

NO. \_\_\_\_\_

EX PARTE

§ IN THE COUNTY COURT

§

§

AT LAW NO. 3

§

\_\_\_\_\_,  
Petitioner.

§

GALVESTON COUNTY, TEXAS

**Notwithstanding any other provision in this Order, if the Applicant's driver's license has been or becomes suspended as a result of a second or subsequent conviction under Section 49.04, 49.07, or 49.08, Penal Code, committed within 5 years of the date on which the most recent preceding offense was committed, this Order granting the occupational license is SUSPENDED and not effective before the first anniversary of the effective date of the suspension. TX. Trans. Code 521.251 (d)**

**ORDER GRANTING AN ESSENTIAL NEED DRIVING LICENSE**

On this date came on to be heard the above styled and numbered cause.

**I.**

The Court finds that the Petitioner's Texas Driver's License Number \_\_\_\_\_ was suspended for the following reason:

- \_\_\_\_\_ 1. Petitioner was requested to provide a specimen of breath to which Petitioner allegedly FAILED/REFUSED when arrested for the offense of DWI.
- \_\_\_\_\_ 2. Petitioner was convicted/charged of the offense of \_\_\_\_\_.
- \_\_\_\_\_ 3. Petitioner was required to attend a subsequent education program under Article 42.12 of the Texas Code of Criminal Procedure, subsection L. Because the trial court did not suspend Petitioner's driver's license, the Department of Public Safety automatically suspended Petitioner's license, permit, or operating privilege for a period of 365 days.
- \_\_\_\_\_ 4. Other.

**II.**

The Court finds that Petitioner has an actual and essential need to operate a motor vehicle on each day of the week. It is therefore **ORDERED** that Petitioner may operate a motor vehicle as follows:

- 1. Petitioner is permitted to drive an aggregate total of ten (10) hours or less per day; and while operating a motor vehicle, Petitioner **SHALL RECORD DATES, TIMES, MILEAGE, DESTINATIONS AND REASONS FOR TRAVEL IN A PERMANENTLY BOUND LOG BOOK** to be maintained **AT ALL TIMES** and presented to a peace officer upon request.

2. Petitioner shall restrict driving to the course and scope of their employment, educational, and essential domestic duties, including travel to and from work sites, place of employment, residence, courthouse, attorney's office, probation office, school, college/university, church or synagogue, court ordered child visitation, medical appointments related to Petitioner or a member of Petitioner's family, any required terms of community supervision arising from this cause, and any alcohol education counseling or defensive driving course required by this Order.
3. Petitioner shall restrict driving to the following geographic area:
  - \_\_\_\_\_ a) The following Texas Counties: Galveston, Harris, Brazoria, Chambers, Fort Bend, Liberty, Montgomery, and Waller.
  - \_\_\_\_\_ b) the State of Texas.
  - \_\_\_\_\_ c) \_\_\_\_\_.

### III.

#### IT IS FURTHER ORDERED

1. Petitioner shall maintain a valid policy of automobile liability insurance or other accepted form of financial responsibility in accordance with Article 601 *et. seq.*, Texas Transportation Code for the period that the occupational license is in effect and is Ordered to provide proof of such insurance upon request of any peace officer.
2. Petitioner shall restrict driving to the course and scope as permitted by this Order.
3. Petitioner shall carry a certified copy of this Order when operating a motor vehicle.
4. Petitioner shall timely pay any surcharge required by the Texas Department of Public Safety.
5. Petitioner shall submit to the taking of a specimen of breath or blood for analysis to determine the alcohol concentration or the presence of a controlled substance, drug, dangerous drug, or other substance at the request of a peace officer having arrested the defendant for the offense of Driving While Intoxicated.
6. Petitioner shall not possess or consume any illegal drugs, or prescription drugs without a valid prescription, during the period of time this Order is in effect.
7. Petitioner may not drive to, for the purposes of patronizing, any bar, tavern or lounge, and Petitioner may not drive to any commercial establishment that primarily serves alcohol, i.e., any business receiving 51% or more of its income from alcohol.
8. This Order does not grant a license for operation of a commercial motor vehicle.
9. This Order is void unless Petitioner maintains proof of a valid policy of automobile liability insurance throughout the entire period that this license is in effect.

10. This Order covers only the suspension for the reason set forth in paragraph I, and no other. If Petitioner's driver's license is, or becomes suspended, for any reason other than the reason(s) set forth in paragraph I, this Order grants no license for the additional suspension.

**IV.**

**IT IS FURTHER ORDERED THAT THE FOLLOWING CONDITIONS, IF INITIALED, SHALL ALSO APPLY TO THE ISSUANCE OF PETITIONER'S OCCUPATIONAL DRIVER'S LICENSE:**

- \_\_\_\_\_ 1. Petitioner shall attend four (4) alcoholics anonymous, alcohol awareness, or drug awareness counseling session(s) within 110 days of the issuance of this order and shall file proof of the same with the County Clerk within 120 days of the date of this Order.
- \_\_\_\_\_ 2. Holder of Occupational Driver's License shall not operate a vehicle unless it is equipped with an operating and calibrated Ignition Interlock Device and equipped with rolling retest, as follows:
- \_\_\_\_\_ a) effective upon the date of entry of this Order, *or*
  - \_\_\_\_\_ b) effective immediately upon a conviction or plea pursuant to Section 49.04, 49.07, 49.08, or 49.09 of the Texas Penal Code.
  - \_\_\_\_\_ c) in addition, the Ignition Interlock shall be equipped with a camera & GPS.
- \_\_\_\_\_ 3. Petitioner shall file proof of SR-22 insurance with the County Clerk within 30 days of the date of this Order.
- \_\_\_\_\_ 4. Petitioner shall comply with all terms of any current Probation/Community Supervision conditions.
- \_\_\_\_\_ 5. Petitioner shall not receive any citations for any violation of the Texas Transportation Code during the effective periods of this Order; and shall upon receipt of a citation for a moving violation, notify this court in writing within fifteen (15) days of receipt of the citation.
- \_\_\_\_\_ 6. Petitioner shall attend a Defensive Driving Course within 75 days of the issuance of this order and shall file proof of the same with the County Clerk evidence of completion within that same period.
- \_\_\_\_\_ 7. Petitioner shall have no other passenger in the vehicle.

V.

**THIS ORDER IS EFFECTIVE FROM THE DATE OF SIGNING THROUGH:**

- \_\_\_\_\_ 1. The Duration of the driver's license suspension from the offense described in Paragraph I of this Order.
- \_\_\_\_\_ 2. For only a period of six (6) months following the date of this Order below.
- \_\_\_\_\_ 3. The Duration of the driver's license suspension based upon the Refusal / Failure described in Paragraph I of this Order, **however this order shall not be effective upon a conviction or plea pursuant to Section 49.04, 49.07, 49.08, or 49.09 of the Texas Penal Code.**
- \_\_\_\_\_ 4. The \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

SIGNED on \_\_\_\_\_.

\_\_\_\_\_  
CHRISTOPHER M. DUPUY, JUDGE

Approved as to Form:

\_\_\_\_\_  
Assistant District Attorney