

Texas Occupational Drivers License (ODL)

If your Texas driver's license was *suspended, revoked, or denied* but you need to drive ...

you may still be allowed to drive under certain circumstances if you get an **occupational driver's license (ODL)**.

What is an "Occupational Driver's License" or ODL?

An occupational driver's license (ODL) is a restricted license that lets you drive at certain times, on specific days, under certain conditions, when you have an "essential need to drive."

An "essential need" means you need to drive to:

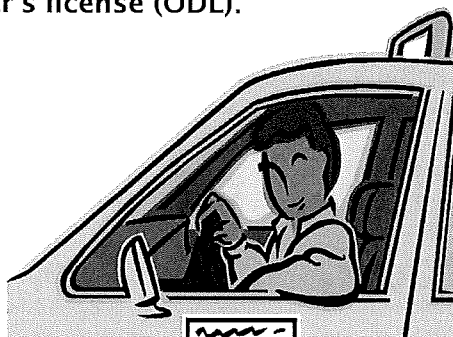
- ✓ do your job,
- ✓ get to and from work or school, or
- ✓ do essential household duties.

Where can I read the law?

You can read the Texas laws about Occupational Driver's Licenses and surcharges in:

- Texas Transportation Code chapter 521 subchapter L
- Texas Transportation Code chapter 601.
- Texas Health and Safety Code section 469.009.
- Texas Administrative Code, Title 7, Subtitle B, Ch. 521, Subtitle I, Ch. 708.

You can read the statutes online at:
www.statutes.legis.state.tx.us.



Can anyone get an ODL?

No. You cannot get an ODL if:

- you lost your driving privileges because of a mental or physical disability,
- you lost your driving privileges for failure to pay child support,
- you need it to drive a commercial motor vehicle,
- the judge thinks you do not have an essential need,
- the judge is worried about public safety,
- you have received two ODLs in the past 10 years after a conviction, or
- you have a "hard suspension" waiting period due to a prior DWI arrest or conviction.



Caution!

The process can take weeks to complete and can get complicated.

You may need to hire an attorney to help you reach your goal.

Overview of Steps:

1. **Check** the status of your license to see if you really need to get an Occupational Driver's License (ODL) or if you can reinstate your license at Texas.gov/driver.
2. **Check** to see if you qualify for an ODL.
3. **Gather the forms** and information you need to ask the Court to order DPS to issue you an ODL.
4. **File** your forms with the Clerk of the Court.
5. Go to **Court** to ask the Judge to sign the Order.
6. If the Judge signs the order, **mail** the paperwork and fees to DPS **right away**.

See pages 3-4 for instructions...

Step 1 Do you really need an ODL? Or can you reinstate your license?

Sometimes people think they need an Occupational Driver's License when they could just reinstate their license.

Before asking the court for an ODL, check your license eligibility status at:

www.Texas.gov/driver

Click on "Drivers License Reinstatement and Status."

You can also call the
Texas Department of Public Safety (DPS)
to check your eligibility/qualifying status:
512-424-2600 (English)
512-424-7181 (Español)

This free site will tell you if you can drive with your current license and, if not, what you need to do to become eligible. If you are not eligible, the website will tell you:

1. The requirements to meet.
2. The fees you need to pay.
3. About surcharge waiver programs.

You can pay fees on this website and get information on how to mail proof that you met the compliance requirements to DPS. Keep checking the website because it is updated daily.



Be careful!

Recent court actions and out-of-state violations may not be reflected in your current eligibility status.

Step 2 Do you qualify for an ODL?

Even if you get a court order for an Occupational Driver's License, DPS cannot issue one if:

- * You lost your driving privileges for a medical condition.
- * You lost your driving privileges because you owe child support.
- * You have received two ODLs after a conviction in the past 10 years.
- * You don't qualify to get a Texas driver's license because you are in the United States unlawfully. The documents to verify that you are a citizen or that you are in the United States lawfully are listed at:

www.txdps.state.tx.us/DriverLicense/ApplyforLicense.htm

Step 3 Gather your paperwork

- ✓ Two court forms:
 - 1) The *Petition for Occupational Driver's License* asks the Court to issue an order.
 - 2) The *Order for Occupational Driver's License* orders DPS to issue you an ODL.

