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 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 45days *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

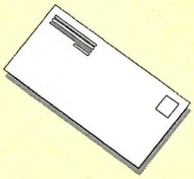
A court's occupational drivers license *Order* is **not** the license itself. Rather, it is a court order telling the Texas Department of Public Safety (DPS) to issue an occupational drivers license to you. After you get the court *Order*, you must contact DPS to get the actual occupational drivers license.

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

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 30 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 31st 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