

STEPS TO OBTAINING AN ESSENTIAL NEEDS LICENSE

An essential needs driver's license will allow you to drive a total of four (4) hours during each twenty four (24) day. When you can begin and when you must end driving for the day is dependent on what your essential need is to drive.

Example:

Start Time

You need to be at class or at work at 8:00 a.m. It takes thirty (30) minutes to get from your home to school or work. You can then begin driving at 7:30 a.m.

End Time

You get out of class or get off work at 5:00 p.m. After you get out of class/work, you need three (3) hours to run errands (go get groceries, do laundry, pick up a child at daycare, go to a tutoring class, etc.) and to then get home. You then must end driving at 8:00 p.m.

As illustrated in the example above, a judge that reviews your request for an essential needs license will give you some latitude to run some errands and perform other essential household duties after you are done with school or work. However, most of the judges are very hesitant to let you drive after 9:00 p.m. unless you have a real compelling need to do this, such as you don't get out of class or off work until after 9:00 p.m.

You will be required to maintain a log of your driving activity. The best way to do this is to just buy a cheap day planner and write down each time you leave to go somewhere and then document when you arrive.

Example:

It is Monday August 4th, you leave your house to drive to work or class at 7:45 a.m. In your day planner, turn to the page for August 4th and then make a note that at 7:45 a.m. you left your home with your destination being school or work. When you arrive at school or work (i.e. 8:00 a.m.), you will then note the time of your arrival in the day planner. Your drive time took a total of 15 minutes so note that on your day planner as well. You have just used 15 minutes of your four (4) hour maximum for the day. You still have a total of three (3) hours and forty-five (45) minutes to use for the remainder of the day.

If you are stopped by a police officer, he will ask you for this driving log so make sure that you maintain it accurately. Also, make sure that you do not write down anything in this planner that you would not want an officer to see when he/she is thumbing through it. Therefore, it is best just to keep this driving log in totally separate day planner than one that you might use to record your personal information.

IN ORDER TO OBTAIN AN ESSENTIAL NEEDS DRIVER'S LICENSE, I NEED YOU TO DO THE FOLLOWING:

1. Please fill out the attached "Essential Needs License Questionnaire". This is the information that I will use to draft your request for an essential needs license. It is very important that you read over this document and fill it in to the best of your ability.

When you are filling out this form you will see a blank for you to list your permanent address (in most cases, your parents address). In some instances, I can get the judge to approve you being able to drive home to see your parents. However, when we go in front of the judge we must have a good reason for this request (i.e. go home and work for a parent on some weekends). If you do occasionally go home to do some work for your parent(s) or you think that you can come up with some other good reason to go see your parents then fill out this blank and I will see if I can get the judge to approve this.

2. Please fill out the enclosed "Data for Texas Occupational Driver's License" form. This form will be sent to the Texas Department of Public Safety (DPS) by me if your request for an essential needs license is granted by the judge.

This form is used by the DPS to prepare your essential needs license that they will issue you by mail..

3. Make a check payable to me for \$350.00 (you can also pay cash or put this on a credit card). This money does not go to me. My time in getting you an essential needs driver's license was covered in our original fee arrangement.

\$215.00 of this payment goes to the district clerk and is a filing fee that is required to be paid when I file your petition for an essential needs driver's license.

\$10.00 of this payment goes to DPS and is a fee required to be received by them before they will issue you an essential needs license.

\$125.00 of this payment goes to DPS and is a reinstatement fee that must be paid to them before they will return your original driver's license that was seized at the time that you were arrested.

4. You will need to obtain SR-22 (proof of liability insurance) from an insurance company. This is special insurance that must be obtained by someone driving with an essential needs license and the judge requires proof of this coverage at the time that I file your petition for an essential needs driver's license.

