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IN THE COUNTY COURT

AT LAW

McLENNAN COUNTY, TEXAS

ORDER GRANTING OCCUPATIONAL DRIVER'S LICENSE

On this date the Court considered this matter. Petitioner appeared in person and with counsel, the State appeared through counsel or waived appearance in writing, and a record of the proceedings was _____ made _____ waived.

The Court finds as follows:

Petitioner's driver's license # _____ was suspended effective _____ [suspension date] for the following reason(s): _____. The suspension expires on _____.

Petitioner has demonstrated an essential need for an occupational driver's license, or is entitled to an occupational driver's license without demonstrating an essential need. [see * footnote]. The four hour restriction should be and is hereby waived, or is not applicable.

It is **ORDERED, ADJUDGED, and DECREED** that Petitioner be granted an **OCCUPATIONAL DRIVER'S LICENSE**, and the Texas Department of Public Safety is ordered to issue the same, subject to the terms of this Order.

Petitioner is granted an occupational driver's license to operate a motor vehicle in a public place –
_____ without restriction, (only with ignition interlock device); [Tex Transportation Code 521.248(d)] **or**
_____ as restricted in Attachment A hereto, which is incorporated into this Order in its entirety.

This Order is effective –
_____ immediately, [Trans. Code 521.251(a)];
_____ on the 91st day following the suspension date, [Trans. Code 521.251(b) prior susp., contact, 5 yrs];
_____ on the 181st day following the suspension date, [Trans. Code 521.251(c) prior susp, conv., 5 yrs];
_____ on the first anniversary of the suspension date, [Trans. Code 521.251(d) prior susp, 2nd/subs. conv., 5 yrs];
_____ immediately, [Trans. Code 521.251(d-1); Petitioner has proven device currently installed on all vehicles].

_____ **IGNITION INTERLOCK**

An ignition interlock device is required, as set out in Attachment B1 or Attachment B2 hereto, which is incorporated into this Order in its entirety.

_____ **DRIVING LOG**

Petitioner is ORDERED to maintain a driving log reflecting every time Petitioner operates a vehicle in a public place, in the form adopted in Attachment C hereto, specifying the following: the date, start time, stop time; stop and start location; the vehicle make and model; 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 this Order as long as this Order is in effect.

* Petitioner has provided proof of financial responsibility and proof that an ignition interlock device has been installed on every motor vehicle owned or operated by Petitioner [Tex Trans Code 521.244(c)]

SUPERVISION

WAIVED _____ [court's initials]

If this provision is not waived by the Court above, Petitioner is ORDERED to report to the McLennan County Community Supervision and Corrections Department (“Department”), immediately upon receipt of this Order, by contacting the County Court at Law Administrator's Office for instructions. This a mandatory condition of this Order; failure to comply will be grounds for a show cause hearing and possible rescission of this Order. Petitioner is further ORDERED to report thereafter as directed by the Department, to comply with all requirements of the Department, and to pay a monthly supervision fee of **\$35.00**, timely, as directed by the Department, until the expiration of this Order.

GENERAL PROVISIONS

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.

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.

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

Petitioner must notify this Court in writing within ten (10) days of either receiving any traffic citation or being arrested for any offense related to operating a motor vehicle while this Order is in effect.

ADDITIONAL PROVISIONS

The following additional provisions are applicable:

On the motion of the State or its representative, the Petitioner, or the Court, or upon the recommendation of the Department, 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 the Petitioner at the address shown below or, if Petitioner has notified the Department in writing of a new address, at the last address provided by the Petitioner.

This Order is effective immediately and shall remain effective through _____.

SIGNED on _____.

Judge Presiding

Warning: This Court may revoke this Order, at any time, for good cause.

Defendant _____ Date _____
Address _____
City: _____ State: _____ Zip: _____
Employment: _____

Supervising Officer _____
DOB: _____
Phone: _____
Phone: _____

RESTRICTIONS

Attachment A

Home address: _____.

Employer name/address: _____.

Employer (2nd) name/address: _____.

