

PUBLIC HANDOUT- OCCUPATIONAL DRIVERS LICENSE

TO APPLY FOR AN OCCUPATIONAL DRIVER'S LICENCSE YOU MUST:

- 1) File a verified sworn petition WITH THE District Attorney Civil Division on the 3rd floor at 916 Main Street (connected to the Lubbock County Courthouse via the sky bridge).
- 2) The Occupational Driver's License petition can be obtained from my website at www.co.lubbock.tx.us, or by running a google search on "Judge Jim Hansen".
- 3) Once on my website look for a link that says **ONLINE LEGAL HELP AND LEGAL FORMS**.
- 4) There are court costs that will need to be paid to file the petition. The amount of the court cost depends on where the case is filed.
- 5) Further questions should be directed to the District Attorney Civil Division.

A Justice of the Peace *cannot* issue an Occupational Drivers License for a person who:

- 1) Had a Commercial Drivers License suspended.
- 2) Had their license suspended for a Physical or mental disability under Penal Code Section 49.04
- 3) Had a POST CONVICTION automatic suspension for Controlled Substances, drug offenses, felony under HSC Chapter 481, SEE TC 521.372 and TC 521.341.

If you were suspended for a conviction of DWI, Intox Manslaughter, a drug offense, you must apply to the convicting court (which could be a JP for a drug paraphernalia conviction). The petition can only be filed with the convicting court, so if you file it improperly with this court, we will likely deny the petition.

A Justice of the Peace *can* accept a petition for an Occupational Driver's License if:

- 1) You reside in Precinct 1, or had your license suspended for a violation J.P. Precinct 1. If your license was automatically suspended on a conviction you must apply to the convicting court

If you were suspended for surcharges or habitual violator etc. then you can file in any court in the county they live in. This is also the case if you were suspended for failing to give breath/blood. An application may be filed pre-conviction in another court

OR

- 2) It was a departmental suspension such as surcharge, points, FTA, no insurance, or ALR suspension (usually a breath test refusal in a suspected DWI stop)

You **may** apply for an occupational license by filing a verified (sworn before a notary) petition if

- 1) Your license was automatically suspended or cancelled for violation of a Texas law, such as failure to pay surcharges, No Liability Insurance, etc. AND
- 2) You have not been issued a license in the ten years prior to the date of the ODL filing.

HERE IS WHAT HAPPENS:

- 3) ODL petition is handed out to petitioner who requests it, they complete the petition and return it to the Court and pay a \$51.00 fee and a hearing is set.
- 4) If their DL was suspended due to surcharges, habitual violator or failing to give breath/blood , the right to file in my precinct is ok and I can hear those cases; however if their DL is suspended for conviction of a DWI, Intoxication Manslaughter , or drug offense, they must apply to the convicting court (which would be County Court or District Court) but if it is a Drug paraphernalia conviction, then it would be filed in the Precinct of the convicting JP Court. We cannot grant ODL's for suspensions due to physical or mental disability or impairment.
- 5) When petitioner completes his/her petition, they must attach a certified copy of DL, proof of insurance or SR22 and any other documents which will show the need for them to operate a motor vehicle

The clerks in this office are not equipped to aid or assist you in filing for an occupational License, nor may they give legal advice. It is suggested you hire an attorney. You can find information at the following website:

https://lawhelpinteractive.org/login_form?template_id=template.2012-12-04.3765760827&set_language=en