I am routinely asked by clients if they should go to their current liability insurance carrier to get this. My advice is no. In all likelihood your current liability insurance carrier is going to find out that your driver's license has been suspended; however, if you ask them for SR-22 then they are going to know for sure and they may possibly drop you. It is my suggestion that you seek out a carrier that handles a lot of SR-22s. I have been pleased with the price and reliability of *Service Insurance Group*. You may contact **ANGIE** on her cell phone at **979/255-9058** or by e-mail at **angie.estlund@sig4you.com** to help you

with your needs. Angie at Service Insurance Group has been real helpful in the past in making sure that my clients are professionally attended to. I am not saying that you have to use this company. You may use whomever you feel comfortable with and obviously whomever gives you the best price. It is just that most people have never gone through all of this and inevitably end up asking me where to go to get SR-22 coverage.

Additionally, a lot of people will ask me if they are currently covered under someone else's policy (i.e. their parents) should their parents drop them from their insurance policy and put you on a separate policy. Angie is very familiar with the inter-workings of most insurance companies and she can tell you what she thinks would be the best route, so feel free to ask her.

Upon receipt of the above mentioned forms and monies, I will prepare and file your petition for an essential needs license. The court will then set this matter on the docket for a hearing at its first available opportunity. Hopefully, this hearing will be within one week of when I file the petition; however, it may take longer depending on how backed up the court is. Once a hearing date is set I will make you aware of the date and time. **In most instances it will be necessary for you to be at the hearing.** Please be on time and allow yourself time to get to the courthouse, park and go through the metal detectors. Also, please dress appropriately (i.e. no shorts, no caps, etc.). As I previously stated, **it is necessary that you have proof of SR-22 coverage at the time that I file your request for an essential needs license. A judge will not grant your request for an essential needs license without first seeing proof that you have obtained this insurance.** So do not forget to obtain this as soon as possible and have whomever you purchased it from fax (979/779-9387) or e-mail (greaveslaw@verizon.net) me proof that you have obtained this insurance.

Lastly, the ability to obtain an essential needs license is not a right. It is a privilege. On the whole, judges do not have a problem granting these. However, there are always exceptions. So if you are required to attend this hearing, be prepared to respectfully answer any questions that a judge might ask you as to why you think that you deserve an essential needs license. I will be there with you when the judge questions you about your request, but the decision to grant your essential needs license is totally up to the judge and what he/she thinks about your request.

ESSENTIAL NEEDS LICENSE QUESTIONNAIRE

FULL NAME: _____

CURRENT PHYSICAL ADDRESS: _____

(City) (County) (State) (Zip)

PERMANENT PHYSICAL ADDRESS: _____

(City) (County) (State) (Zip)

IF EMPLOYED-

NAME OF EMPLOYER: _____

PHYSICAL ADDRESS OF EMPLOYER: _____

(City) (County) (State) (Zip)

DESCRIPTION OF JOB DUTIES: _____

IF YOUR JOB REQUIRES YOU TO DRIVE, DESCRIBE WHERE YOU WILL NEED TO DRIVE AND FOR WHAT REASON: _____

IF STUDENT-

EDUCATIONAL INSTITUTE ATTENDING: _____

REQUESTED DRIVING START AND END TIMES:

Sunday:	Start Time:	End Time:
Monday:	Start Time:	End Time:
Tuesday:	Start Time:	End Time:
Wednesday:	Start Time:	End Time:
Thursday:	Start Time:	End Time:
Friday:	Start Time:	End Time:
Saturday:	Start Time:	End Time:

**DATA FOR TEXAS
OCCUPATIONAL DRIVER'S LICENSE**

DEPARTMENT USE ONLY
AMOUNT: _____
MONEY NUMBER: _____

Print or Type

Full Name _____
First
Middle
Last

Street Address _____
City
State
Zip Code

Date of Birth			Sex	Color Eyes	Color Hair	Weight Pounds	Height		Driver License Number
Month	Day	Year					Ft.	Inch	

This is to certify that I am the person named and described herein.

Mail to: Safety Responsibility Bureau
Occupational License Section
Texas Department of Public Safety
Box 15999
Austin, Texas 78761-5999

Usual Signature of Applicant

INFORMATION BELOW THIS LINE IS FOR DEPARTMENT USE ONLY

DATE OF ISSUE _____ EXPIRE: _____
SR-37(4/92)