

Essential Needs/Restricted License

County Court, Fayette County, Texas

This license is for someone who has had their license suspended once or twice due to DWI, Possession Charges or traffic violations. It is not valid for a CDL license but you may apply so that you can drive to and from work. The issuance for this temporary license would be for persons who have received a suspension in Fayette County or reside in this county. If the suspension was for a case here in Fayette, we will notify the County Attorney's Office of your application. If your case is in another county, you need to notify the County Attorney of that county, that you are applying for the license before you apply, that is the law.

If this should be your second offense, you should have been given an order when you were magistrates to have a blow device installed in your vehicle. If so, please have it installed and bring proof before you file your application. You should also check with DPS to make sure you are eligible and ask for the date you qualify for a restricted license. If you were not given paperwork for the blow device and this is your second DWI charge, we will need the Judge to Order that first.

The fee to file the application is \$222 plus additional fees after the hearing for your certified copy and copies for DPS. This is usually less than \$30 depending on the length of your application. The application and the order must be filled out with the same information at time of filing. The license will be issued for maximum of 6 days a week for 12 hours of driving time per day. The hours may be broken down, but must not exceed 12 hours. You also need to list all counties that you will be traveling through. For example, if you travel to Houston to work, you will need to include all of the counties you travel through to get there.

Also at time of filing, Judge Janecka requires a copy of your SR-22 and a copy of your driving record. You may apply for the SR-22 with your insurance company and with DPS, www.dps.texas.gov, for the Certified Abstract Record of your driving record. After application and payment, a hearing date will be set with Judge Edward Janecka. If you have everything with your application and the Judge is in, we could have the hearing set the same day. Please dress appropriately for a court hearing (pressed shirt tucked into nice jeans or slacks, NO t-shirts or shorts and the Judge is not a fan of piercings so please remove those before the hearing)

After the hearing and the Order is signed, we will make you a certified copy to carry with you along with your log that you must keep.

NOTE: THIS ORDER IS ONLY GOOD FOR 30 DAYS.

You have 30 days to send to DPS a copy of the application and order, SR-22 and your reinstatement fee. That fee is \$100-\$125 depending on your charge. You will need to check with DPS on that fee. They must receive all of this information in order to issue your temporary license. It will be a hard plastic license just as your driver license. This along with your log is what you will need to carry throughout your suspension. **Again, the order that we issue is only good for 30 days.**

Return all specified items in one package to expedite issuance.

Mail to: Occupational License Section, Safety Responsibility, Texas Department of Public Safety, P.O. Box 15999, Austin, TX 78761-5999

- APPLICATION & ORDER
- SR-22
- REINSTATEMENT FEE

NO. _____

IN THE COUNTY COURT
OF
FAYETTE COUNTY, TEXAS

Petitioner

RE: RESTRICTED DRIVER'S LICENSE

PETITION FOR RESTRICTED LICENSE

Texas Operator's License No.

NOW COMES, _____, hereinafter styled petitioner, and files this Petition for Restricted License and in support thereof, would respectfully show this Honorable Court the following:

I.

That petitioner is/is not a resident of Fayette County, Texas, and that the attorney for the State is the County Attorney of Fayette County, Texas and may be served with notice in this cause of action at the Fayette County Courthouse.

II.

That on _____ an order was issued suspending petitioner's license for _____ days for the offense of _____.

III.

That there is an essential need for petitioner to operate a motor vehicle in the performance of an occupation and for transportation to and from where the petitioner practices his/her occupation.

IV.

That there is an essential need for petitioner to operate a motor vehicle along the routes of or areas of **Fayette** and _____, counties on the following days: _____ between the hours of _____ a.m. and _____ p.m.

V.

A maximum of twelve hours in any twenty-four hour consecutive period provided that Petitioner maintains at all times a log showing his/her destination and purpose as it relates to his occupation, schooling, or essential household duties. Such log will be satisfactory if it is in a form approximately similar to the "log format" printed at the end of this Order.

IV.

That petitioner has a valid policy of automobile insurance for minimum coverage of **Twenty Thousand Dollars(\$20,000.00)** because of bodily injury to or death of one person in any one accident and, subject to said limit for one **person, Forty Thousand Dollars (\$40,000.00)** because of bodily injury to or death of two or more persons in any one accident and **Fifteen Thousand Dollars (\$15,000.00)** because of injury to or destruction of property of other in any one accident.

WHEREFORE, premises considered, petitioner prays that the clerk of this Court send by certified mail a copy of this petition, together with the order setting hearing, to the Attorney for the State and that on final hearing the Court grant petitioner restricted operation of a motor vehicle for essential need and order the Texas Department of Public Safety to issue a restricted license to petitioner and for such other and further relief as the petitioner may show entitlement to the Court deem proper.

