

OCCUPATIONAL DRIVER'S LICENSE

Step 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.

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

Before asking the court for an Occupational Driver's License (ODL), check your license eligibility status www.Texas.gov. Search for License Eligibility and fill out the form. 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 the surcharge waiver program

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 at 512-424-2600 (English) and 512-424-7181 (Español)

Step 2: Check to see if you qualify for an ODL.

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

1. You lost your driving privileges for a medical condition.
2. You lost your driving privileges because you owe child support.
3. You have received two ODLs after a conviction in the past 10 years.
4. 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 on the Texas DPS website.

Step 3: Petition Requirements which need to be filed with the Court:

1. Petition by Applicant for Occupational Driver's License
2. Letter from employer as to type of work performed, hours and place of employment, necessity to drive a motor vehicle. If a student, you must provide a class schedule from the school of attendance.
3. SR-22, Insurance Form
4. Certified Abstract (Type AR) Driving Record
 - a. Be careful: To get your certified Abstract online, you **MUST** verify that **ALL** of your DPS records (DL, ID or unlicensed record) have been **CONSOLIDATED** or you risk purchasing incomplete information and may need to purchase additional records.
 - b. If you have determined that your records are consolidated, 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 from your most recent DL (or ID, if your records are **CONSOLIDATED**) and the last four digits of your social security number at: www.dps.texas.gov/DriverLicense/driverrecords.htm

- c. To get a Certified Abstract by mail, print the DR-1 form called “Request for a Certified Abstract of a Driver Record” from www.dps.texas.gov/DriverLicense/driverrecords.htm
 - d. 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.
5. \$46 Court cost fee due at the time of filing, money order or cashier’s check.

Step 4: File your forms with the Clerk of the Court.

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

1. If your license was automatically suspended or canceled following a conviction, file the *Petition* in the same court that convicted you.
2. If your license has not been suspended or canceled following a conviction, file the *Petition* in the county where you live or where the offense that is currently suspending your license 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.

Step 5: Hearing

Completed petitions containing all of the necessary information will be reviewed and granted without a hearing. Incomplete petitions will require a hearing to determine the necessary information. The Court will notify you of the hearing date.

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 Occupational Driver's License* to drive for **45 days** after the order takes effect. Read your order to learn when it takes effect.

Step 6: Apply for your ODL through the Texas DPS.

A court’s occupational driver’s 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 driver’s license to you. You may

Go to the <http://www.dps.texas.gov/driverlicense/occupationallicense.htm> site to get instructions on how to submit you ODL request.

Ex Parte

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:

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

_____ Date of conviction

_____ Court 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						
To:	___ 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.