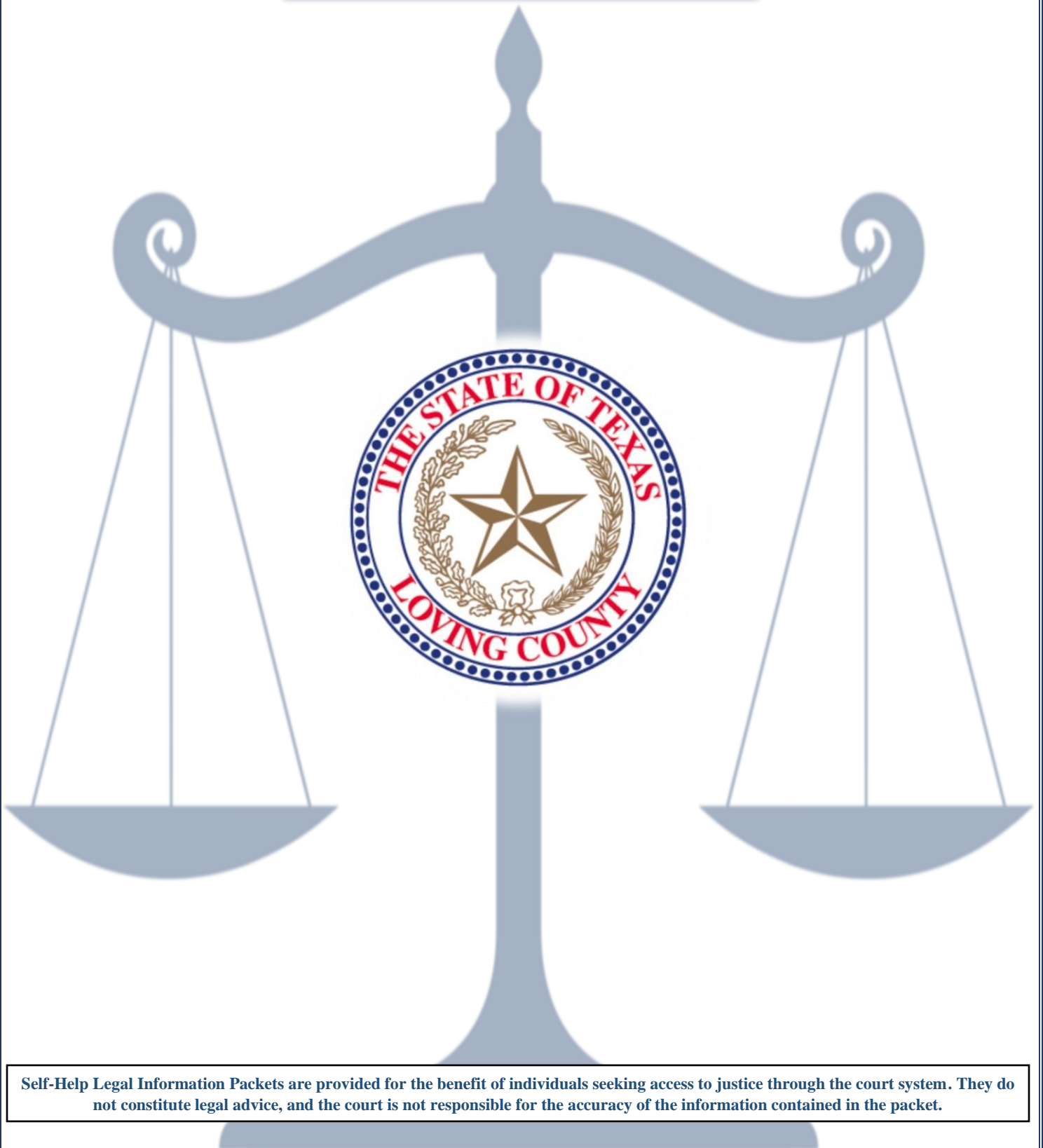


OCCUPATIONAL DRIVER'S LICENSE:
INFORMATION PACKET



Self-Help Legal Information Packets are provided for the benefit of individuals seeking access to justice through the court system. They do not constitute legal advice, and the court is not responsible for the accuracy of the information contained in the packet.

What is an Occupational Driver's License?

An Occupational Driver's License (ODL) is a special restricted license issued to persons whose license has been suspended or revoked for certain offenses, if they can demonstrate an essential need to drive. Statute defines "essential need" as a need of a person to operate 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 occupation or trade. Trans Code 521.241(1)(A)
- For transportation to and from an educational facility in which the person is enrolled. Trans Code 521.241 (1)(B)
- In the performance of essential household duties. Trans Code 521.241(1)(C)

Who is Eligible for an ODL?

A person whose license has been suspended for a cause other than a physical or mental disability or impairment, or conviction under Chapter 49.04 Penal Code, may apply for an occupational license.

