

CRAIG M. GREAVES

ATTORNEY AT LAW

Office: 979/779-9388
Fax: 979/779-9387
www.greaveslaw.com

708 South Bryan Avenue
Bryan, Texas 77803
craig@greaveslaw.com



Kelsey Manning
Legal Assistant
kelsey@greaveslaw.com

Nicole T. Greaves
Office Manager
nicole@greaveslaw.com

OBTAINING A CERTIFIED COPY OF YOUR DRIVING RECORD

Since your driver's license has been suspended by the Texas Department of Public Safety you are eligible to obtain an occupational/essential needs driver's license.

Prior to issuance of such license, the Court requires that you provide for its review an Abstract Record (which is also Certified) copy of your driving record. Therefore, I have attached a form that the Texas Department of Public Safety (DPS) requires a person to send in when requesting a certified copy of their driving record.

If you have your driver's license that contains the AUDIT number down the side of the picture or along the bottom of your license, you may request that record online at:

<http://www.dps.texas.gov/DriverLicense/driverrecords.htm>.

On average it takes between two (2) to three (3) weeks from the time that you mail in the attached form until you receive your requested certified copy. Therefore, I would ask that you please mail this form and a \$20.00 cashier's check/money order to DPS as soon as possible. If you fail to timely do so, this could cause significant delay in obtaining you an occupational/essential needs driver's license if the need arises.

Upon receiving your certified copy of your driving record in the mail, I would ask that you please get this driving record to my office as soon as possible. You can get this record to my office via regular mail, e-mail or hand delivery.

Sincerely,

Craig M. Greaves
Craig M. Greaves

Enc.

P.S. I have also attached an example of this form in order to give you a better idea of how to fill it out.

OCCUPATIONAL/ESSENTIAL NEEDS LICENSE INFORMATION

You will need the following items for obtaining an occupational/essential needs license:

1. Abstract Driving Record from the Texas department of Public Safety;
2. SR-22 Insurance
3. Proof of need to drive: Examples of proof: A letter from your employer or immediate supervisor on your employer's letterhead that verifies your work schedule, school registration with schedule, etc. (The Court may require you to install an ignition interlock device on your vehicle if you do not have one already).
4. What hours do you need to drive
5. List of counties you will need to drive through
6. Pay the fee of 192.00 (cash, check or money order) or 197.76 (credit/debit card)

An occupational/essential needs driver's license, is a restricted license issued by a Court to a person whose Texas driver's license has been suspended or revoked (other than for medical reasons or delinquent child support). An occupational/essential needs license will only authorize the operation of a motor vehicle:

- To travel to and from locations necessary in the performance of a person's employment duties;
- To travel to and from the location of the educational institution that a person attends;
- To travel to and from locations necessary for a person to complete his/her court ordered obligations (e.g., perform community service hours, attend drug/alcohol counseling, etc.); and/or
- To travel to and from locations necessary for a person to perform essential household/parental duties (e.g., purchase groceries, take a child to school, etc.).

In most instances, the Court will only allow you to drive a maximum of **four (4)** hours per day. When you can begin driving and when you must end driving for the day is dependent on what your essential need is to drive. You are able to ask for a **twelve (12)** hour window in which to drive, but must **not** exceed the **four (4)** hour limit given to each day you are allowed to drive. There is a possibility that the Court may allow for more driving time dependant on the need.

EXAMPLE:

Start Time:

You need to be at school/work at 8:00 a.m. It takes thirty (30) minutes to get from your residence to school/work. The court will allow you to start driving at 7:30 a.m.

End Time:

You are finished with class at 5:00 p.m. After you get out of class, you need two (2) hours to run errands (e.g., get groceries, do laundry, pick up a child at daycare, etc.) and to then get home. You must then end driving at 7:30 p.m.

As illustrated in the above example, the Court will grant you some latitude to run errands and perform other essential household duties after you get out of school and/or off work. However, the Court is very hesitant to let individuals drive after 8:00 p.m. unless there is a truly compelling need to do so (e.g., work after 8:00 p.m., have tutoring sessions after 8:00 p.m., etc.).

The Court will only grant a request to drive on Saturdays or Sundays if you work one or both of those days. If you

have a schedule that requires you to work both those days the Court may consider giving you both if you have a day during the week that driving would not be essential.

You will be limited by the Court to drive only in the county or counties in which you currently reside, unless:

- Your employment requires you to travel in and/or through a different county than the one in which you currently reside;
- The educational institution you attend is located in a different county than the county in which you currently reside; and/or
- You are required to attend Court proceedings in a different county than the county in which you currently reside.

NOTE: *The Courts do not consider it an essential need to drive out of the county in which you currently reside to visit your family and/or a significant other.*

DRIVING LOG

You will need to keep an accurate record of your driving activity. When doing so, you will need to note the time and the physical description/address of your starting point when you leave one location to drive to another location. Once you arrive at your destination, you will then need to record the time of your arrival and the physical description/address of your end point. Additionally, you will need to document the essential purpose of why you needed to travel from your starting location to your ending location.

