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:

- 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.
- Check to see if you qualify for an ODL.
- 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.
- If the Judge signs the order, mail the paperwork and fees to DPS right away.

See pages 3-4 for instructions...

*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)).

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, out-of-state violations, and AG-reported child support arrearages 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.
- A Certified Abstract of your full driver record (Type AR).
- 3. The SR-22 from your insurance company.
- Some courts may require a copy of the court order suspending your license and/or the notice of suspension from DPS
- 5. Proof that you need to drive.
- 6. A copy of the filed *Petition*.

<u>Note</u>: 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 <u>two</u> certified copies of the Order from the clerk.

You may use a certified copy of the Order for ODL to drive for 45days 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 **45th 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, or an intoxication offense under Penal Code 49.04 — 49.08
- 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 45 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 45th 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 l	Parte		8	The clerk fills out below
Prin	nt your name		888	☐ District ☐ County ☐ Justice Court of:
First	Middle	e Last	— §	County, Texas
	Unsworn Dec	claration of Petition fo	or O	occupational Driver's License
				ctices and Remedies Code, I am filing this ver's License in place of Verified Petition.
	tyour answers: I declare and correct.	under penalty of perjury	that th	the information I provide in this Petition is
My	name is:			
,	First		Mida	dle Last
l am	n the Petitioner, and I a	am asking the court for ar	n Occi	cupational Driver's License.
I asl	k the Court to conside	r the information I have p	rovide	ed below.
	rt Order setting out th			a certified copy of the Petition and the ctions to the Texas Department of Public
		I. Petitioner's Pers	sona	al Information
1.	Home address:			
		Street address		City
		County		, Texas ,
2.	Mailing address (if d	ifferent from above):		
3.)		
4.	Email address:			
5.	Date of birth:	Day Ye	 ar	-
6.	The last four digits of	3000000 3	mber	rare

II. Driver's License Information

5.	Check all th	nat apply and provi	ide requested informa	ation:	
	☐ I have	e never held a Tex	as Driver's License.		
	☐ My Te	exas Driver's Licen	se # is:	Expiration date:	/ / ,
	☐ My Dr	river's License was	s issued by the state of	of	
	My Dr	iver's License num	nber is	Expiration date: / /	
6.	Is your lice	ense suspended be	ecause of a physical o	or mental disability?	Yes No
	Is your lice	ense suspended fo	r non-payment of chil	d support?] Yes \square No
		had 2 or more occi in the last 10 years	upational driver's lice s?	nses because of a] Yes \square No
		II	I. Notice to the Sta	te If Applicable	
7.				the Court should serve the ansportation Code section	
	A. My lice variou			n Code section 521.342. (le of 21)	Conviction of
	Date of	conviction		Court of conviction	
	B. My licer	ise is suspended b	pecause I was convic	ted of:	
	а. 🗌	Criminally Neglige	ent Homicide		Penal Code 19.05
	b. 🗌	Driving While Into	oxicated		Penal Code 49.04
	c. 🗌	Driving While Into	oxicated with Child Pa	assenger	Penal Code 49.045
	d. 🗌	Flying While Intox	xicated		Penal Code 49.05
	е. 🗌	Boating While Int	oxicated		Penal Code 49.06
	f. 🗌	Assembling or Op	perating an Amuseme	ent Ride While Intoxicated	Penal Code 49.065
	g. 🗌	Intoxication Assa	ult		Penal Code 49.07
	h. 🗌	Intoxication Mans	slaughter		Penal Code 49.08
	on	in of conviction	Court of conviction	County of Conv	viction

IV. Suspensions and Charges

8.	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.
	B. I was arrested on I was arr
	☐ YES ☐ NO
	C. This court convicted me of on (date)/_/
	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.)
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

If your license is suspended based on an alcohol-related offense under Penal Code 49.04 - 49.08 AND you are required to have an interlock device installed on each motor vehicle you own or operate, you do not need to complete Numbers 10, 11, and 12 below.

