

STATE OF TEXAS

§ IN THE COUNTY COURT AT LAW

vs.

§ NO. _____

§ OF MONTGOMERY COUNTY, TEXAS

ORDER REGARDING OCCUPATIONAL DRIVER'S LICENSE

On this day _____, came on to be heard the *Petition for Occupational Driver's License* of _____, Petitioner herein, TDL # _____ & date of birth _____ for an occupational license to meet an essential need.

- 1. This court finds that the petitioner **IS** / **IS NOT** eligible for an occupational license.
- 2. This court finds that the petitioner **DOES HAVE AN ESSENTIAL NEED**
 DOES NOT HAVE AN ESSENTIAL NEED

to operate a motor vehicle. Specifically:

- to perform an occupation or trade, or for transportation to and from the place at which I practice my occupation or trade;
describe: _____
- to pursue an occupation or trade;
describe: _____
- for transportation to and from an education facility where I am enrolled;
describe: _____
- in the performance of essential household duties.
describe: _____

- 3. Petitioner **PRESENTED** / **DID NOT PRESENT** evidence of financial responsibility under Chapter 601.

4. Petitioner **HAS** / **HAS NOT** been convicted more than once in the 10 years preceding the date of the petition of an offense under Sections 49.04-49.08, Penal Code.
5. Petitioner **IS** / **IS NOT** subject to revocation order under Sec. 521.252 or 521.253
6. Petitioners request for an Occupational License is **GRANTED** / **DENIED**
7. **Alcohol Dependence Counseling** is:
- NOT REQUIRED**
 - REQUIRED** (license has been suspended under Chapter 524 or 724, or as the result of a conviction for an offense relating to the operating of a motor vehicle while intoxicated. Court **shall require** petitioner to attend a program approved by the court that is designed to provide counseling and rehabilitation services to persons for alcohol dependence)
 - REQUIREMENT WAIVED** on showing of Good Cause.
8. **Ignition Interlock Device** is:
- NOT REQUIRED**
 - REQUIRED** – Petition is restricted to the operation of a motor vehicle equipped with an ignition interlock device:
 - Because the petitioner is **currently under an order** restricting them to the operation of a motor vehicle equipped with an ignition interlock device, including an order imposed as a condition of bond; **or** Their license has been suspended, revoked, or cancelled after a **conviction for an offense under 49.04-49.08, Penal Code.**

- This requirement is **WAIVED** on a showing of good cause that it is not necessary for the safety of the community, and the waiver is in the best interest of justice.

A person to whom this section applies may operate a motor vehicle without the installation of an approved ignition interlock device if:

1. the person is required to operate a motor vehicle in the course and scope of the person's employment;
2. the vehicle is owned by the person's employer;
3. the employer is not owned or controlled by the person whose driving privilege is restricted;
4. the employer is notified of the driving privilege restriction; and
5. proof of that notification is with the vehicle.

a. **Cost of Ignition Interlock Device**

- Petitioner shall obtain the ignition interlock device at their own expense.
- The court has determined Petitioner is unable to pay for the device. The court is imposing the following payment schedule (not to exceed twice the period of the court's order):_____

9. **Testing for Alcohol or Controlled Substances**

- NOT REQUIRED**
- REQUIRED** (license has been suspended under Chapter 524 or 724, or as the result of a conviction for an offense relating to the operating of a motor vehicle while intoxicated. Court **may require** petitioner to submit to periodic testing for alcohol or controlled substances)
 - Testing frequency:_____
 - Testing entity:_____

10. Supervision of Person Issued Occupational Driver’s License

- NOT REQUIRED**
- REQUIRED** – Petitioner is ordered to submit to supervision for the purpose of verifying compliance with the conditions specified by the order granting the license, including conditions specified in accordance with Section 521.248. Supervision is to be conducted by **Montgomery County Adult Probation** until the end of the period of suspension, revocation, or cancellation of the petitioner’s driver’s license, including any extensions of the period. Petitioner is ordered to pay a monthly administrative fee of \$_____.

11. Hours of operation:

- Petitioner **is restricted** to operation of a motor vehicle equipped with an **ignition interlock device** and is not subject to restrictions to any time of travel, reason for travel, or location of travel restrictions.
- Petitioner **is NOT restricted** to operation of a motor vehicle equipped with an **ignition interlock device**, and is only authorized to operate a motor vehicle during the following times:

| | |
|-----------|-------|
| MONDAY | _____ |
| TUESDAY | _____ |
| WEDNESDAY | _____ |
| THURSDAY | _____ |
| FRIDAY | _____ |
| SATURDAY | _____ |
| SUNDAY | _____ |

12. Areas of Travel

- Petitioner **is restricted** to operation of a motor vehicle equipped with an **ignition interlock device** and is not subject to restrictions to any time of travel, reason for travel, or location of travel restrictions.
- Petitioner **is NOT restricted** to operation of a motor vehicle equipped with an **ignition interlock device**, and is only authorized to operate a motor vehicle in the following areas:

13. **Commercial Vehicle:** Petitioner may NOT operate a commercial motor vehicle.
14. **Travel Log:** Petitioner **IS** / **IS NOT** required to keep a travel log showing the date, time, and location of travel.
15. **Time Period:** This occupational license, if granted, remains valid until the end of the period of suspension, revocation, or cancellation.
- A hearing on this petition was held** (suspended, revoked or cancelled following conviction for offense under 19.05 [Criminally Negligent Homicide], or Sections 49.04-49.08 Penal Code [Driving While Intoxicated, Driving While Intoxicated with Child Passenger, Intoxication Manslaughter])
 - A hearing on this petition was not held.** (determination of essential need based on petition)

SIGNED THIS DAY _____.

JUDGE PRESIDING