



Tom Caldwell
Wilson County Attorney

**STANDING REQUIREMENT FOR APPROVAL OF
OCCUPATIONAL DRIVERS LICENSE WITHOUT CONTESTED HEARING**

This office will not generally seek a contested hearing of an Application for an Occupational Driver's License under the following circumstances:

1. The criminal charge or refusal to submit a specimen of breath or blood for testing while under arrest for DWI is within the jurisdiction of the Wilson County Court. Felonies or out of County charges will be opposed unless the prosecutor who has jurisdiction over that matter is notified of the application and given an opportunity to respond.
2. The application identifies the driver by name, age, date of birth, place of residence, and driver's license number.
3. The petition is accompanied with verification of SR-22 insurance, a copy of the Applicants 3 year driving record and employer letter or proof of enrollment in an institution of learning.
4. The proposed order allows the drivers to drive no more than 12 hours (in one or more periods) a day, specifies those hours, what counties may be driven in, and what reasons the driver may drive for.
5. The proposed order requires the driver to submit to an alcohol dependence program approved by the Court and submit proof of attendance not less than quarterly if the license was suspended for refusal to submit to a breath or blood alcohol test while under arrest for suspicion of DWI 2nd or more.
6. The proposed order has the following conditions:

"The driver may not operate a motor vehicle with any detectable amount of alcohol in his or her body, or with an open container of an alcoholic beverage in the vehicle."

"The driver will submit to field sobriety, portable breath tests and breath or blood alcohol tests if requested by a peace officer who has stopped or detained the driver on suspicion of DWI, or of violating a condition of this occupational license."

"The driver will not commit any offense (except Class C misdemeanor traffic violations) while operating a motor vehicle during the time this occupational license is in effect."

"The driver will maintain a copy of this complete order for an occupational driver's license whenever operating a motor vehicle and will show it to any peace officer who requests identification, in addition to any other driver's license provided by DPS."

7. It is the petitioner's responsibility to schedule any contested hearing with the Court Coordinator at 830-393-7303.