Print the court forms at www.TexasLawHelp.org. You can also use the interactive forms interview on TexasLawHelp. With this program, you answer questions about your need to drive, etc. Then you print out the prefilled-in forms.

- ✓ Certified Abstract (Type AR) of your driving record from DPS: Get your Type AR Certified Abstract:

*By mail with form DR-36 (takes 3-4 weeks, costs \$20) or
*Online (quickly, cost \$22 & must have audit number) at
<http://www.dps.texas.gov/DriverLicense/driverrecords.htm>.

- ✓ Proof that you need to drive to go to work, school, or perform essential household duties, etc.
Examples of proof: your school schedule or registration, a current pay stub, a letter from your job, or an affidavit (sworn statement) explaining your need to drive.

- ✓ SR-22 proof of insurance from your insurance company: Get the SR-22 (also called a "Financial Responsibility Certificate") from your insurance company. The SR-22 proves that you have the minimum liability insurance required by law. If you don't own a vehicle, you can get a Texas Non-Owner SR-22 Insurance Policy. Your insurance company will tell DPS if the SR-22 coverage lapses, terminates or is cancelled—and then your ODL will be revoked.

Step 4 File your papers with the Court

When you file your *Petition for Occupational License* with the Court you are asking the court to order DPS to issue you an Occupational Driver's License.

If your license was automatically suspended or cancelled following a conviction, file the *Petition* in the same court that convicted you.

If your license was *not* suspended or cancelled following a conviction, file the *Petition* in the county where you live or where the offence occurred. You may have a choice between filing in District Court, County Court-at-Law or Justice of the Peace (JP) court. If so, you may want to research local procedures, court costs, and court scheduling to decide which court is best for your situation.

Ask the court clerk when you should come back for the hearing. You may need to schedule a time for your hearing.

Note: Travis County residents can review the *Instructions for Travis County ODL Filers* for local procedure information.

Step 5 Go to Court

Go to Court the day of your hearing. Arrive early.

When you go to Court, **bring:**

1. The *Order for an Occupational Driver's License* form. Fill out all but the restrictions and the judge's signature.
2. A Certified Abstract of your full driver record (Type AR).
3. The SR-22 from your insurance company.
4. A copy of the court order suspending your license. Some courts may require the notice of suspension from DPS.
5. Proof that you need to drive.
6. A copy of the filed *Petition*.

Note: If you filed an Affidavit of Indigency to waive the court filing fees, the court may require proof of income & expenses.

At the hearing: The judge reviews your *Petition* and other paperwork. Then the judge decides whether or not to sign the *Order* granting an occupational license.

If the judge signs the order, he/she will mark the restrictions as to when and where you can drive.

After the judge signs your order, get a certified copy of your filed *Petition* and at least two certified copies of the *Order* from the clerk.



You may use a certified copy of the *Order* for ODL to drive for 30 days *after* the order takes effect. Read your order to learn when it takes effect. See *FAQ about waiting periods*.

If you don't receive your ODL before the 31st day you can't drive until you either receive the ODL or go back to court to get an Amended *Order* for ODL that extends the deadline.

Step 6 Texas Department of Public Safety

A court's occupational drivers license *Order* is not the license itself. Rather, it is a court order telling the Texas Department of Public Safety (DPS) to issue an occupational drivers license to you. After you get the court *Order*, you must contact DPS to get the actual occupational drivers license.

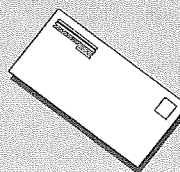
Mail the following documents to DPS as soon as possible!

- ✓ a certified copy of your *Petition* for ODL
- ✓ a certified copy of the *Order* for ODL that was signed by the Judge
- ✓ your SR-22 proof of insurance certificate,
- ✓ A check, money order or cashier's check payable to the Texas DPS for the Occupational License fee. Send \$10 for a 1-year license or \$20 for a 2-year license.

