

OCCUPATIONAL DRIVER'S LICENSE INFORMATION PACKET

ITEMS YOU WILL NEED

1. Notarized Petition
2. Prove Financial Responsibility or SR-22 Insurance (If required by DPS)
3. Copy of Driving Record - Certified Abstract Record Type AR - \$20
4. Letter of Suspension/Revoked/Cancelled from Austin
5. DIC-37 Form
6. Filing Fee of \$54.00
7. Justice Court Civil Information Sheet



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**.

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."

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.

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)



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 pre-filled-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 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. 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*.

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 45 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 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.

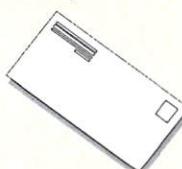
Mail the following documents to DPS as soon as possible!

- ✓ 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
Central Cash Receiving
Box 15999
Austin, Texas 78761-5999

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



CAUSE NO. _____

§ IN THE JUSTICE COURT

§

§

§ PRECINCT _____

§

§

PETITIONER

§ _____ COUNTY, TEXAS

PETITION FOR OCCUPATIONAL LICENSE

I, _____, seek an occupational driver's license from this court based on the information provided below. (You must swear that the information you provide in this petition is true and correct. Failure to provide true and accurate information may result in criminal penalties.)

Section One – General Information.

My name is: _____.

My date of birth is: _____.

I am a resident of _____ County, Texas.

My home address is:

_____.

My mailing address (if different than above) is:

_____.

Driver's License Number and Issuing State/Country:

_____.

I do not have a driver's license issued by any state or country.

I am employed or looking for work, and my occupation is _____.

I am a student at _____.

I am the primary caretaker of _____ dependents who cannot drive.

I have been ordered by a magistrate or other court order to install an ignition interlock device on my vehicle, and/or not to operate any vehicle which is not equipped with an ignition interlock device.

I have been convicted more than once in the 10 years before the date of this petition of an offense under Sections 49.04-49.08 of the Penal Code.

Section Two – Reason(s) for Driver’s License Suspension/Revocation/Cancellation.

- My driver’s license has been suspended as the result of an arrest for an intoxication-related offense in _____ County, because:
 - A peace officer requested a sample of my breath or blood, and I refused; or
 - I provided a sample of my breath or blood, and the sample contained an alcohol concentration greater than 0.08.
- My driver’s license has been suspended due to an unpaid civil judgment (issued in _____ County) related to a car wreck.
- My driver’s license has been revoked for failure to pay child support in _____ County.
- My driver’s license has been suspended as the result of a conviction for a criminal offense.
(Please provide information regarding this offense, including the name and county of the court in which you were convicted, the cause number, and the type of offense, below.)

_____.

- My driver’s license has been suspended or revoked by DPS for the following reason:
_____.
- I previously obtained an occupational driver’s license and it was revoked by a court in _____ County for the following reason:
_____.
- My driver’s license has been suspended, revoked, or cancelled as the result of a physical or mental disability.
- My driver’s license has been suspended, revoked, or cancelled for another reason, described below (if applicable, include the county where the incident occurred that led to the suspension/cancellation/revocation):

_____.

Section Three – Essential Need.

(Note: To obtain an occupational license, you must demonstrate an essential need to operate a motor vehicle. The Texas Transportation Code defines “essential need” as the “need of a person for the operation of a motor vehicle: in the performance of an occupation or trade or for transportation to and from the place at which the person practices the person’s occupation or

trade; for transportation in pursuit of a trade or occupation; for transportation to and from an educational facility in which the person is enrolled; or in the performance of essential household duties.” To demonstrate an essential need to operate a motor vehicle, you may attach additional documentation, such as a letter from your employer. If you attach additional documentation, be sure to check the appropriate box in Section Five of this petition.)

I am seeking this occupational license to *(check all that apply)*:

- Travel to and from my place of work;
- Perform the duties of my job;
- Travel in pursuit of a trade or occupation;
- Travel to and from school; or
- Perform essential household duties.

I am not seeking an occupational license to drive a commercial motor vehicle.

(*A commercial driver's license holder is eligible for an occupational license to drive non-commercial motor vehicles.)

The following are addresses and descriptions of all destinations where I am requesting to travel with my occupational license:

To reach the destinations described above, I must travel to or through the following Texas counties (please fully describe all counties and routes traveled):

Below, I have fully described all public transportation options within one mile of any destination described above, including my home, place of work, school, or place where I

perform essential household duties. (Public transportation options may include bus service, rail service, rural automobile service, ride-sharing services, etc.)

- I am the only member of my household who owns, leases, or has access to a motor vehicle.
- A member of my household other than me owns, leases, or has access to a motor vehicle.
(Please describe this person's weekly schedule below.)

