

NO. _____

EX PARTE

§

IN THE COUNTY COURT

§

AT LAW NUMBER ONE

§

COLLIN COUNTY, TEXAS

PETITION FOR OCCUPATIONAL LICENSE

COMES NOW _____, petitioner, on this _____ day of _____, 20____, in the above-styled and numbered cause, and files this verified petition for an occupational license, to meet actual and essential needs.

2.

Petitioner is a resident of _____ County, Texas. His/Her date of birth is _____, and his/her driver's license number is _____.

3.

Petitioner was arrested in _____ County, Texas for the offense of _____ (if for DWI 2d, so state) on the _____ day of _____, 20____.

4.

[Use only the paragraph that is the basis of the suspension for which you seek this occupational license]:

A. Petitioner was requested to provide a specimen of blood/breath [strike one], which he refused.

OR

B. Petitioner was requested to provide a specimen of blood/breath, to which he consented, and an analysis of said specimen showed an alcohol concentration of a level of 0.08 or more.

OR

C. Petitioner's license has been automatically suspended or canceled under Ch. 521 or Ch. 522 of the Transportation Code for a conviction of an offense under the laws of this state, and has not been issued, in the ten (10) years preceding the date of filing this petition, more than one occupational license after a conviction under the laws of this state.

OR

D. Petitioner's license was suspended following a conviction under §19.05 (a)(2), Penal Code [now §49.08, Intoxication Manslaughter].

OR

- E. Petitioner's license was suspended [for some reason other than A, B, C, or D-State clearly].

5.

[Choose one of the following paragraphs]:

- A. Petitioner has never been issued an occupational license.

OR

- B. Petitioner has been issued an occupational license in Cause Number _____, from _____ (effective dates of occupational license).

6.

Petitioner's license to operate a motor vehicle was (or will be) suspended for causes other than physical or mental disability or impairment.

7.

[Choose one of the following paragraphs]:

- A. Petitioner has no previous driver's license suspension as a result of an alcohol-related or drug-related enforcement contact in Texas, or any other state, during the five (5) years immediately preceding the date of petitioner's arrest.

OR

- B. Petitioner has had _____ [set forth number] previous driver's license suspension(s) as a result of an alcohol-related or drug-related enforcement contact in Texas, or some other state, during the five (5) years immediately preceding the date of Petitioner's arrest.

8.

[Choose one of the following paragraphs]:

- A. Petitioner's license has not been suspended following a conviction under §19.05(a)(2), Penal Code (now §49.08, Penal Code: Intoxication Manslaughter),

OR

- B. Petitioner's license has been suspended following conviction under §19.05(a)(2), Penal Code (now §49.08, Penal Code: Intoxication Manslaughter).

9.

Petitioner states that he/she has an actual and essential need to operate a motor vehicle:

1. A. In the performance of his/her occupation (set out nature of occupation and driving needs required by occupation).

_____.

B. To and from his/her home to his/her place of business.

2. For transportation to and from an education facility in which he/she is enrolled.
3. In the performance of essential household duties.

10.

[Set out the necessity to have the court waive the 4 hour restriction and allow Petitioner to operate for a period not to exceed 12 hours in 24 consecutive hours].

11.

Petitioner requests that he/she be allowed to operate a motor vehicle for the following hours:

Hours of the day: _____.

Days of the week: _____.

Areas and routes of travel: On all roads, streets, and highways in _____ County, Texas and contiguous counties:

_____. Additionally, petitioner is authorized to drive on all roads, streets, and highways in the following Texas counties:

_____.
[The request may not be for more than 4 hours in any 24 consecutive hour period. Upon a proper showing of necessity, however, the court may waive the 4 hour restriction, and allow petitioner to operate a motor vehicle for not more than 12 hours in any 24 consecutive hour period.]

12.

[The following paragraphs apply to anytime within ten years before the date of this offense DWI, and affect the INSTALLATION OF AN INGNITION INTERLOCK DEVICE].

Choose only one of the following paragraphs:

A. Petitioner has one or more convictions under §19.05 (a)(2) Penal Code (now §49.08 Penal Code: Intoxication Manslaughter).

OR

B. Petitioner has two or more convictions under any combinations of §49.04, 49.07, or 49.08, Penal Code.

OR

C. Petitioner's license has been suspended after a conviction under §49.04 Penal Code, for which he/she has been punished under §49.09, Penal Code.

OR

D. Petitioner has never been convicted under any provision of §521.246, Transportation Code.

WHEREFORE, PREMISES CONSIDERED, Petitioner asks that this Court find that an essential and actual need exists for Petitioner to operate a motor vehicle, and grant him an occupational license to meet essential needs for the duration of the suspension, or until the suspension is lifted by the Department of Public Safety.

Respectfully submitted,

Attorney for Petitioner

State Bar Number: _____

ADDRESS:

Phone: _____

Petitioner

Subscribed and sworn to before me by _____
(Petitioner)

on this _____ day of _____, 20____.

Notary Public

My commission expires: _____

