

Eligibility for an ODL

(Transportation Code § 521.242; 521.001(a)(6))

For a person to be eligible for an ODL, their license (including a permit, a privilege to operate a motor vehicle, and a non-resident's operating privilege) has to first be suspended.

[Note: All citations below are from the Transportation Code.]

Reason Doesn't Have License	Eligible for an ODL?
License expired or was never issued and they <i>just haven't gone to the DMV</i> to get it.	No! There has been no "suspension." They could just go to the DMV, so that's what they need to do.
License or privilege suspended due to a <i>physical or mental disability or impairment</i> .	No! This is an exception in the law -- suspensions for this reason are not eligible.
License or privilege <i>automatically suspended or canceled for a conviction</i> of an offense. <ul style="list-style-type: none"> Offenses where conviction results in automatic suspension are listed in Subchapters O & P of Ch. 521. 	Yes! <u>BUT</u> must file application in the court where they were convicted, which will <u>almost never be a justice court</u> . (And applicant must not have been issued more than one ODL after an automatic suspension upon conviction in the past 10 years.)
License or privilege suspended for a reason <i>other than</i> an automatic suspension upon a conviction (so <i>administratively suspended by DPS on its own or as a result of a court order</i>). Includes: <ul style="list-style-type: none"> Suspension for failure to pay surcharges (708.152). Refusal to submit to a breath or blood test following a DWI stop (Ch. 724). Providing a breath/blood sample with over .08 BAC following a DWI stop (Ch. 524). Any cause for suspension listed under 521.292. 	Yes! Must file application in a justice, county, or district court in the precinct or county in which: <ul style="list-style-type: none"> The person resides; or The offense occurred for which the license was suspended.
License cannot be renewed because of <i>placement in OMNI</i> .	No! This is not a suspension. This is a non-renewal. The remedy is for them to do what is necessary to remove themselves from OMNI.

But What If....?	Eligible for an ODL?
The applicant's <i>license has EXPIRED</i> , and they now can't renew for an eligible reason listed above.	Yes! The applicant's privilege has been suspended, so they are eligible.
The applicant <i>NEVER had a license</i> , and they now can't get one for an eligible reason listed above.	Maybe! <ul style="list-style-type: none"> Literal reading of statute: no license or privilege to be suspended, so NOT eligible. DPS position: will honor an ODL in this situation if all other requirements are met.
The applicant is a <i>minor</i> and is otherwise eligible.	Yes! (Subject to the limitations described in 524.022(d)).
The applicant wants an ODL <i>to operate a CMV</i> and is otherwise eligible.	No! (But a CDL holder may get an ODL to operate a non-CMV vehicle).

Justice of the Peace,
Angelina County, Texas
Occupational Driver's License Frequently Asked Questions

Am I eligible for an Occupational Driver's License?

Yes, if your driver's license has been cancelled, suspended, or revoked, then you may be eligible for an Occupational Driver's License.

No, if your driver's license simply cannot be renewed due to unpaid tickets in the OMNI system, but is otherwise eligible, then you are not eligible. Please refer to the Eligibility Chart and the Eligibility Link on DPS's website to see if your driver's license has been suspended, cancelled, or revoked.

I have a CDL. Can I get an Occupational Driver's License?

Yes, however you will not be able to operate a commercial vehicle while holding an Occupational Driver's License. If you are a CDL holder, you can apply for an Occupational Driver's License to operate a non-commercial vehicle.

What if I need changes made to my Order for Occupational Driver's License?

If you need changes made to your Occupational Order, you will need to file an Amended Petition with the Court. There is no charge for this filing.

How do I renew my Occupational Driver's License?

The Court Order does not expire (unless noted on the order). If your Occupational Driver's License is coming up on expiration, you will need to contact DPS in Austin for renewal instructions and payment.

Can I go to the local DPS office for assistance?

No. Occupational Driver's Licenses are handled at the DPS office in Austin. You will need to contact the Austin DPS Enforcement and Compliance Dept at 512-424-2600.

Do I need to keep my Order for Occupational Driver's License once I receive the Occupational Driver's License?

Yes. The Order for Occupational Driver's License is good by itself for 45 days from the date the Order was signed. After that, both the Order and the License must be in your possession while you're driving.

What happens if I don't receive my Occupational Driver's License from DPS within the 45 day period?

If the License has not been received from DPS within 45 days, then you are driving while your license is invalid. There is nothing that the Court can do to extend this time.

CAUSE NO. _____

§ IN THE JUSTICE COURT

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§ PRECINCT _____

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PETITIONER

§ CHAMBERS COUNTY, TEXAS

PETITION FOR OCCUPATIONAL LICENSE

I, _____, seek an occupational driver's license from this court based on the information provided below. *(You must swear that the information you provide in this petition is true and correct. Failure to provide true and accurate information may result in criminal penalties.)*

Section One – General Information.

My name is: _____.

My date of birth is: _____.

I am a resident of _____ County, Texas.