- I own a bicycle or other means of non-motorized conveyance, described below.

- My work or school schedule is the **same** every week: I work or attend school during the following hours on the following days of the week *(check all that apply)*:

Monday:

Tuesday:

Wednesday:

Thursday:

Friday:

Saturday:

Sunday:

My work or school schedule varies from week to week. (If you check this box, provide a general description of your work or school schedule below, including the total number of hours you work or attend school each week, days of the week on which you never work or attend school, days of the week on which you always work or attend school, and the earliest time your work or school day begins and the latest time your work or school day ends.)

My job duties include automobile travel. My employer requires me to travel by automobile to perform the following tasks:

I travel in pursuit of a trade or occupation as follows:

I perform the following essential household duties:

To perform the essential household duties described above, I must travel by automobile during the following hours on the following days of the week (*check all that apply*):

Monday:

Tuesday:

Wednesday:

Thursday:

Friday:

Saturday:

Sunday:

Section Four – Additional Documents.

I have obtained evidence of financial responsibility (*automobile liability insurance*), SR-22 (if required by DPS), or that I am covered by insurance carried by another party at all times while driving. The evidence is attached to my petition.

I have attached a Type AR certified abstract of my driving record to this petition. (*Note: the court cannot grant your petition without reviewing your driving record.*)

I have attached documents demonstrating my essential need to operate a motor vehicle.

I have attached other documents, which are described below:

Petitioner requests that the court grant this Petition for Occupational License, and send a certified copy of this Petition, along with its order granting petitioner's occupational license, to the Texas Department of Public Safety.

| | | |
|------------------------|---------------|---------------|
| Petitioner's Signature | Date of Birth | Last 4 of SSN |
|------------------------|---------------|---------------|

SWORN TO AND SUBSCRIBED before me on _____, 20____.

CLERK OF THE JUSTICE COURT OR NOTARY

**DATA FOR TEXAS
OCCUPATIONAL DRIVER'S LICENSE**

PRINT OR TYPE:

Full Name: _____
First _____ Middle _____ Last _____

Address: _____
Street Address _____

City _____ State _____ Zip Code _____

| Date of Birth | | | Sex | Color Eyes | Color Hair | Weight Pounds | Height Ft. Inch | Driver's License No. |
|---------------|-----|------|-----|------------|------------|---------------|-----------------|----------------------|
| Month | Day | Year | | | | | | |
| | | | | | | | | |

This is to certify that I am the person named and described herein.

Usual Signature of Applicant

Mail to: Driver Improvement and Control
Occupational License Section
Texas Department of Public Safety
P.O. Box 15999
Austin, TX 78761

INFORMATION BELOW THIS LINE IS FOR DEPARTMENT USE ONLY

DATE OF ISSUE: _____ EXPIRE: _____

(DIC-37)

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, redislosed, 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



What to do after receiving an Occupation Driver's License order from the court?

*****It is your responsibility to make sure these steps
are followed even if you have an attorney*****

**• READ THIS CAREFULLY AND IF YOU HAVE ANY QUESTIONS
YOU CAN ASK THE JUDGE AT YOUR ODL HEARING**

1. Reminder that you CANNOT drive a Commercial Motor Vehicle (CMV) with an ODL.
2. One of the certified copies you receive will serve as your license for 45 days. After the 45 days you will have to have the certified copy of the order **and** the ODL issued by DPS.
3. The second certified copy you receive from this court will need to be sent the Texas DPS along with **\$10 for a 1 year license/\$20 for a 2 year license**:

Texas DPS
Enforcement and Compliance Service
ATTN: ECA
P.O. Box 4087
Austin, TX 78773

4. DPS will grant your ODL when it becomes effective, usually immediately; see last page of order for effective date.
5. You may also have a reinstatement fee that is due to the State; look on the first page of your driving record under Status Information and Administrative Status to see if a reinstatement fee is due in your situation; you can also look at the website listed below:
<https://txapps.texas.gov/txapp/txdps/dleligibility/login.do>
6. If you fail to operate a motor vehicle in violation of the restrictions imposed in this ODL or you fail to have your certified copy of the court's order while you are operating a motor vehicle you can be charged with a Class B Misdemeanor; If you are convicted of one of these the court shall issue an order revoking this ODL; ODL can be revoked anytime for good cause.
7. If you operate a motor vehicle and fail to comply with one of the additional conditions listed on page 2 of this order your ODL will be revoked by this court.
8. If you need to modify this ODL, and it is otherwise still a valid order, please file a written request with our court listing the cause number at the top of the order, your name, the reason for the modification and what you need modified in the order. No filing fee is required for a modification. A hearing will be set and a modified order will be issued if the judge approves the modifications.