Petitioner

Address

City/State, Zip

THE STATE OF TEXAS**
COUNTY OF FAYETTE**

BEFORE ME, the undersigned authority, on this day personally appeared, known by me to be the person whose signature is affixed to the foregoing petition and who, after being duly sworn, on his/her oath stated that he/she has read the foregoing petition and that each and every allegation and statement herein contained is true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, on this the day of _____, 20____.

NO. _____

IN THE COUNTY COURT
OF
FAYETTE COUNTY, TEXAS

Petitioner

RE: RESTRICTED DRIVER'S LICENSE

**ORDER GRANTING DEFENDANT A RESTRICTED
TEXAS OPERATOR'S LICENSE**

On this ___ day of _____, 20 __, came to be considered the Verified Petition for a Restricted Texas Operator's License of _____, Petitioner, and Petitioner appeared in person and announced ready and the State waived notice and appeared by its County Attorney and announced ready and the Court having heard the pleadings and evidence finds the Petitioner's Texas Operator's License No. _____, will be suspended for ___ day/years because Petitioner committed the offense of _____ and that there is an essential need, namely, in the performance of his/her occupation and for transportation to and from the place where the petitioner practices his/her occupation, for the use of a motor vehicle on the following days _____ between the hours of _____ in Fayette and _____ Counties, that four hour restriction should be waived, and that the Petitioner has a valid policy of liability insurance, and that the Texas Department of Public Safety should issue a restricted license to the Petitioner for a duration of the suspension period accordingly.

It is therefore, ORDERED by this Court that the Petitioner, be and is here and now granted the use of a motor vehicle on the following days _____, between the hours of _____ in Fayette and _____ counties, the four-hour restriction is waived, and upon receipt of a certified copy of this order, the Petitioner's License and record of conviction, the Texas Department of Public Safety shall issue a restricted license to Petitioner.

It is further ordered that the Petitioner be furnished a certified copy of this order at the Petitioner's expense and that a certified copy of this order be forwarded to the Texas Department of Public Safety.

SIGNED AND ENTERED this ___ day of _____, 20 __.

Edward F. Janecka, County Judge

A CERTIFIED COPY OF THIS ORDER MUST BE CARRIED BY THE NAMED PETITIONER AT ALL TIMES WHILE OPERATING A MOTOR VEHICLE. A PEACE OFFICER MAY EXAMINE THE CERTIFIED COPY UPON REQUEST WHEN PETITIONER IS OPERATING A MOTOR VEHICLE. IT IS AN OFFENSE TO OPERATE A MOTOR VEHICLE WHEN A CERTIFIED COPY OF THIS ORDER IS NOT CARRIED.

Cause # _____

EX PARTE

IN THE COUNTY CRIMINAL
COURT
FAYETTE COUNTY, TEXAS

PETITIONER

ORDER GRANTING OCCUPATIONAL DRIVER'S LICENSE REQUIRING PETITIONER TO OPERATE A VEHICLE EQUIPPED WITH AN IGNITION INTERLOCK

On this day the Court considered the verified petition filed by Petitioner pursuant to section 521.242 Texas Transportation Code (Vernon 2015), testimony by the Petitioner, the Petitioner's driving record, and any evidence presented by the attorney representing The State of Texas.

FINDINGS OF FACT: The Court **FINDS** it has jurisdiction to hear this matter; and that Petitioner presented sufficient evidence of the following

- 1. Petitioner's name is _____
- 2. Petitioner's resides at _____

- 3. Petitioner's driver's license number _____ and date of birth _____
- 4. Petitioner's driver's license was suspended as a result of _____
- 5. The beginning date of the suspension is _____, and the ending date is _____
- 6. Petitioner provided the Court with evidence of financial responsibility in accordance with Chapter 601 Texas Transportation Code.
- 7. Petitioner provided the Court with evidence, that prior to this hearing, petitioner has had an ignition interlock device installed on each motor vehicle owned or operated by the petitioner.

THIS COURT GRANTS Petitioner an occupational driver's license, and **ORDERS** Petitioner to comply with the following license restrictions: **PETITIONER SHALL ONLY OPERATE A MOTOR VEHICLE EQUIPPED WITH A DEEP LUNG IGNITION INTERLOCK DEVICE.**

THE COURT FURTHER ORDERS Petitioner to comply with the Occupational Driver's License Conditions of Supervision attached to this Order incorporated by reference herein for all purposes.

The Court further directs that the Fayette County Community Supervision and Corrections Department supervise the petitioner and monitor the conditions of this Order.

Petitioner

Edward F. Janecka, Fayette County Judge