- ✓ A check, money order or cashier's check made out to the Texas Department of Public Safety for the amount you owe in reinstatement fees, if any.

Go to www.Texas.gov/driver or call DPS at 512-424-2600 to find out what you owe.

Mail all the documents **together** by certified mail return receipt requested (so that you have proof you mailed them) to:



Texas DPS
Enforcement & Compliance Service
P.O. Box 4087
Austin, Texas 78773-0320

Frequently Asked Questions (FAQs)

Will the State have a lawyer against me at the hearing?

Sometimes, if your license was suspended because:

- of a criminal homicide, DWI, intoxication assault, intoxication manslaughter, or
- you were under 21 and your license was suspended according to Texas Transportation Code, 521.342.

How do I get a Certified Abstract (Type AR) of my driving record?

You may purchase your driving record online, with a credit card and print it out. The online cost is \$22. You will need to enter your driver's license number *and license audit number* and the last four digits of your social security number at: www.dps.texas.gov/DriverLicense/driverrecords.htm

To get a Certified Abstract by mail, print the DR-36 form called "Request for a Certified Abstract of a Driver Record" from www.dps.texas.gov/DriverLicense/driverrecords.htm

Mail the completed form and a \$20 check or money order to Texas DPS. This form does not require the audit number or your social security number.

Can I drive after the Judge signs the Order?

You may use a certified copy of the Order for ODL to drive for 30 days once the order takes effect.

Read your Order to learn when it takes effect.

If you don't receive your actual ODL from DPS before the 31st day **you can't drive** until you either receive the ODL or go back to court to get an Amended Order for ODL that extends the deadline.

Waiting Periods— Why wouldn't an Order take effect as soon as the Judge signs it?

An Order for ODL will take effect as soon as a judge signs it UNLESS one of the following waiting periods (also called "hard suspension" applies.

If your license was suspended for refusing or failing a blood or breath test when arrested for DWI or other alcohol or drug-related driving or boating offense, the order for ODL cannot take effect for:

- 90 days after your license was suspended — if during the 5 years before your arrest your license was suspended because of an alcohol or drug-related arrest.
- 180 days after your license was suspended — if during the 5 years before your arrest your license was suspended because of a DWI, Intoxication Assault, or Manslaughter conviction.
- 365 days after your license was suspended — if during the 5 years before your arrest your license was suspended because of a second (or more) DWI, Intoxication Assault, or Manslaughter conviction.

How long will it take to get my ODL from DPS?

Processing time runs between three and four weeks unless a waiting period (*see above*) applies. Call DPS for more information at (English) 512-424-2600 or 512-424-7181 (Español).

What happens after I get my ODL from DPS?

- Maintain your SR-22 insurance. If your insurance lapses, your Occupational Driver's License will be revoked.
- Always keep your ODL, a certified copy of the court order for ODL and proof of SR-22 insurance with you when you drive. It is a Class B misdemeanor to drive without a certified copy of the court order in your possession.
- Only drive when and where the court order for ODL allows you to drive. It is a Class B misdemeanor to drive at other times or places.
- If the times and/or places you need to drive changes, go back to court to modify the *Order*.

Surcharge Indigency/Incentive Programs

If your license was suspended for failure to pay a surcharge and you have a low income DPS may:

1. reduce any surcharge amount you owe and
2. let you keep driving while you make payments on the surcharge amount. For more information about this program go to:

www.txsurchargeonline.com



NOTICE: THIS FORM CONTAINS SENSITIVE DATA

Ex Parte

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The clerk fills out below

Cause No:

[Empty box for Cause No.]

Print your name

District County Justice Court of:

_____ County, Texas
First Middle Last

Petition for Occupational Driver's License

Print your answers:

I swear under oath that the information I provide in this Petition is true and correct.

My name is: _____
First Middle Last

I am the Petitioner, and I am asking the court for an Occupational Driver's License.

I ask the Court to consider the information I have provided below.

