

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 on this site <https://txapps.texas.gov/txapp/txdps/dleligibility/>. This free site will tell you if you can drive with your current license or what you need to do to become eligible. If you are not eligible, the website will tell you:

- The requirements to meet.
- The fees you need to pay.

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)

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: 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:

- You lost your driving privileges for a medical condition.
- You lost your driving privileges because you owe child support.
- 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 <https://www.dps.texas.gov/section/driver-license/how-apply-texas-driver-license>.

Step 3: Gather the forms and information you need to ask the Court to order DPS to issue you an ODL.

1. Petition for ODL. <https://texaslawhelp.org/form/petition-for-occupational-drivers-license>
2. Certified Abstract (Type AR) Driving Record
 - a. You can order this record at <https://www.dps.texas.gov/section/driver-license/how-order-driver-record>
3. SR22 Proof of insurance
4. \$54 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 signed Order for Occupational Driver's License is not the license itself. Rather, it is a court order telling DPS to give you an ODL.

After you get the court Order, you must contact DPS to get the actual ODL.

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 DPS 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.

Write your name, birth date, and DL number on each document. Place them in a single envelope. Then mail the envelope by certified mail return receipt requested (so that you have proof you mailed it) to:

Texas Department of Public Safety
Enforcement and Compliance Service
Box 15999
Austin, Texas 78761-5999

Note that while you may pay online <https://txapps.texas.gov/txapp/txdps/dleligibility/login.do> instead of mailing a check or money order, you will still need to mail all documents.

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

7. Jurisdiction: (Check all that apply.)

I reside in this County.

The incident for which my license was suspended, canceled, or revoked occurred in this county.

This Court convicted me of an offense that, under Texas law, resulted in an automatic suspension, cancellation, or revocation of my license.

My license was suspended, canceled, or revoked due to another court, located in this county, submitting an order to DPS. The court that made the order is the District County Justice Other _____ Court of _____, Texas.
Other type of court County

II. Driver's License Information

8. Check all that apply and fill in the blanks:

I have never had a Texas Driver's License.

My Texas Driver's License # is: _____ .
Expiration date: _____
Month Day Year

My non-Texas Driver's License was issued by the state of _____ .
My Driver's License number is _____ .
Expiration date: _____
Month Day Year

9. Check Yes or No for each:

My license is canceled, suspended, or revoked because of a physical or mental disability.

Yes No

My license is canceled, suspended, or revoked for non-payment of child support.

Yes No

DPS has determined that I am incapable of safely operating a motor vehicle.

Yes No

III. Notice to the State If Applicable

10. If any of the following apply, the Clerk of the Court must give the State 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, canceled, or revoked under Transportation Code section 521.342. (Person under 21 convicted of certain drug or alcohol charges.)

Convicted on _____ in _____, _____.
Month Day Year Court of Conviction County of Conviction

- B. My license is suspended, canceled, or revoked because I was convicted of:
(Check all that apply and fill in the blanks.)

- 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*

Convicted on _____ in _____, _____.
Month Day Year Court of Conviction County of Conviction

In addition, the Court may notify the attorney representing the State of any hearing on this Petition for Occupational Driver License.

IV. Prior History

11. My license is suspended, canceled, or revoked because: (Check all that apply and fill in the blanks.)

- A. I was arrested on _____ (arrest date) and an analysis of my breath sample or blood sample registered above 0.08.
- B. I was arrested on _____ (arrest date) and I refused to give a breath sample or blood sample, as requested.

C. Substance-related loss of license in the past ten years: My license was suspended, canceled, or revoked within ten years prior to the date of the arrest that led to my current suspension, cancellation, or revocation. The previous suspension(s), cancellation(s), or revocation(s) were due to: (Check all that apply.)

refusal to give a breath or blood sample following an arrest for DWI.

giving a sample with a blood alcohol content greater than .08 following an arrest for DWI.

conviction of an alcohol or drug-related offense.