EXAMPLE:

It is Monday August 4th, you leave your residence driving to work/class at 7:45 a.m. You will need to record that at 7:45 a.m. you left your home with your destination being school/work. You arrive at school/work at 8:00 a.m. You will then need to note the time of your arrival, as well as the physical location/address of the place to which you just arrived. Your drive time took a total of 15 minutes, so note that 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 of driving time available for use.

AUGUST 14, 2010				
Departure Time	Description of Starting Point	Arrival Time	Description of End Point	Purpose of Travel
7:45 AM	Home 1234 Any Street Bryan	8:00 AM	Texas A&M University College Station	To attend classes. (-) 15 minutes

NOTE: *It is very important that you accurately maintain your driving log. If you are stopped by a member of law enforcement, he/she will in all likelihood inspect this log very closely.*

SR-22 INSURANCE

Per the Texas Safety and Responsibility Act, a person whose driving privileges have been suspended is required to file and maintain a Form SR-22 with the Texas Department of Public Safety (DPS) for at least the period of the person's suspension. A Form SR-22 is a *Certificate of Insurance* that requires an insurance company to notify DPS if at anytime a policy holder allows his/her insurance coverage to be canceled or lapse.

NOTE: *Your current insurance policy cannot be accepted in place of an SR-22 because a standard insurance policy does not require the insurance carrier to notify DPS if a policy holder cancels or allows his/her policy to lapse.*

NOTE: For further information on SR-22 insurance coverage, go to the Texas Department of Public Safety's website:

<http://www.txdps.state.tx.us/DriverLicense/sr22InsuranceCertificate.htm>

Note: Upon receipt of the above mentioned forms and monies, I will prepare and file your *Petition for an Occupational/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 seven (7) to ten (10) days of the date that I filed your petition. Unfortunately, it sometimes takes longer depending on how backed up the Court is.

Once a hearing date is set by the Court, my office will make you aware of the date and time. **It will be necessary for you to be at the hearing.** *You are required to be at the hearing*, please be on time and allow yourself time to get to the courthouse and park. Also, please dress appropriately (i.e. no shorts, no caps, etc.).

Lastly, the ability to obtain an occupational/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 occupational/essential needs license. I will be there with you when the judge questions you about your request, but the decision to grant your occupational/essential needs license is totally up to the judge and what he/she thinks about your request.

ESSENTIAL/OCCUPATIONAL NEEDS LICENSE QUESTIONNAIRE

Name:

--	--	--

First

Middle Initial

Last

Current
Address

Street, Highway or County Road (No P.O. Box)

--	--	--

City

State

Zip Code

Name of
Employer

Address of
Employer

Description
of Job
Duties

Educational
Institutions
Attending

REQUIRED DRIVING TIMES*

* The times you list below must be the times that would be essential for you to drive (e.g. to drive to and from work/school, provide child care, etc.) You may want to consider using a 12 hour window in which you can use your 4 hours of driving time allotted to you each day.

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

TEXAS DPS

APPLICATION FOR COPY OF DRIVER RECORD



MAIL TO: Texas Department of Public Safety, Box 149008, Austin, TX 78714-9008

DO NOT MAIL CASH. Mail check or money order payable to: Texas Department of Public Safety

Any questions regarding the information on this form should be directed to the Contact Center at 512-424-2600. Allow 2-3 weeks for delivery.

Check Type of Record Desired

FEE

- 1. Name – DOB – License Status – Latest Address. \$ 4.00
- 2. Name – DOB – License Status – 3 Year Record only lists Crashes/Moving Violations. \$ 6.00
- 2A. CERTIFIED version of #2. This Record is Not acceptable for a Defensive Driving Course (DDC). \$ 10.00
- 3. Name – DOB – License Status – Record of ALL Crashes/Violations. **Furnished to Licensee Only.** \$ 7.00
- 3A. CERTIFIED version of #3. **Furnished to Licensee Only and is Acceptable for DDC.** \$ 10.00
- 4. Abstract Record – Certified abstract of completed driver record. \$ 20.00
- Other: (Original Application, DWLI, etc.) _____ \$ _____ .00 (If Required)

Mail Driver Record To: (Please Print or Type)

Requestor's Last Name _____ Requestor's First Name _____

Street Address _____ Texas Driver License Number _____

City _____ State _____ Zip Code _____ Daytime Telephone Number (include area code) _____

If requesting on behalf of a business, organization, or other entity, please include the following:

Name of business, organization, entity, etc. _____

Your Title or Affiliation with above _____

Type of business, organization, etc. (i.e., insurance provider, towing company, private investigation, firm, etc.) _____

Information Requested On:

Texas Driver License Number _____ Date of Birth / / Suffix (SR., JR., etc.) _____

Last Name _____

First Name _____

Middle Name/Maiden Name _____

Individual's Written Consent For ONE TIME Release to Above Requestor

(Requestor, if you do not meet one of the exceptions listed on the back of this form, please be advised that without the written consent of the driver license/ID card holder, the record you receive will not include personal information.)