Upon approval of this Petition, I ask the Clerk to send a certified copy of the Petition and the court Order setting out the judge's findings and restrictions to the Texas Department of Public Safety.

I. Petitioner's Personal Information

1. Home address: _____
Street address City
_____, Texas
County

2. Mailing address (if different from above): _____

3. Phone number: () _____

4. Email address: _____

5. Date of birth: _____
Month Day Year

6. The last three digits of my Social Security Number are _____

Or

I do not have a Social Security Number.

II. Driver's License Information

5. Check all that apply and provide requested information:

- I have never held a Texas Driver's License.
- My Texas Driver's License # is: _____. It expired on (date) ____ / ____ / ____.
- My Driver's License was issued by the state of _____.
My Driver's License number is _____. It expired on (date) ____ / ____ / ____.

6. Was your license suspended because of a physical or mental disability? Yes No

Was your license suspended for non-payment of child support? Yes No

Have you had 2 or more occupational driver's licenses in the last 10 years? Yes No

III. Notice to the State

7. If any of the following are applicable, the Clerk of the Court should serve the State with notice of this Petition as required by the Texas Transportation Code section 521.243(a).

(Check all that apply and fill in the blanks.)

A. My license was suspended under Transportation Code section 521.342? (Conviction of various offenses of an individual under the age of 21)

Yes No

B. I was convicted under:

a. Penal Code section 49.04 (Driving While Intoxicated)

b. Penal Code section 19.05 (Criminally Negligent Homicide)

c. Penal Code section 49.07 (Intoxication Assault)

d. Penal Code section 49.08 (Intoxication Manslaughter)

IV. Suspensions and Charges

8. Why was your Driver's License suspended? (Check all that apply and fill in the blanks):

A. I was arrested on ___/___/___ and the breath sample I provided registered above 0.08.
(date)

B. I was arrested on ___/___/___, and I did not give a breath sample, as requested.
(date)

Within the past five (5) years from the date of the arrest that led to your current suspension, have you had a suspension for refusal to give a breath/blood sample or providing a sample with a blood alcohol content greater than .08 following an arrest for DWI?

YES NO

C. This court convicted me of _____ on (date) ___/___/___.

D. The Texas court determined that I am a "habitual violator of traffic laws."

E. A Texas court ordered me to go to a Driver Education Program, and my license, permit, and/or driving privilege was automatically suspended for 365 days.

F. Other (If you did not check any of the above, why was your license suspended? Be specific.)

9. I have the following criminal charges pending: (You do not need to list traffic or Class C charges.)

V. Petitioner's Essential Need to Drive

10. Why do you need an Occupational Driver's License? (Check all that apply):

I need an Occupational Driver's License to drive to and from my place of work.

Name of Employer #1: _____

Employer's Address: _____

Days and hours you work: _____

Job title: _____

Name of Employer #2: _____

Employer's Address: _____

Days and hours you work: _____

Job title: _____

I need to drive to **school**. (Fill out below):

School Name: _____

School Address: _____

Days and hours of your classes: _____

Other (explain): _____

11. Driving schedule you are requesting:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From:	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm
To:	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm

12. If you are asking the Court to allow you to drive for more than 4 hours per day, explain why below:

VI. Petitioner's Request to the Court

13. I ask the Court to order the Texas Department of Public Safety to issue me an Occupational Driver's License to drive for the purposes described above.

I further ask this Court to order the Texas Department of Public Safety to administer any driving tests required for the issuance of said Occupational License.

Do not sign until you are in front of the notary.

Petitioner's name (print)



Petitioner's signature

Date

Notary fills out below

State of Texas, County of _____
(Print the name of county where this statement is notarized)

Sworn to and subscribed before me, the undersigned authority, on this date: _____ by:

(Print the first and last names of the person who is signing this affidavit.)



Notary's signature

See below for a list of documents you must attach to this Petition:

- A certified abstract (Type AR) of your driver's license record.
- An SR22 from your insurance company providing proof of current valid auto liability insurance.
- A copy of the Court Order that suspended your license unless you checked 8f above.
- 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, a current pay stub, school registration with schedule, or your sworn affidavit explaining to the court why you need to drive.

