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IN THE COUNTY COURT

AT LAW

McLENNAN COUNTY, TEXAS

ORDER GRANTING OCCUPATIONAL DRIVER'S LICENSE

On _____, came on to be heard the above entitled and numbered cause. Petitioner's Texas operator's license was suspended as a result of:

Petitioner has demonstrated an essential need for an occupational operator's license. The Court finds that the four hour restriction should be waived, and the restriction is hereby waived.

Petitioner's home address: _____.

Petitioner's employer: _____.

Petitioner's employer address: _____.

Other destinations and addresses:

It is, therefore, **ORDERED, ADJUDGED, and DECREED** that the Petitioner be granted an **OCCUPATIONAL DRIVER'S LICENSE**, and the Texas Department of Public Safety is ordered to issue the same, subject to the following restrictions:

Petitioner may only operate a motor vehicle in a public place for the following purposes and subject to the following restrictions:

1. Travel between home, place of employment, and any destinations listed above;
2. Travel in the performance of essential household duties. Although the list is not exclusive, the following purposes are considered "essential household duties":
 - a. Transporting dependants to and from the dependant's daycare, school, medical care, extra-curricular activities, and other activities, **when no one else is available to do so either at that time or at some other reasonable time;**
 - b. Grocery shopping, taking vehicles or other equipment to repair locations, and other such related activities, **when no one else is available to do so either at that time or at some other reasonable time;**
 - c. Traveling to and from Petitioner's medical, dental or other necessary personal service provider, **when no one else is available to transport Petitioner;**
 - d. Emergencies involving injuries or potential injuries to Petitioner or others in Petitioner's family or household.
 - e. Traveling between Petitioner's home, school or place of business and Court for scheduled court dates.

3. Travel times:

Sunday: ;
Monday: ;
Tuesday: ;
Wednesday: ;
Thursday: ;
Friday: ;
Saturday: .

4. Counties in which travel is permitted:

5. Petitioner must maintain uninterrupted and valid auto liability insurance or proof of financial responsibility as required by law as long as this Order is in effect, and is prohibited from operating a motor vehicle in a public place without such insurance or proof of financial responsibility.

6. Petitioner must carry a certified copy of this Order at all times the Petitioner is operating a motor vehicle in a public place while this Order is in effect, (*failure to comply is a Class B misdemeanor*).

7. If arrested for Driving While Intoxicated, Petitioner must submit to a blood or breath analysis if requested to do so by the arresting officer.

8. Petitioner must notify this Court in writing within ten (10) days of receiving any traffic citation while this Order is in effect.

It is a Class B Misdemeanor for the Petitioner violate any ignition interlock device order checked below

(Check all applicable following paragraphs)

____ **DRIVING LOG**

Petitioner is ORDERED to maintain a log of his/her driving, specifying for each instance of operating a vehicle in a public place, in the form as adopted in Attachment A to this Order, reflecting the following:

- The date, start time, stop time;
- Stop and start location;
- The make and model of the vehicle;
- The identity of passengers (if any);
- The purpose of each operation of the vehicle.

Petitioner is ORDERED to complete each entry immediately prior to each instance of operating a motor vehicle and immediately following Petitioner's arrival at his/her destination, and to carry the log with his/her copy of the occupational license order as long as the suspension is in effect.

____ **IGNITION INTERLOCK DEVICE**

The Court finds that one or more of the following factors exists:

1. Petitioner has two or more convictions under any combination of Section 49.04, 49.07, or 49.08, Penal Code; or Petitioner's license has been suspended after a conviction under Section 49.04, Penal Code, for which the person has been punished under Section 49.09, Penal Code;
2. Petitioner's license has been suspended for failure to provide a breath sample pursuant to Texas Transportation Code section 724.035, *(180 day interlock requirement)*;
3. Petitioner's license has been suspended as a result of a conviction under Chapter 49 of the Texas Penal Code, and the applicant failed to provide a breath sample in the course of that arrest, *(90 day minimum interlock requirement)*;
4. Petitioner has previously received an occupational or essential need license either following a failure to provide a breath sample or a conviction under Chapter 49, Texas Penal Code, *(interlock requirement for full term of the suspension)*.

Therefore, the Court **ORDERS** that Petitioner must equip his/her primary motor vehicle with an ignition interlock device, as set forth in the Texas Transportation Code. Petitioner shall obtain the ignition interlock device at the Petitioner's own expense. Petitioner is **PROHIBITED** from operating a motor vehicle in a public place which not equipped with an ignition interlock device.

Petitioner may operate a motor vehicle without the installation of an approved ignition interlock device if:

- a. Petitioner is required to operate a motor vehicle in the course and scope of Petitioner's employment;
- b. the vehicle is owned by Petitioner's employer;
- c. the employer is not owned or controlled by Petitioner whose driving privilege is restricted;
- d. the employer is notified of the driving privilege restriction; and
- e. proof of that notification is with the vehicle.

Furthermore, the Court **ORDERS** that the ignition interlock device shall remain installed –

____ as long as this Order is in effect, OR
____ for _____ months from the date of this Order.

If no other Court order requiring an ignition interlock device is in effect on _____, the ignition interlock device installer is authorized and Ordered to remove the device on or after the first business day following _____.

____ **IGNITION INTERLOCK DEVICE – UNABLE TO PAY**

The court has determined that Petitioner is unable to pay for the device. Therefore, the Court imposes a payment schedule for a term not to exceed twice the period of the court's order, which is set

forth in the attachment to this Order.

____ **IGNITION INTERLOCK DEVICE – WAIVED IN THE INTEREST OF JUSTICE**

The Court finds that Petitioner is subject to the law requiring an ignition interlock device, as set forth in the Texas Transportation Code. *However, the Court finds that to require the ignition interlock device is not in the best interest of justice.*

____ **COUNSELING PROGRAM**

The Court finds that Petitioner’s license has been suspended under Chapter 524 or 724 of the Texas Transportation Code. Therefore, it is **ORDERED** that Petitioner is required to attend a program approved by the Court designed to provide counseling and rehabilitation services to persons for alcohol dependence, to wit: **Bluebonnet Trail OSAR, 110 S. 12th Street, Waco, TX, 76701 (512) 244 8444**, or as follows: _____.

____ **ADDITIONAL PROVISIONS**

The following additional provisions are applicable:

On the motion of the State or its representative, the Petitioner, or the Court, if it appears to the Court that Petitioner has violated or failed to comply with this Order, a “show cause” hearing will be scheduled, and notice shall be sent to the State’s attorney and to Petitioner at his/her last known address.

This Order is effective immediately and shall remain effective through _____, with proof of a valid policy of automobile liability insurance as required by Texas law.

SIGNED on _____.

Judge Presiding

Warning

*This Court may revoke this Order, at any time, for good cause.
This Order is automatically revoked if Petitioner violates any condition of this Order.*

