

OCCUPATIONAL DRIVER'S LICENSE (ODL)

Please carefully read Texas Occupational Driver's License brochure (attached) to make sure the applicant is a qualified candidate for an ODL.

Note: The law limits driving under an ODL to a maximum of four (4) hours per day. Upon a showing of necessity, the court may permit an applicant to drive up to twelve (12) hours per day, e.g., from 7:00 a.m. to 7:00 p.m. or some equivalent period; however, the court may further restrict driving times as appropriate.

An occupational driver license cannot be issued to drive a commercial motor vehicle.

The applicant must submit the following to the County Clerk's Office:

- A Petition for Occupational Driver's License (attached);
- An SR-22 insurance form (obtain from applicant's insurance company);
- A letter from the applicant's employer, pay stub, work/school schedule, or any other proof of essential need for an occupational license. If the applicant is retired, disabled, unemployed, or on public assistance, a sworn affidavit explaining your need to drive;
- A certified copy of the applicant's driving record (Type AR-Certified Abstract of Driving Record) from the Department of Public Safety:
<http://www.txdps.state.tx.us/DriverLicense/driverrecords.htm>.

The applicant waits for the County Judge to schedule a hearing.

If the applicant is approved for an Occupational Driver's License, the Judge will issue an Order.

The applicant will pay the County Clerk's Office a \$ 350.00 fee. The court will forward one certified copy of the ODL Order and a certified copy of petition to the Texas Department of Public Safety.

The applicant is responsible for mailing the following documents to the Texas Department of Public Safety, Enforcement & Compliance Service, PO Box 4087, Austin, Texas, 78773-0320:

- a certified copy of your Petition;
- a certified copy of the Order for ODL that was signed by the Judge;
- the SR-22 proof of insurance certificate;
- a check, money order or cashier's check payable to Texas DPS for the Occupational License fee. Send \$10.00 for a 1-year license or \$20.00 for a 2-year license.

The Department of Public Safety will then send the applicant an ODL card after receipt of the order, petition, and required documents.

The driver must keep one certified copy of the ODL at all times when driving, along with a copy of the SR-22 or other insurance. The driver must also keep the order with the Texas Department of Public Safety issued card to verify the times the driver is allowed to drive.

The court may order the ODL revoked for good cause at any time.

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 www.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**.



*Caution: Effective September 1, 2015, if your license has been suspended due to an intoxication Offense under Penal Code 49.04 - 49.08, and you are obtaining an Occupational License:

- ◆ any vehicle you own or operate **MUST** be equipped with a working ignition interlock device in accordance with Texas Transportation Code Section 521.2465 for the entire period of the suspension (see Code of Criminal Procedure Section 13, Article 42.12); **and**
- ◆ you are not required to prove essential need and the ODL is not subject to any time of travel, reason for travel, or location of travel restrictions (see Transportation Code 521.244 (e) and 521.248 (d)).

Ex Parte

Cause No: The clerk fills out below

Print your name

District County Justice Court of:

_____ County, Texas

First

Middle

Last

Petition for Occupational Driver's License

Print your answers:

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 Zip

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

3. Phone number: () _____

4. Email address: _____

5. Date of birth: _____
Month Day Year

6. The last four digits of my Social Security Number are _ _ _ _ .

7. Jurisdiction:

(Check all that apply.)

- 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.

II. Driver's License Information

8. Check all that apply and provide requested information:

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

9. Is your license suspended because of a physical or mental disability? Yes No
- Is your license suspended for non-payment of child support? Yes No
- Have you had 2 or more occupational driver's licenses because of a conviction in the last 10 years? Yes No

III. Notice to the State If Applicable

10. 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 is suspended under Transportation Code section 521.342. (Conviction of various offenses of an individual under the age of 21)

- Yes No

_____ Court of conviction
Date of conviction

B. My license is suspended because I was convicted of:

- a. Criminally Negligent Homicide *Penal Code 19.05*
- b. Driving While Intoxicated *Penal Code 49.04*
- c. Driving While Intoxicated with Child Passenger *Penal Code 49.045*
- d. Flying While Intoxicated *Penal Code 49.05*
- e. Boating While Intoxicated *Penal Code 49.06*
- f. Assembling or Operating an Amusement Ride While Intoxicated *Penal Code 49.065*
- g. Intoxication Assault *Penal Code 49.07*
- h. Intoxication Manslaughter *Penal Code 49.08*

on _____ in _____
Date of conviction Court of conviction County of conviction

IV. Suspensions and Charges

11. Why is 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 ten (10) 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) ___/___/___
under cause number _____.

D. A 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 is automatically suspended for 365 days.

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

12. 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

If you required to have an interlock device installed on each motor vehicle you own or operate because your license is suspended based on an offense under Penal Code 49.04 - 49.08 or because of a court order or bond requirement, you do not need to complete Numbers 12, 13, and 14 below.

13. 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: _____
 Employer's Telephone: _____
 Days and hours you work: _____
 Job title: _____
 Name of Employer #2: _____
 Employer's Address: _____
 Employer's Telephone: _____
 Days and hours you work: _____
 Job title: _____
- I am self-employed as: _____
 My work address is: _____
- I need to go to and/or transport family members to school. (Fill out below):
 School #1 Name: _____ Telephone: _____
 Address: _____
 School #2 Name: _____ Telephone: _____
 Address: _____
- Other (explain): _____

- I drive as part of my work or essential needs throughout the following county or counties.

14. 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

15. 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

16. 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 and all tests required for the issuance of said Occupational License.

Petitioner's name (print)



Petitioner's signature

Date

Unsworn Declaration Made Under Penalty of Perjury

As allowed by Section 132.001 of the Texas Civil Practices and Remedies Code, I am filing this Unsworn Declaration in support of the Petition for Occupational Driver's License in place of a Verified Petition.*

My current legal name is:

First

Middle

Last

My date of birth is: ____/____/____.
Month Day Year

My address is:

Street Address

City

State

Zip Code

Country

I declare under penalty of perjury that all information in this Petition is true and correct. I understand I could be prosecuted for lying on this form.

Formally signed in _____ County, _____ State
County State

on this date: ____/____/____.
Month Day Year

**Signature of Person Asking for
Occupational Driver's License**

*Pursuant to Texas Civil Practice and Remedies Code Section 132.001, an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law. This provision does not apply to an oath of office or an oath required to be taken before a specified official other than a notary public. An unsworn declaration made under this section must be 1) in writing, 2) signed by the person making the declaration as true under penalty of perjury and 3) in substantially the form used above.

See below for a list of documents to 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.
- 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 unless your license is suspended solely based on an intoxication offense under Penal Code 49.04 – 49.08 and any vehicle you own or operate must be equipped with an interlock device.