NOTICE: THIS FORM CONTAINS SENSITIVE DATA

Ex Parte

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The clerk fills out below.

Cause No:

[Empty box for Cause No.]

Print your name

District County Justice Court of:

First Middle Last

County, Texas

Order for Occupational Driver's License

On this date, the Court heard the petitioner's Application for Occupational Driver's License.

The Petitioner named below appeared in person without an attorney.

The Court finds that **notice to the State:** (Check one.)

The Court fills out this box.

- was not required.
- was given as required by Texas Transportation Code Section 521.243 and: (Check one.)
 - the attorney representing the State did not appear.
 - the attorney representing the State, _____, also appeared.

I. Findings

1. The Court FINDS that Petitioner's **personal information** is as follows:

- a. Name: _____
first middle last
- b. (Check all that apply and fill in the blanks.)
 - Petitioner's Texas Driver's License Number is _____.
 - Petitioner's Texas Driver's License expired on _____.
 - Petitioner has never had a Texas Driver's License.
 - Petitioner has a Driver's License from _____ with License Number _____.
- c. Home address: _____
Street address
- d. Phone number: (____) _____
City County State Zip Code
- e. Date of birth: ____/____/____
Month Day Year

2. The Court FINDS that it has **jurisdiction and venue** over this case and the Petitioner because:

(Check all that apply and fill in the blanks.)

- Petitioner resides in this County.
- The offense for which Petitioner's license was suspended happened in this county.
- This Court convicted Petitioner of an offense under the laws of this state that resulted in the automatic suspension or cancellation of Petitioner's license.

3. The Court FINDS that Petitioner has provided the Court with the following:

- a certified abstract (type AR) of Petitioner's driver's license record **and**
- an SR-22 financial responsibility insurance certificate.

4. The Court FINDS that Petitioner's driver's license **was suspended** because: *(Check all that apply and fill in the blanks.)*

Petitioner refused to submit to a breath or blood test or submitted a breath or blood test that registered more than 0.08 following an arrest on / / for:
Date

(Check one.)

Driving While Intoxicated

Other: _____

This Court convicted Petitioner of _____ on (date) / /
under cause number: _____.

The Texas Department of Public Safety said Petitioner was a habitual violator of traffic laws.

Other: _____

5. The Court FINDS that Petitioner's driver's license was **not denied, suspended or revoked** because of a **physical or mental disability or nonpayment of child support**.

The Court further FINDS that Petitioner has not been issued more than one Occupational Driver's License following a conviction during the past 10 years.

6. *(Check all that apply and fill in the blanks.)*

The Court FINDS that the suspension of Petitioner's license **began/begins** on / /
and **ends** on (date): / / .

The Court FINDS that the Petitioner's license is invalid for an indefinite period of time.

7. The Court FINDS that Petitioner: *(Check all that apply and fill in the blanks.)*

works for the following employer(s):

Employer #1: _____ Work Phone: _____

Work Address: _____

Employer #2: _____ Work Phone: _____

Work Address: _____

works for him/herself. Petitioner's occupation is: _____

Petitioner's work address is: _____

drives as part of his/her work throughout the following county or counties: _____

attends school at or transports family members to the following school(s):

School #1: _____ School Phone: _____

School Address: _____

School #2: _____ School Phone: _____

School Address: _____

other essential need _____

The Court fills out the rest of this form.

8. The Court FINDS that Petitioner has an **essential need** to drive as Ordered below.

II. Orders

The Court **ORDERS** that this Petition for Occupational Driver's License is **GRANTED** subject to the following restrictions and **ORDERS** Petitioner to follow all restrictions listed below.

The Court **ORDERS** the Texas Department of Public Safety to issue an Occupational Driver's License to Petitioner subject to the following restrictions. The Court further orders the Texas Department of Public Safety to administer any and all tests required for the issuance said Occupational License, and, if Petitioner passes all required tests, issue an Occupational Driver's License to Petitioner subject to the following restrictions.

