

Cause No. _____

Ex Parte § District County Justice

§

Print your name § Court Of

§

§ Brazos County, Texas

First Middle Last

Order for Occupational/Restricted Driver's License

On this date, the Court heard the Petitioner's Application for Occupational Driver's License. The Petitioner named below appeared in person with without an attorney.

The court finds that **notice to the State:** (Check one)

The Court fills out this box.

was not required.

was given as required by Texas Transportation Code §521.243 and:

the attorney representing the State did not appear.

appearing for the State was _____

the attorney for the State agrees to the terms set forth herein.

I. Findings

1. The Court **FINDS** that Petitioner's **personal information** is a follows:

a. Name: _____
First Middle Last

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

Petitioner's Texas Driver's License Number is _____

Petitioner's Driver's License expired on _____

Petitioner has never had a Texas Driver's License.

Petitioner has a Driver's License from _____ with License Number _____
(State)

c. Home address: _____
Street Address

City County State Zip Code

d. Phone number: (_____) _____ Work number: ____ / ____ / ____

e. Cell number: (_____) _____ Email address: _____

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

works for the following employer(s):

Employer #1: _____ Work Phone: _____

Work Address: _____

Employer #2: _____ Work Phone: _____

Work Address: _____

works for him/herself. Petitioner's occupation is: _____

Petitioner's work address is: _____

attends school at or transports family members to the following school(s):

School #1: _____ School Phone: _____

School Address: _____

School #2: _____ School Phone: _____

School Address: _____

has other essential need to drive: _____

2. The Court **FINDS** that it has **jurisdiction and venue** over this case and the Petitioner because:

(Check all that apply and fill in the blanks)

Petitioner resides in this County.

The offense for which Petitioner's license was suspended happened in this county.

This Court convicted Petitioner of an offense under the laws of this state that resulted in the automatic suspension or cancellation of Petitioner's license.

3. The Court **FINDS** that Petitioner has provided the Court with the following:

a certified abstract (type AR) of Petitioner's driver's license record **and**

a SR22 financial responsibility insurance certificate.

proof of installation of an ignition interlock device with a camera

4. The Court **FINDS** that the Petitioner's driver's license is **suspended** because:

(Check all that apply and fill in the blanks)

Petitioner was convicted of _____ in cause number
_____ on the _____ day of _____, 20____.

- Petitioner refused to submit to a breath or blood test or submitted a breath or blood test that registered more than 0.08 following an arrest on the _____ day of _____, 20____ for
 - Driving While Intoxicated
 - Other: _____
- A Texas Court ordered Petitioner to go to a Driver Education Program, and the license, permit and/or driving privilege was automatically suspended for 365 days.
- The Texas Department of Public Safety said Petitioner was a habitual violator of the traffic laws.
- Other: _____

5. **The Court FINDS that Petitioner’s driver’s license is not denied, suspended or revoked because of a physical or mental disability or nonpayment of child support.**

The Court further FINDS that Petitioner has not be issued more than one Occupational Driver’s License following a conviction during the past 10 years.

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

- Petitioner does does not have multiple suspensions.
- The Court FINDS that the suspension of Petitioner’s license began/begins on ____/____/____ and ends on *(date)*: ____/____/____.
- The Court FINDS that the Petitioner’s license is invalid for an indefinite period of time.

CRIMINAL HISTORY: The Court **FINDS** that Petitioner:

- does not have two or more convictions under any combination of Tex. Penal Code §§49.04, 49.07 or 49.08, or the license has not been suspended after a conviction for Driving While Intoxicated which was punished under Tex. Penal Code §49.09.
- has two or more convictions under any combination of Tex. Penal Code §§49.04, 49.07 or 49.08 or the license has been suspended after a conviction for Driving While Intoxicated which was punished under Tex. Penal Code §49.09. Accordingly, the Petitioner’s operation of a motor vehicle is hereby restricted only to a motor vehicle equipped with an ignition interlock device with camera. The ignition interlock device must remain installed on any vehicle operated by the Petitioner for the duration of this Order.

Restrictions

- ✓ Petitioner **must not** drive a commercial vehicle with this license.
- ✓ Petitioner **must** maintain in full force and effect an SR-22 automobile liability insurance policy for the entire period the Occupational Driver’s License is in effect.
- ✓ Petitioner **must** have in his/her possession a certified copy of this court order while driving and **must** allow a peace officer to examine the order when requested.

The Court also **ORDERS** the restrictions checked below: *(Check all that apply)*.

Petitioner **must not** drive more than: *(Check one)*

- 4** hours in any 24 hour period.
- 12** hours in any 24 hour period. The Court specifically finds that Petitioner needs to drive more than 4 hours and ORDERS that the 4 hour limitation is waived.
- Petitioner **must** only drive on the days and times listed below:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From:	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.
To:	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.
From:	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.
To:	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.
From:	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.
To:	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.
From:	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.
To:	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.	_____ .M.

- Petitioner **must** always keep a log book in any vehicle Petitioner drives. Petitioner must correctly record in the log book all dates and times Petitioner drives and the destination and reason for each trip. Petitioner must show this log book to any law enforcement officer upon demand.

- Petitioner may only drive in the counties listed here: _____

- Additional Restrictions:

Any vehicle owned or operated by the Petitioner **MUST** be equipped with a working ignition interlock device with a camera that provides a clearly visible image of the individual using the device, in accordance with Texas Transportation Code Section 521.2465.

Petitioner **must not** refuse any lawful request by law enforcement for a sample of Petitioner’s breath or blood if stopped for Driving While Intoxicated.