D. This court convicted me of _____ on _____
under cause number _____ . Month Day Year
Cause number

E. A court in _____ (County) ordered the suspension, cancelation, or revocation without convicting me.

F. A Texas court determined that I am a “habitual violator of traffic laws.”

G. A Texas court ordered me to go to a Driver Education Program, **and** my license, permit, and/or driving privilege is automatically suspended, canceled, or revoked for 365 days.

H. Other: (If you did not check any of the above, why is your license suspended, canceled, or revoked? 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

The law requires me to demonstrate to the judge that I have an essential need for an Occupational Driver's License. I ask the Court to consider all of the following information as a demonstration of my essential need:

(Check all that apply and fill in blanks.)

13. Work or essential needs:

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: _____

Job title: _____

Days and hours you work: _____

Name of Employer #2: _____

Employer's Address: _____

Employer's Telephone: _____

Job title: _____

Days and hours you work: _____

Name of Employer #3: _____

Employer's Address: _____

Employer's Telephone: _____

Job title: _____

Days and hours you work: _____

I am self-employed as _____

My work address is: _____

Need for an Occupational Driver's License: (Explain) _____

I am in pursuit of employment. (Explain)

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: _____

School #2 Name: _____ Telephone: _____
 Address: _____

Other reasons for which I need to drive: (Explain)

14. My work or essential needs require me to drive throughout the following county or counties:
 (List counties where you drive.)

15. I request the following driving schedule: (Enter the times you need to drive.)

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From:	____:____ am pm						
To:	____:____ am pm						

16. I ask the Court to allow me to drive more than four hours of **actual drive time** per day.
 (This cannot be more than 12 hours in a 24 hour period.) This is necessary because:
 (Explain)

VI. Request for Interlock Exception

17. Check one of the following:

- I **do not** ask the court to waive the requirement for an interlock device or no such requirement exists.
- I **do** ask the court to waive the requirement for an interlock device due to: (Check all that apply.)

Indigence / Inability to Pay

Physical disability

Other: (Explain) _____

18. An interlock device is not needed for the safety of the community and in the interest of justice should be waived because: (Explain)

VII. Request for Waiver of Counseling Requirement

19. Check one of the following:

- I **do not** ask the court to waive the substance/drug abuse counseling requirement or there is no such counseling requirement.
- I **do** ask the court to waive the requirement for substance/drug abuse counseling due to: (Check all that apply.)

Indigence / Inability to Pay

Physical disability

Other: (Explain)

20. Substance and drug abuse counseling is not needed for the safety of the community and in the interest of justice should be waived because: (Explain)

VIII. Attached Documents

I have attached true, accurate, and unaltered copies of the following documents,

Documents attached to this Petition:

(Required) A certified abstract (Type AR) of your driver's license record. (Can be obtained at: <https://txapps.texas.gov/tolapp/txldrctr/TXDPSLicenseeManager>)

(Required) An SR22 from your insurance company providing proof of current valid auto liability insurance.

(Required if applicable) Proof of installation of interlock.

(Optional) Additional 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.)

(Optional) Other: (Explain)

IX. Petitioner's Request to the Court

21. 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.

22. I ask this Court to order the Texas Department of Public Safety to conduct any and all tests required for the issuance of said Occupational License.

23. I ask the court to schedule a hearing, if one is required.

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.

Option #2: Notarization

(This document does not have to be notarized if you completely filled out and signed the Unsworn Declaration Made Under Penalty of Perjury above.)

I swear under penalty of perjury that all information in this Petition is true and correct. I affirm that the attached documents are true and accurate and have not been modified. I understand I could be prosecuted for lying on this form.



Signature of Person Asking for Occupational Driver's License
(Do not sign except in the presence of a notary.)

Date

State of Texas

County of _____
(County where statement is notarized)

Sworn to and subscribed before me, the undersigned authority, on the _____ day of _____, _____ year, by _____.
(Full name of Petitioner.)

Notary Public, State of Texas (Notary's signature)

(Notary's seal)