10.	Why	do you need	an Occupation	nal Driver's Li	icense? (Che	ck all that app	ly):				
		I need an Occ	cupational Driv	/er's License	to drive to ar	nd from my p	lace of work.				
	Name of Employer #1:										
		.,									
		Employer's A									
		Days and hou									
		Job title:									
		I need to drive									
		School Name	•								
		School Addre									
		Days and hou									
		_	o o. you. o.u.								
								-			
		Other (explain):								
		-									
11.	Drivi	ng schedule y	ou are reques	ting:							
		Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday			
F	rom	: 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	u are asking the	Court to allow	you to drive fo	r more than 4	hours per day	, explain why b	elow:			
	in the second										
	-										
	r 										

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

Petitioner's name (print)				
Petitioner's signature			Date	
Declaration Made Und Unsworn declaration ma My current legal name	ade pursuant to Texa	ury is Civil Practice and Rem	nedies Code, Sectio	on 132.001.
First	Middle	Last		
My date of birth is:	th Day	 ∕ear		
My address is:				
Street Address	City	State	Zip Code	Country
l declare under penalt understand I could be		II information in this P ing on this form.	etition is true and	d correct. I
Formally signed in			County,	
			S	State
on this date:/_ Month	/ Day Year)		
		Signature of Person Occupational Driver		
See below for a list	of documents yo	u must attach to thi	s Petition:	
A certified abstract (Ty	pe AR) of your driver	's license record.		
An SR22 from your ins	surance company pro	viding proof of current vali	d auto liability insura	ance.
your employer's letter with schedule, or you license is suspended	head that verifies you r sworn affidavit expla solely based on an in	A letter from your employ ir work schedule, a curren aining to the court why you toxication offense under F quipped with an interlock of	It pay stub, school re I need to drive unles Penal Code 49.04	egistration s your

Ex	Par	rte	§		The clerk fills out be	elow.	
			0000	Cause No:			
Pri	nt y	our name	§	□ Distr	rict □ County □ Justice	Court of:	
<u></u>	,	Activ	8	-	Cou	nty, Texas	
Firs	t	Middle Last					
		Order for Occupationa	ıl l	Driver's Li	icense		
On	this	date, the Court heard the petitioner's Application	for	Occupational	Driver's License.		
The	e Pe	titioner named below appeared in person without	an	attorney.			
The		ourt finds that notice to the State: (Check one.)			The Court fills out	this box.	
		s not required. s given as required by Texas Transportation Code	2 S	Section 521 243	and: (Check one)		
		the attorney representing the State did not appear		000011021,240	rand. (Check one.)		
		the attorney representing the State,			, also appear	ed.	
		l. Find	lin	ias			
1.	The	e Court FINDS that Petitioner's personal informa		_	··		
	a.	Name:					
	b.		mia	idle	last		
	Ď. □	Petitioner's Texas Driver's License Number is					
		Petitioner's Texas Driver's License expired on _					
		Petitioner has never had a Texas Driver's Licens					
		Petitioner has a Driver's License from		with Lice	ense Number		
	о. С.	Home address:		With Eloc			
		Street addre	ess				
		City County			State	Zip Code	
	d.	Phone number: ()					
	e.	Date of birth:///Year					
2.	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 su	ısp	ended happen	ed in this county.		
		This Court convicted Petitioner of an offense und automatic suspension or cancellation of Petitione			s state that resulted in	n the	
3.	The	e Court FINDS that Petitioner has provided the Co a certified abstract (type AR) of Petitioner's drive an SR-22 financial responsibility insurance certif	r's	license record			

4.	the blanks.)	er's license is suspended because: (Check all that apply and fill in
	This Court convicted Petitioner of	on (date)
		eath or blood test or submitted a breath or blood test that
	(Check one.) Driving While Intoxicated Other:	Date
	APPENDED AT SOCIO	afety said Petitioner was a habitual violator of traffic laws.
5.		iver's license is not denied, suspended or revoked ability or nonpayment of child support.
		ner has not been issued more than one Occupational
6.	(Check all that apply and fill in the blanks.)	
	The Court FINDS that the suspens and ends on (date):/_/	ion of Petitioner's license began/begins on/_/
	☐ The Court FINDS that the Petitione	er's license is invalid for an indefinite period of time.
7.	based on an alcohol-related offense under P	k <u>all</u> that apply and fill in the blanks. NOTE: If your license is suspended lenal Code 49.04 - 49.08 AND you are required to have an interlock device perate, you do not need to complete Number 7.)
	works for the following employer(s):
	Employer #1:	Work Phone:
	Employer #2:	
		occupation is:
		ghout the following county or counties:
	attends school at or transports fam	ily members to the following school(s):
		School Phone:
	0 1 1/10	School Phone:
	School Address	
	☐ has other essential needs to drive	

The Court fills out the rest of this form.