*You are not eligible for an ODL if you are delinquent on child support.

*The court cannot grant an ODL for operation of a commercial motor vehicle.

What are the requirements to get an ODL?

A person may apply for an ODL by filing a verified petition (provided on our website) with a court clerk in the county in which the person resides or where the offense occurred for which the license was suspended. Trans Code 521.242(a)

A person may apply for an ODL only with the court clerk in the county in which the person was convicted if: Trans Code 521.242(b)

- The person's license has been automatically suspended or canceled under this chapter for a conviction of an offense under the laws of this state; and Trans Code 521.242(b)(1)
- The person has not been issued, in the 10 years preceding the date of the filing of the petition, more than 1 ODL after a conviction under the laws of this state. Trans Code 521.242(b)(2)

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.

- File a Petition with the Loving County Justice Court. The Petition is provided on our website.
- Obtain and file an SR-22 Certificate of Insurance. An Insurance Agent may assist you in obtaining the SR-22.
- Obtain and file a Certified Abstract of your Driving Record (**AR**). This can be requested from the following DPS website:
<https://www.dps.texas.gov/section/driver-license/how-order-driver-record>
- Obtain and file a letter from your employer or a school certificate, if applicable.
- Submit a copy of the suspension letter you received from DPS to the court, if applicable.
- Submit filing fee of \$46.00. May be paid in cash, cashier's check or money order, or with a credit or debit card (5% service fee will apply to all card transactions).
- After filing your Petition and all other required documentation, the Judge will review your petition. If approved, you will be notified when you may return to the court to pay for and receive certified copies of the Petition and Order for filing with DPS and for your records. The court will notify you the cost for copies.

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

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

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 *by you* to the Texas Department of Public Safety (DPS) so an occupational license can be issued.

*Note: The Justice Court does not forward any documents to DPS. Contact DPS at: (512)424-2600 or visit their website: <https://www.dps.texas.gov/section/driver-license/occupational-driver-license>

The court order may be used temporarily as a license for 45 days from the date of the judge's signature while DPS processes the occupational license.

ORDER GRANTING ODL

An order granting an ODL must specify the hours of the day and days of the week during which the person may operate a motor vehicle; the reasons for which the person may operate a motor vehicle; and areas or routes of travel permitted.

The person may not operate a motor vehicle for more than 4 hours in any 24-hour period, except that on a showing of necessity the court may allow the person to drive for any period determined by the court that does not exceed 12 hours in any 24-hour period.

An order granting an ODL remains valid until the end of the period of suspension of the person's regular driver's license. Trans Code 521.248 The court order is not the ODL. A court order authorizes the Department of Public Safety to issue the ODL.

COURT ORDER IN OPERATOR'S POSSESSION

A person who is issued an occupational license shall have in the person's possession a certified copy of the court order granting the license while operating the motor vehicle. The person shall allow a peace officer to examine the order on request. (Trans Code 521.250)

WAITING PERIOD

Certain offenses make an individual ineligible to receive an ODL, and some suspensions are required to wait a certain period of time before they are eligible to receive an ODL.

If Petitioner (you) has had within the last 5 years:

- No previous contact suspensions - No waiting period Trans Code 521.251 (a)
- Prior Administrative License Revocation contact within last 5 years - 90 day waiting period Trans Code 521.251 (b)
- Prior DWI conviction within last 5 years - 180 day waiting period Trans Code 521.251 (c); and
- An individual has been convicted of two or more DWI offenses within the preceding five years must wait one year after the effective date of the license suspension. Trans Code 521.251

PERSONS UNDER 21

A minor who is under the age of 21 must wait the following periods before they are eligible for an ODL after failing an intoxication test (Trans Code 524.022):

- 30 days after the administrative license has been in effect if no preceding alcohol-related convictions
- 90 days after the administrative license has been in effect if one prior alcohol conviction
- A minor is not eligible for an ODL if they have been convicted of 2 or more driver's license suspensions

LICENSE REVOCATION

The court that signs an order granting an occupational license may issue at any time an order revoking the license for good cause. The court shall send a certified copy of the order to the department. (Trans Code 521.252(a)(b))

If a person who holds an occupational license commits an offense: Operates vehicle in violation of restrictions imposed on the license; or fails to have the certified copy of the court order as required, this is a Class B misdemeanor, upon conviction of an offense under this section the ODL and ordering granting are revoked. (Trans Code 521.2532(a)(1)(2)(b)(c))

Notice:

This procedure can be very complicated. It may be beneficial to employ an attorney to assist you. The Judge and court staff are prohibited by law to assist you in the preparing of the application or procedural steps taken after the Judge signs the Order. The Judge and court staff are also prohibited from recommending attorneys; however, we have links to legal aid on our website.