My home address is:

_____.

My mailing address *(if different than above)* is:

_____.

Driver's License Number and Issuing State/Country:

_____.

I do not have a driver's license issued by any state or country.

I am employed or looking for work, and my occupation is _____.

I am a student at _____.

I am the primary caretaker of _____ dependents who cannot drive.

I have been ordered by a magistrate or other court order to install an ignition interlock device on my vehicle, and/or not to operate any vehicle which is not equipped with an ignition interlock device.

I have been convicted more than once in the 10 years before the date of this petition of an offense under Sections 49.04-49.08 of the Penal Code.

Section Two – Reason(s) for Driver’s License Suspension/Revocation/Cancellation.

- My driver’s license has been suspended as the result of an arrest for an intoxication-related offense in _____ County, because:
 - A peace officer requested a sample of my breath or blood, and I refused; or
 - I provided a sample of my breath or blood, and the sample contained an alcohol concentration greater than 0.08.
- My driver’s license has been suspended due to an unpaid civil judgment (issued in _____ County) related to a car wreck.
- My driver’s license has been revoked for failure to pay child support in _____ County.
- My driver’s license has been suspended as the result of a conviction for a criminal offense. *(Please provide information regarding this offense, including the name and county of the court in which you were convicted, the cause number, and the type of offense, below.)*

- My driver’s license has been suspended or revoked by DPS for the following reason:

- I previously obtained an occupational driver’s license and it was revoked by a court in _____ County for the following reason:

- My driver’s license has been suspended, revoked, or cancelled as the result of a physical or mental disability.
- My driver’s license has been suspended, revoked, or cancelled for another reason, described below (if applicable, include the county where the incident occurred that led to the suspension/cancellation/revocation):

Section Three – Essential Need.

(Note: To obtain an occupational license, you must demonstrate an essential need to operate a motor vehicle. The Texas Transportation Code defines “essential need” as the “need of a person for the operation of 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 person's occupation or

trade; for transportation in pursuit of a trade or occupation; for transportation to and from an educational facility in which the person is enrolled; or in the performance of essential household duties.” To demonstrate an essential need to operate a motor vehicle, you may attach additional documentation, such as a letter from your employer. If you attach additional documentation, be sure to check the appropriate box in Section Five of this petition.)

I am seeking this occupational license to *(check all that apply)*:

- Travel to and from my place of work;
- Perform the duties of my job;
- Travel in pursuit of a trade or occupation;
- Travel to and from school; or
- Perform essential household duties.

I am **not** seeking an occupational license to drive a commercial motor vehicle.

*(*A commercial driver’s license holder is eligible for an occupational license to drive non-commercial motor vehicles.)*

The following are addresses and descriptions of all destinations where I am requesting to travel with my occupational license:

To reach the destinations described above, I must travel to or through the following Texas counties *(please fully describe all counties and routes traveled)*:

Below, I have fully described all public transportation options within one mile of any destination described above, including my home, place of work, school, or place where I

perform essential household duties. *(Public transportation options may include bus service, rail service, rural automobile service, ride-sharing services, etc.)*

- I am the only member of my household who owns, leases, or has access to a motor vehicle.
- A member of my household other than me owns, leases, or has access to a motor vehicle.
(Please describe this person's weekly schedule below.)

- I own a bicycle or other means of non-motorized conveyance, described below.

- My work or school schedule is the **same** every week: I work or attend school during the following hours on the following days of the week *(check all that apply)*:

- Monday:

- Tuesday:

- Wednesday:

- Thursday:

- Friday:

- Saturday:

- Sunday:

- My work or school schedule **varies** from week to week. *(If you check this box, provide a general description of your work or school schedule below, including the total number of hours you work or attend school each week, days of the week on which you never work or attend school, days of the week on which you always work or attend school, and the earliest time your work or school day begins and the latest time your work or school day ends.)*

- My job duties include automobile travel. My employer requires me to travel by automobile to perform the following tasks:

- I travel in pursuit of a trade or occupation as follows:

- I perform the following essential household duties:

- To perform the essential household duties described above, I must travel by automobile during the following hours on the following days of the week *(check all that apply)*:

- Monday:

- Tuesday:

- Wednesday:

- Thursday:

- Friday:

- Saturday:

- Sunday:

Section Four – Additional Documents.

- I have obtained evidence of financial responsibility (*automobile liability insurance*), SR-22 (if required by DPS), or that I am covered by insurance carried by another party at all times while driving. The evidence is attached to my petition.
- I have attached a Type AR certified abstract of my driving record to this petition. (*Note: the court cannot grant your petition without reviewing your driving record.*)
- I have attached documents demonstrating my essential need to operate a motor vehicle.
- I have attached other documents, which are described below:

Petitioner requests that the court grant this Petition for Occupational License, and send a certified copy of this Petition, along with its order granting petitioner’s occupational license, to the Texas Department of Public Safety.

 Petitioner’s Signature Date of Birth Last 4 of SSN

SWORN TO AND SUBSCRIBED before me on _____, 20_____.

 CLERK OF THE JUSTICE COURT OR NOTARY