(Ch	eck	applicable.)					
	The Court FINDS that Petitioner's driver's license is suspended because of an intoxication offense and the Occupational License here Ordered is subject to the restrictions set out below.						
	The Court FINDS that Petitioner has an essential need to drive and the Occupational Driver's Licenshere Ordered is subject to the restrictions set out below.						
		II. Orders					
The res	e Co tricti	urt ORDERS that this Petition for Occupational Driver's License is GRANTED subject to the following ons and ORDERS Petitioner to follow all restrictions listed below.					
Pet Saf pas	ition ety t ses	urt ORDERS the Texas Department of Public Safety to issue an Occupational Driver's License to the subject to the following restrictions. The Court further orders the Texas Department of Public to administer any and all tests required for the issuance said Occupational License, and, if Petitioner all required tests, issue an Occupational Driver's License to Petitioner subject to the following ons.					
Res	stric	<u>rtions</u>					
	✓	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.					
The	Co	urt also ORDERS the restrictions checked below: (Check all that apply.)					
		vehicle owned or operated by the Petitioner MUST be equipped with a working ignition interlock rice in accordance with Texas Transportation Code Section 521.2465.					
		itioner must not refuse any lawful request by law enforcement for a sample of Petitioner's breath blood if stopped for Driving While Intoxicated.					
	Pet	itioner must submit to periodic testing for alcohol or controlled substances as follows:					
	pro	itioner must attend the alcohol/drug counseling program listed below and give the court clerk of of attendance within days of this order. gram:					
		itioner must submit to community supervision as follows:					
	Peti	itioner may only drive in the counties listed here:					
	арр	itioner must only drive to and from work or school and for essential duties, including medical ointments, court appointments, attorney appointments probation office meetings, and any ervision, education, counseling, or other essential needs authorized by this court.					

Peti	tione	must not dr	rive 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	
Fr	om:	am/pm	am/pm	am/pm	am/pm	am/pm	am/pm	am/pm	
Т	o:	am/pm	am/pm	am/pm	am/pm	am/pm	am/pm	am/pm	
	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.								
	Addit	ional Restrict	ions:						
			III. D	ate this Or	der takes E	ffect			
			send a certified is to the Texas I				etting out this (Court's	
This	Orde	er takes effec	t on: (Check one	and write in the	date, if applical	ble.)			
	the da	ate this Order	r is signed by th	e Court.					
		w	vhich is 91 days	after the date	Petitioner's lic	ense was su	spended.		
	/	w	vhich is 181 day	s after the date	e Petitioner's I	icense was si	uspended.		
		w	vhich is 366 day	s after the date	e Petitioner's I	icense was si	uspended.		
Lic	ense		e a certified ricted licens t.						

IV. Date this Order Ends

Unless revoked by the Court, this Order for Occupational Driver's License remains valid to (Check one and write in the date, if applicable.)	ıntil:
	s.
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 a	bove.
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 continuous in violation of any of the restrictions listed above or convicted of driving without a confidence of this Order in your possession.	
You may use a certified copy of the Order for Occupational Driver's License to drive for 48 beginning on the date this Order takes effect. If you do not receive your Occupational License from the Texas Department of Public Safety (DPS) before the 45th day after Order takes effect, you MUST not drive until you receive your Occupational Driver's Texas Department of Public Safety or come back to court to get an Amended Order Occupational Driver's License that extends the 45-day time period.	Driver's the date this License from
If this ORDER includes a finding of an essential need to drive, and the places, reasons, do you need to drive change, you must come back to Court to get an Amended Order for Octobriver's License that reflects those changes.	
Signed On: By: Judge's Signature	
Judge's Signature	