Restrictions

- ✓ Petitioner **must not** drive a commercial vehicle with this license.
- ✓ Petitioner **must** maintain in full force and effect an SR-22 automobile liability insurance policy for the entire period the Occupational Driver's License is in effect.
- ✓ Petitioner **must** have in his/her possession a certified copy of this court order while driving and **must** allow a peace officer to examine the order when requested.
- ✓ Petitioner **may** only drive in the counties listed here:

- ✓ Petitioner **must** only drive to and from work or school and for essential duties, including medical appointments, court appointments, attorney's appointments, probation office meetings, and any supervision, education, or counseling required by this Order.
- ✓ Petitioner **must not** drive more than: *(Check one.)*
 - 4 hours in any 24 hour period.
 - 12 hours in any 24 hour period. The Court specifically finds that Petitioner needs to drive more than 4 hours and **ORDERS** that the 4 hour limitation is waived.

- ✓ Petitioner **must** only drive on the days and at the times listed below:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From:	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm
To:	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm

The Court also **ORDERS** the restrictions checked below: *(Check all that apply.)*

- Petitioner **must** always keep a log book in any car Petitioner drives. Petitioner must correctly record in the log book all dates and times Petitioner drives and the destination and reason for each trip. Petitioner must show this log book to any law enforcement officer upon demand.
- Petitioner **must not** refuse any lawful request by law enforcement for a sample of Petitioner's breath or blood if stopped for Driving While Intoxicated.
- Petitioner **must** submit to periodic testing for alcohol or controlled substances as follows:

- Petitioner **must** attend the alcohol/drug counseling program listed below and give the court clerk proof of attendance within _____ days of this order.
Program: _____
- Petitioner **must** submit to community supervision as follows: _____
- Petitioner **must not** drive any vehicle unless it is equipped with a working ignition interlock device. This Order is made in accordance with Texas Transportation Code Section 521.246.
- Additional Restrictions:

III. Date this Order takes Effect

The Court Clerk shall send a certified copy of the Petition and the court Order setting out this Court's findings and restrictions to the Texas Department of Public Safety.

This Order takes effect on: *(Check one and write in the date, if applicable.)*

- the date this Order is signed by the Court.
- ____ / ____ / ____ which is 91 days after the date Petitioner's license was suspended.
- ____ / ____ / ____ which is 181 days after the date Petitioner's license was suspended.
- ____ / ____ / ____ which is 366 days after the date Petitioner's license was suspended.

Petitioner may use a certified copy of this Order for Occupational Driver's License as a restricted license ONLY for 30 days, beginning on the date this Order takes effect.

IV. Date this Order Ends

Unless revoked by the Court, this Order for Occupational Driver's License remains valid until:

(Check one and write in the date, if applicable.)

- ____ / ____ / ____.
- ____ / ____ / ____ which is the date Petitioner's current driver's license suspension ends.

The reason for Petitioner's current driver's license suspension is listed in 4 above.

V. Warnings to Petitioner

It is a **Class B Misdemeanor** for you to drive in violation of any of the restrictions listed above.

It is a **Class B Misdemeanor** for you to drive without a certified copy of this order in your possession.

The Court may revoke this Order, at any time, for good cause.

This Order and your Occupational Driver's License are automatically revoked if you are convicted of driving in violation of any of the restrictions listed above or convicted of driving without a certified copy of this Order in your possession.

You may use a certified copy of this Order for Occupational Driver's License to drive for 30 days, beginning on the date this Order takes effect.

If you do not receive your Occupational Driver's License from the Texas Department of Public Safety (DPS) before the 31st day after the date this Order takes effect, you MUST not drive until you receive your Occupational Driver's License from Texas Department of Public Safety or come back to court to get an Amended Order for Occupational Driver's License that extends the 30 day time period.

If the places, reasons, days or times that you need to drive, change, you must come back to Court to get an Amended Order for Occupational Driver's License that reflects those changes.

Signed On: _____

By: _____
Judge's Signature