

Mr. Client

Re: Occupational License

Dear Mr. Client,

Allow me to thank you for choosing our firm for your occupational license needs. We understand how important your driver's license is in your daily life. We are committed to keeping you "on the road", helping you to fulfill your essential family and job responsibilities.

Through the years, the Texas legislature and Department of Public Safety(DPS) have made obtaining an occupational license a complicated and expensive affair. I would like to explain in general terms the responsibilities and duties you may face in maintaining your occupational license. I encourage you to keep this letter for future reference. It is not designed to answer every question you may have in this area, since every person will have unique circumstances, but it should satisfy most of your queries.

An occupational license is often referred to as an "essential needs license" by DPS and the courts. The names are interchangeable and have no bearing on the license's validity. The license is issued by a county or district court judge. It can best be viewed as an order by the judge to the Department of Public Safety instructing it to allow you to drive at certain times of the day, notwithstanding the department's driver's license suspension. In other words, DPS is ordered to give you a "gap" license during the period of your suspension. When DPS receives notice from the court, it issues this "gap" license to you. It will comply completely to the order issued by the court. The license stays in effect throughout your suspension.

Hours of Vehicle Operation

The request for an occupational license must state what essential needs you have for operating a motor vehicle. The judge, however, may have a different view of what is "essential" than you do. Currently, the law allows an issuing judge to permit you to drive for no more than 12 hours in a 24 hour period. That doesn't mean the judge must allow you to drive 12 hours each day. The judge may limit the operation of your vehicle to certain hours or may require you to keep a log detailing the number of hours you drive daily. What your judge will do will depend on the habits of your judge and persuasiveness of your lawyer's arguments.

Insurance

The law provides that a judge must not issue an occupational license unless the person has met the minimum requirements of the Texas Motor Vehicle Safety Responsibility Act. In other words, you must have valid liability insurance. Further, the internal rules of DPS and the Texas Administrative Code require you to file an SR-22 with the Department verifying you have met these minimum requirements. You can obtain an SR-22 from your insurance agent.

We have observed that some of our clients prefer not to notify their insurance agent of their recent DWI arrest. If that is the case with you, please let us know. We can refer you to a service which will not only provide you an SR-22, but which will also obtain a hard copy occupational license from DPS in the shortest possible time.

Condition of Alcohol Counseling

Currently the law provides that an issuing judge may require you to attend alcohol counseling as a condition of your occupational license. The law does not give the judge any guidance on what counseling program should be ordered except to state that it cannot be the same counseling ordered by the judge in your DWI case. Our experience has been that issuing judges who require this condition are mandating a certain number of hours attendance in Alcoholics Anonymous.

Prior Alcohol or Drug Related Contacts

If you have ever been convicted or even accused of Driving While Intoxicated in the past ten years, you are probably already aware of the increased negative attention the courts are giving you. Currently, no matter how many prior DWI's you have received you are still potentially eligible for an occupational license. However, you should be aware of two problems you will likely face in obtaining your occupational license.

First, if you have been convicted in the past ten years for any intoxication offense, with the exception of Public Intoxication, expect the issuing court to require you to place an ignition interlock device on your automobile. You might want to obtain one in advance of your occupational request. Most criminal court judges are requiring this device as a condition of bond for repeat DWI arrests so this ought not to be an additional expense or inconvenience for you.

Second, and more importantly, if this is your second driver's license suspension your occupational license might not take effect immediately. If your license was previously suspended upon conviction of an intoxication offense in the last five years, the law does not allow for your occupational license to become effective until one year after the effective date of the new suspension.

If you have had your license previously suspended in the last five years after

being asked to take a breath test your occupational license might not take effect until 90 days after the effective date of the new suspension. This is true irrespective of whether you were actually convicted of any prior intoxication offense.

Additional DPS fees

DPS continues to change the way it conducts business. Currently, it charges \$10 for the issuance of the hard copy occupational license. Further, it requires any occupational license applicant to pay his or her statutory reinstatement fee before it issues an occupational. In other words, you will not receive an occupational license or have your prior license reinstated until you pay \$125 to DPS for a first suspension or \$225 for a second suspension. Further, DPS may charge you for the filing of an SR-22 form. In the future, the department may charge more.

Conclusion

The good news is the vast majority of occupational requests are granted as requested. If you adhere to the requirements outlined in this letter, most if not all problems will be avoided. Feel free to call this office and speak with me if you have any other questions. This law firm will always be available to you.

Sincerely,

Attorney for Client