



Occupational Driver's License

Use these instructions & forms if:

- your license was suspended or revoked and you qualify to drive a non-commercial vehicle under restriction for work, school, or to perform essential household duties.

This packet includes:

1. Instructions for an Occupational Driver's License
2. Petition for Occupational Driver's License
3. Order for Occupational Driver's License
4. Statement of Inability to Afford Payment of Court Costs

Note: You may not need all of the forms listed or you may need additional forms. Get more information at www.TexasLawHelp.org. Talk to a lawyer if you have questions.

Instructions & Forms for an 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 ODL, check your license eligibility status at www.Texas.gov/driver [1]. 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:

- The requirements to meet.
- The fees you need to pay.
- 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 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 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 on the [Texas DPS website](#) [2].

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

- Two court forms:
 1. The [Petition for Occupational Driver's License](#) [3] asks the Court to issue an order.
 2. The [Order for Occupational Driver's License](#) [4] orders DPS to issue you an ODL.
- Certified Abstract (Type AR) of your driving record from DPS. Get your Type AR Certified Abstract:
 - By mail with form DR-1 (takes 3-4 weeks, costs \$20) or
 - [Online](#) [5] (quickly, cost \$22 & must have audit number).
- 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.

- **Statement of Inability to Afford Payment of Court Costs** [6]. Fill out this form only if you have a low-income, receive public assistance because you have a low income, or cannot pay the court filing fee. Read **Court Fees & Fee Waivers** [7] for more information.

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.

- If your license was automatically suspended or canceled following a conviction, file the *Petition* in the same court that convicted you.
- 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.

Ask the court clerk when you should come back for the hearing. You may need to schedule a time for your hearing.

Step 5: Go to Court to ask the Judge to sign the Order.

When you go to Court, **bring**:

- The *Order for Occupational Driver's License* form. Fill out all but the restrictions and the judge’s signature.
- A Certified Abstract of your full driver record (Type AR).
- The SR-22 from your insurance company.
- Some courts may require a copy of the court order suspending your license and/or the notice of suspension from DPS.
- Proof that you need to drive.
- A copy of the filed *Petition*.

Note: If you filed a form to request the court filing fees be waived, the court may require proof of income & expenses.

At the hearing:

- The judge reviews your *Petition* and other paperwork. Then the judge decides whetherto 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 Occupational Driver's License* to drive for **45 days** after the order takes effect. Read your order to learn when it takes effect. **See the FAQs about waiting periods.**

If you don’t receive your ODL from TxDPS 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: If the Judge signs the order, mail the paperwork and fees to DPS right away.

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.

After you get the court *Order*, you must contact DPS to get the actual occupational driver's 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 [1] 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 Central Cash Receiving
Box 15999
Austin, Texas 78761-5999

© TexasLawHelp.org - Source URL: <https://texaslawhelp.org/checklist/instructions-forms-occupational-drivers-license>

Links

[1] <http://www.Texas.gov/driver>

[2] <http://www.txdps.state.tx.us/DriverLicense/ApplyforLicense.htm>

[3] https://texaslawhelp.org/sites/default/files/cv-odl-100_odl_petition_august_2017finala.pdf

[4] https://texaslawhelp.org/sites/default/files/cv-odl-200_odl_order_august_2017final.pdf

[5] <http://www.dps.texas.gov/DriverLicense/driverrecords.htm>

[6] http://live-txlg.pantheonsite.io/sites/default/files/tx-pr-pay-112_scot_statement_of_inability_to_pay_court_costs.pdf

[7] <http://live-txlg.pantheonsite.io/article/court-fees-fee-waivers>

OCCUPATIONAL DRIVER'S LICENSE INSTRUCTIONS
Hood County Attorney's Office

WHERE TO FILE PETITION		WHEN TO FILE PETITION		PETITION MUST INCLUDE			ORDER MUST INCLUDE			SPECIAL REQUIRED CONDITIONS
If DL is suspended because of a CONVICTION	If DL is suspended because of something OTHER THAN a conviction	NO waiting period	MUST wait (from date of current suspension)	Petitioner's Texas DL number	A statement that the Petitioner LIVES in the precinct / county	OR A statement that the offense OCCURRED in that precinct / county	Petitioner's Texas DL number	A statement that the Petitioner LIVES in the precinct / county	OR A statement that the offense OCCURRED in that precinct / county	Required Counseling Language for ALL DWI conviction or ALR Suspensions
MUST file in court where CONVICTED	MAY file in JP precinct where Petitioner LIVES	If NO previous ALR suspensions within last 5 years	90 days if previous ALR suspension was within last 5 years	Reason for the suspension(s)		OR A statement that the CONVICTION was in that court	Reason for the suspension(s)		OR A statement that the CONVICTION was in that court	
	OR MAY file in JP precinct where OFFENSE OCCURRED		OR 180 days if previous DWI conviction WITH a license suspension	An explanation of Petitioner's <u>essential need</u> for the license	Proof of insurance AND SR-22		If there was a waiting period, a statement that the period has been satisfied		No MORE than 4 hours per day driving allowed	
	MAY file in County Court at Law in County where Petitioner LIVES		OR 1 year if suspended for a second DWI, Intox. Assault, or Intox. Manslaughter	The HOURS and DAYS of travel requested (restricted to actual need)	A certified copy of the Petitioner's driving record		Areas or routes of travel (counties) permitted	Hours of the day and days of the week travel permitted	OR up to 12 hours per day IF Petitioner shows a necessity	
	OR MAY file in County Court at Law in County where OFFENSE OCCURRED			The COUNTIES of travel requested (restricted to actual need)	Sworn statement of Petitioner that Petition is TRUE		Block for signature / approval of the Hood County Attorney		AND / OR LOG BOOK language IF Petitioner shows a necessity	

FILING INSTRUCTIONS and TIPS

1. Make sure you file your Petition in the PROPER court.
2. Once filed, the clerk will forward the Petition and proposed Order to the Hood County Attorney's Office.
3. If there are no problems with your Petition or Order, the county attorney will sign it and return it to the clerk of the court where you filed it.
4. If there is a problem with your Petition or Order, the county attorney will contact you.
5. NOTE: This guide does not include every possible issue with occupational licenses. Please consult Subchapter L in the Transportation Code for additional requirements.