

Filing for an Occupational Driver License in Justice Court

What is an occupational license?

An occupational license is a special restricted license issued to persons whose license has been suspended or revoked for certain offenses. [Texas Transportation Code Section 521.242; 37 Texas Administration Code 15.7.](#)

Is the court order the occupational license?

No. This is the order granting the occupational license. The court order and all other required items must be submitted to the Texas Department of Public Safety (DPS) so an occupational license can be issued.

The court order may be used temporarily as a license for 30 days from the date of the judge's signature while DPS processes the occupational license.

Can I get a refund if the license is not granted?

No. The filing fee is \$46.00 and is non-refundable.

To file for an Occupational Driver License you must:

Familiarize yourself with the requirements as set out in the Transportation Code Section 521.241 to 521.253. <http://www.statutes.legis.state.tx.us/Search.aspx>

1. File a Petition with the Howard County Justice Court. You can review a sample at [http://www.texaslawhelp.org/documents/clusters/TX/194/English/ODL Petition.pdf](http://www.texaslawhelp.org/documents/clusters/TX/194/English/ODL%20Petition.pdf). You must sign the Petition before a Notary Public prior to filing with the court.
2. Obtain and file an SR-22 Certificate of Insurance. An Insurance Agent may assist you in obtaining the SR-22.
3. Obtain and file a Certified Abstract of your Driving Record (**Type AR only**). This can be requested from the following DPS website: <http://www.txdps.state.tx.us/DriverLicence/>
4. Obtain and file a letter from your employer or a school certificate, if applicable.
5. Submit a copy of the suspension letter you received from DPS to the court.
6. After filing your Petition and all other required documentation, the Howard County Attorney's office will review your petition. If an Occupational license is granted, the court will contact you, and you will need to provide the Court with a \$10.00 money order and reinstatement fees if any are due to be mailed with the petition to Austin.

Notice:

This procedure can be very complicated. It may be beneficial to employ an attorney to assist you. The Judge and respective staff are prohibited by law to assist you in the preparing of the application or procedural steps taken after the Judge signs the Order.

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."

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.
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.

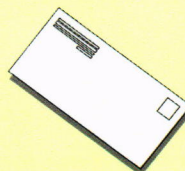
Mail the following documents to DPS as soon as possible!

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