Revised 01/2022)

**Cause Number (for clerk use only):** \_\_\_\_\_

**Styled** \_\_\_\_\_  
 (e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or pleading or documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at that:

<b>1. Contact information for person completing case information sheet:</b>	<b>2. Names of parties' in case:</b>
Name: _____ Telephone: _____ Address: _____ Fax: _____ City/State/Zip: _____ State Bar No: _____ Email: _____ Signature: _____	Plaintiff(s): _____ _____ Defendant(s): _____ _____ _____ [Attach additional page as necessary to list all parties]
<b>3. Indicate case type, or identify the most important issue in the case (select only 1):</b>	
<input type="checkbox"/> <b>Debt Claim:</b> A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$20,000.00, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> <b>Eviction:</b> An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$20,000.00, excluding statutory interest and court costs but including attorney fees, if any.
<input type="checkbox"/> <b>Repair and Remedy:</b> A repair and remedy case is a "lawsuit filed by a residential tenant under Chapter 92. Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$20,000.00, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> <b>Small Claims:</b> A small claims case is a lawsuit brought for the recover of money damage, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$20,000.00, excluding statutory interest and court costs but including attorney fees, if any. <b>(OCCUPATIONAL LICENSE, ORDER OF RETRIEVAL, and TRUANCY CASES to be reported in Small Claims).</b>





# CIVIL FILING FEE SCHEDULE

Effective – January 1, 2022

Submit one original petition plus an additional copy for each defendant.

Process Requested	Fees
<b>FILING</b> This will only initiate the lawsuit. Each defendant must be served before the case will be set for trial or before you can procure a default judgment. <b>○ Small Claims, Debt Claim, Eviction, Repair &amp; Remedy, Occupation Driver’s License, Order of Retrieval</b>	<b>\$54.00</b>
<b>SERVICE</b> for each defendant in Frio County You must procure service of citation for defendants out of Frio County.	<b>\$100.00</b>
<b>SUBPOENA</b> Service for each witness to be served in Frio County, <i>plus</i> Witness fee for each subpoena, <i>or</i> Production of documents fee for each subpoena	<b>\$100.00</b> <b>\$10.00 cash</b> <b>\$1.00 cash</b>
<b>CERTIFIED COPIES</b> First page, <i>plus</i> Each additional page	<b>\$2.00</b> <b>\$0.25</b>
<b>COPIES OF ALL OTHER DOCUMENTS</b> First page, <i>plus</i> Each additional page	<b>\$1.00</b> <b>\$0.25</b>
<b>JURY DEMAND</b>	<b>\$22.00</b>
<b>APPEAL</b> Transcript (required for Appeal to County Court)	<b>\$54.00</b> <b>\$10.00</b>
<b>ABSTRACT OF JUDGMENT</b>	<b>\$5.00</b>
<b>WRITS</b> <b>○ Writ of Execution (2pg) Writ of Possession (5pg) Writ of Garnishment (2pg) Writ of Sequestration (2pg)</b> Issuance, (per page) <i>plus</i> Service if judgment debtor is in Frio County	<b>\$5.00</b> <b>\$150.00</b>

\*\* IF THE DEFENDANT’S ADDRESS IS NOT IN FRIO COUNTY, THE PLAINTIFF WILL BE CHARGED FOR FILING AND ISSUED THE CITATION FOR PROCESS. IT WILL BE THE PLAINTIFF’S RESPONSIBILITY TO FIND OUT WHAT COUNTY THE DEFENDANT’S ADDRESS IS IN AND THE SERVICE FEE FOR THAT COUNTY \*\*

### FEES PAYABLE BY MONEY ORDERS ONLY TO THE PROPER COURT

J.P. COURT #1 HON. SHANNA GATES 500 E. SAN ANTONIO ST. BOX 9 PEARSALL, TX. 78061 (830) 505-2995	J.P. COURT #2 HON. SANDRA WALDRUM P.O. BOX 751 PEARSALL, TX. 78061 (830) 505-7839	J.P. COURT #3 HON. SUSAN BELDING 500 E.SAN ANTONIO ST.BOX 13 PEARSALL, TX. 78061 (830) 505-7476	J.P. COURT #4 HON. JACK E. PROCTOR JR. 101 N. COMMERCE SUITE 101 DILLEY, TX. 78017 (830) 326-3250
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