Other destinations and addresses:

Location	Address	Purpose

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

1. Travel in the following Texas county(ies) _____ between Petitioner's home, place(s) 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 or the McLennan County Community Supervision and Corrections Department for scheduled court dates and meetings.

f. Other: _____

_____.

3. Travel times: *[not to exceed 12 hours in any 24 hour period]*

Sunday: ;

Monday: ;

Tuesday: ;

Wednesday: ;

Thursday: ;

Friday: ;

Saturday: .

DRIVING LOG
Attachment C

Date	Vehicle ID	Start Time	Start Location	Stop Time	Stop Location	Purpose of Travel

**IGNITION INTERLOCK DEVICE
Attachment B1**

[Texas Trans. Code 524 or Texas Penal Code 49.04 - 49.08]

The Court finds that Petitioner's license has been suspended 1) under Chapter 524, Tx. Trans. Code (*Administrative Suspension*) or 2) following Defendant's conviction under Sections 49.04 through 49.08 of the Texas Penal Code.

Petitioner is **ORDERED** to install and maintain, at Petitioner's expense, a **camera equipped** ignition interlock device ("*Device*") on his/her primary motor vehicle, as set forth in the Texas Transportation Code. Petitioner is PROHIBITED from operating, in a public place, a motor vehicle which not equipped with the Device.

Petitioner may operate a motor vehicle without the installation of a 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.

The Court further **ORDERS** that the Device requirements above shall continue for as long as Petitioner's current suspension is in effect, Petitioner is **ORDERED** to have the Device installed as directed herein within seven (7) days of this date, and to provide proof of installation to the McLennan County Community Supervision and Corrections Department ("*Department*") within fourteen (14) days of this date. Petitioner is further ORDERED to instruct the Device provider to direct all reports to the Department.

_____ **IGNITION INTERLOCK DEVICE – UNABLE TO PAY** *(applicable if initialed by Court)*

The court finds 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** *(applicable if initialed by Court)*

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.***

IGNITION INTERLOCK DEVICE REMOVAL

Petitioner may obtain an order to remove the Device when it is no longer required, by submitting to the Court 1) a proposed removal order, 2) Texas Department of Public Safety proof that the suspension has expired, 3) proof of financial responsibility, and 4) a copy of this Order. The Court's website contains an acceptable removal order form.

**IGNITION INTERLOCK DEVICE
Attachment B2**

[Texas Penal Code 49.09]

The Court finds that:

- a. Petitioner's license has been suspended after a conviction under Sections 49.04 through 49.08 of the Texas Penal Code;
- b. Petitioner has two or more convictions under any combination of Sections 49.04 through 49.08 of the Texas Penal Code; and,
- c. The most recent conviction, which resulted in the current suspension of Petitioner's driving privileges, was for conduct committed within five (5) years of the date of the conduct resulting in any such previous conviction.

Petitioner is **ORDERED** to install and maintain, at Petitioner's expense, a **camera equipped** ignition interlock device ("*Device*") on every motor vehicle owned or operated by Petitioner, as set forth in the Texas Transportation Code. Petitioner is PROHIBITED from operating, in a public place, a motor vehicle which not equipped with the Device.

Petitioner may operate a motor vehicle without the installation of a 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.

The Court further **ORDERS** that the Device requirements above shall continue for as long as Petitioner's current suspension is in effect, and for a period of one (1) year after the expiration of the current suspension period. Petitioner is **ORDERED** to have the Device installed as directed herein within seven (7) days of this date, and to provide proof of installation to the McLennan County Community Supervision and Corrections Department ("*Department*") within fourteen (14) days of this date. Petitioner is further ORDERED to instruct the Device provider to direct all reports to the Department.

SUPERVISION FOLLOWING EXPIRATION OF SUSPENSION *[Texas Penal Code 49.09(h)]*

If the Device is required beyond the expiration of Petitioner's current suspension, Petitioner is ORDERED to continue to report to the McLennan County Community Supervision and Corrections Department ("*Department*") until the Device requirement expires. Petitioner is further ORDERED to comply with all requirements of the Department and to pay, timely, a monthly supervision fee of **\$35.00**, as directed by the Department. Petitioner is ORDERED to give the device provider the name and contact information of the supervising Department officer and to instruct the device provider to direct all reports to that officer.

_____ **IGNITION INTERLOCK DEVICE – UNABLE TO PAY** *(applicable if initialed by Court)*

The court finds 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.

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