I, _____, hereby certify that I granted access on this one occasion to my Driver License/ID Card record, inclusive of the personal information (name, address, driver identification number, etc.) to _____

Signature of License /ID Card Holder or Parent /Legal Guardian _____

Date _____

State and Federal Law Requires Requestors to Agree to the Following:

In requesting and using this information, I acknowledge that this disclosure is subject to the federal Driver's Privacy Protection Act (18 U.S.C. Section 2721 et seq.) and Texas Transportation Code Chapter 730. False statements or representations to obtain personal information pertaining to any individual from the DPS could result in the denial to release any driver record information to myself and the entity for which I made the request. Further, I understand that if I receive personal information as a result of this request, it may only be used for the stated purpose and I may only resell or redisclose the information pursuant to Texas Transportation Code §730.013. Violations of that section may result in a criminal charge with the possibility of a \$25,000 fine.

I certify that I have read and agree with the above conditions and that the information provided by me in this request is true and correct. If I am requesting this driver record on behalf of an entity, I also certify that I am authorized by that entity to make this request on their behalf. I also acknowledge that failure to abide by the provisions of this agreement and any state and federal privacy law can subject me to both criminal and civil penalties.

Signature of Requestor _____

Date _____

If you are not requesting a copy of your own record or do not have the written consent of DL/ID holder, you must provide the information requested on the reverse.

Important Instructions – Read Carefully

The Texas Department of Public Safety may disclose personal information to a requestor without written consent of the DL/ID holder, on proof of their identity and a certification by the requestor that the use of the personal information is authorized under state and federal law and that the information will be used only for the purpose stated and in complete compliance with state and federal law.

You must meet one or more of the following exceptions if you do not have written consent of the DL/ID holder to be entitled to receive personal information on the above named individual. Please *initial* each category that applies to the requested driver record.

- _____ 1. For use in connection with any matter of (a) motor vehicle or motor vehicle operator safety; (b) motor vehicle theft; (c) motor vehicle emissions; (d) motor vehicle product alterations, recalls, or advisories; (e) performance monitoring of motor vehicles or motor vehicle dealers by a motor vehicle manufacturer; or (f) removal of nonowner records from the original owner records of a motor vehicle manufacturer to carry out the purposes of the Automobile Information Disclosure Act, the Anti Car Theft Act of 1992, the Clean Air Act, and any other statute or regulation enacted or adopted under or in relation to a law included in the above.
- _____ 2. *(Valid for Certified Abstract)* For use by a government agency in carrying out its functions or a private entity acting on behalf of a government agency in carrying out its functions.
- _____ 3. For use in connection with a matter of (a) motor vehicle or motor vehicle operator safety; (b) motor vehicle theft; (c) motor vehicle product alterations, recalls, or advisories; (d) performance monitoring of motor vehicles, motor vehicle parts, or motor vehicle dealers; (e) motor vehicle market research activities, including survey research; or (f) removal of nonowner records from the original owner records of motor vehicle manufacturers.
- _____ 4. For use in the normal course of business by a legitimate business or an authorized agent of the business, but only to verify the accuracy of personal information submitted by the individual to the business or the authorized agent of the business and to obtain correct information if the submitted information is incorrect to prevent fraud by pursuing a legal remedy against, or recovering on a debt or security interest against the individual.
- 5. *(Valid for Certified Abstract)* For use in conjunction with a civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self regulatory body, including service of process, investigation in anticipation of litigation, execution or enforcement of a judgement or order, or under an order of any court.
- _____ 6. For use in research or in producing statistical reports, but only if the personal information is not published, redisclosed, or used to contact any individual.
- _____ 7. For use by an insurer or insurance support organization, or by a self insured entity, or an authorized agent of the entity, in connection with claims investigation activities, antifraud activities, rating or underwriting.
- _____ 8. For use in providing notice to an owner of a towed or impounded vehicle.
- _____ 9. For use by a licensed private investigator agency or licensed security service for a purpose permitted as stated on this page.
- _____ 10. *(Valid for Certified Abstract)* For use by an employer or an authorized agent or insurer of the employer to obtain or verify information relating to a holder of a commercial driver license that is required under 49 U.S.C. Chapter 313.
- _____ 11. For use in connection with the operating of a private toll transportation facility.
- _____ 12. For use by a consumer-reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. §1681 et seq.) for a purpose permitted under the Act.
- _____ 13. For any other purpose specifically authorized by law that relates to the operation of a motor vehicle or to public safety.
Please state specific statutory authority _____
- _____ 14. For use in the preventing, detecting, or protecting against identity theft or other acts of fraud. The Department prior to release of personal information may require additional information.

Below is an example of how numbers and letters should be written on front of this form:



1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 0 |

A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z |