Petitioner shall carry and update a travel log every time s/he drives and show the log to any peace officer who asks to see it. The travel log shall record the dates, time, mileage, destination and reasons for travel.

Petitioner **must** notify the court in writing of any change of address during the pendency of the occupational license.

Petitioner **must** notify this Court, in writing, within 10 days, if arrested or given a citation for any alcohol/drug offense or any driving violation.

Petitioner **must** attend the alcohol/drug counseling program listed below and give the court clerk proof of attendance within _____ days of this order. _____

If Petitioner drives in the course of his/her employment, Petitioner **must** provide a written acknowledgment from the employer that he/she has been notified of the conviction, occupational restrictions and that the Petitioner only drives a company vehicle during working hours. Personal use of a company vehicle, not equipped with an interlock, shall be considered a violation of this Order.

Petitioner **must** only drive to and from work or school and for essential duties, including medical appointments, court appointments, attorney appointments, probation office meetings, community service, and any supervision, education, counseling/treatment or other essential needs authorized by this court.

Petitioner **shall** report to **Brazos County Community Supervision and Corrections**. Petitioner is required to submit to supervision by the Brazos County Community and Corrections Department (BCCSCD) to verify compliance with all the conditions specified by this order. Petitioner shall report to the BCCSCD on the _____ day of _____, 20____. Petitioner shall pay a monthly administrative fee in the amount of \$60.00 to the BCCSCD beginning on the day this Order is signed, and on the 1st day of each month thereafter until the period of suspension of the Petitioner’s driver’s license expires, or two years, whichever is less. Petitioner shall report as follows:*

- Report, in person, monthly to Brazos County Community Supervision and Corrections Department.
- Report, in person, as directed by your Brazos County Community Supervision and Corrections Officer.
- No reporting is necessary at this time.
- Other: _____

Petitioner **must** submit to periodic testing for alcohol and/or controlled substances as follows: **

- Monthly reporting for random, high risk, testing. Pay all fees associated with testing in advance. The court will be promptly notified of any positive or diluted samples.
- Report as directed by community supervision officer for random, high risk testing. Pay all fees associated with testing in advance. The court will be promptly notified of any positive or diluted samples.
- No testing is necessary at this time.
- Other: _____

WARNING: THE COURT MAY REVOKE YOUR OCCUPATIONAL DRIVER’S LICENSE FOR FAILURE TO REPORT TO COMMUNITY SUPERVISION AS DIRECTED OR FOR FAILURE TO SUBMIT TO TESTING FOR ALCOHOL OR DRUGS AS DIRECTED.

II. ORDERS

- The Petitioner does **NOT** have an essential need to drive, and the Court **DENIES** the Petitioner’s Petition for Occupational Driver’s License; or
- The Petitioner has essential need to drive, and the Court **ORDERS** that this Petition for Occupational Driver’s License is **GRANTED** subject to the restrictions listed above; or
- Interlock Ignition Device required, Essential need to drive not required. The Court ORDERS that the Petition for Occupational Driver’s License is GRANTED with the following restrictions. Texas Transportation Code §521.244(e).**

The Court **ORDERS** the Texas Department of Public Safety to issue an Occupational Driver’s License to Petitioner subject to the above-listed restrictions.

The Court further **ORDERS** the Texas Department of Public Safety to administer any and all tests required for the issuance of said Occupational License and if Petitioner passes all required tests, issue an Occupational Driver’s License to Petitioner subject to the above-listed restrictions.

III. Date this Order takes Effect

The Court Clerk shall send a certified copy of the Petition and the court Order setting out this Court’s findings and restrictions to the Texas Department of Public Safety.

The Order takes effect on: *(Check one and write in the date, if applicable).*

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

Petitioner may use a certified copy of this Order for Occupational Driver’s License as restricted license ONLY for 45 days, beginning on the date this Order takes effect.

The monitoring company shall forward any violations of the interlock device, with camera, to:

- The Brazos County Community Supervision and Corrections Department**
- Brenda Bailey, Assistant County Attorney via email bbailey@brazoscountytexas.gov.**

IV. Date this Order Ends

Unless upon further Order of this Court, this Order expires upon the first anniversary of the Court Order granting the license or upon the end of the period of suspension of the Petitioner’s regular driver’s license, whichever occurs first. *See Tex. Transportation Code, §§521.271(a)(4) and 521.248(c).*

V. Warnings to Petitioner

It is a **Class B Misdemeanor** for you to drive in violation of any of the restrictions listed above. A Class B Misdemeanor is punishable by up to 180 days in jail, a \$2,000.00 fine or both. It is a **Class B Misdemeanor** for you to drive without a certified copy of this order in your possession.

The Court may revoke this Order, at any time, for good cause.

This Order and your Occupational Driver’s License are automatically revoked if you are convicted of driving in violation of any of the restrictions listed above or convicted of driving without a certified copy of this Order in your possession.

You may use a certified copy of this Order for Occupational Driver’s License for 45 days only, beginning on the date this Order takes effect. **If you do not receive your Occupational Driver’s License from the Texas Department of Public Safety (DPS) before the 45th day after the date this Order takes effect, you MUST not drive until you receive your Occupational Driver’s License from the Texas Department of Public Safety or come back to court and get an Amended Order for Occupational Driver’s License that extends the 45-day time period.**

If this ORDER includes a finding of an essential need to drive, and the places, reasons, days or time that you need to drive change, you must come back to Court to get an Amended Order for Occupational Driver’s License that reflects those changes.

Judge Presiding

Date

*§521.2462 Texas Transportation Code ** §521.2461 Texas Transportation Code