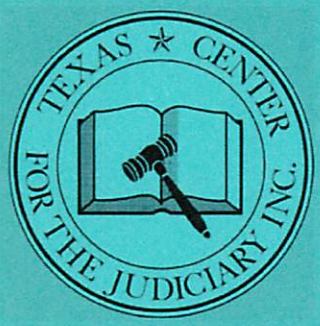
2014

Annual Judicial Education Conference

September 7-10, 2014
Omni Hotel
Fort Worth, TX



The 411 on Occupational Drivers' Licenses

Tuesday, September 9th (2:45 p.m. – 3:45 p.m.)

Course Description:

Ms. Palmer will discuss current law and practices regarding court orders for occupational licenses. Judges will leave the session with common templates for orders, useful forms and a greater understanding of the process.

Faculty:

Ms. Tracie Palmer

ODL ELIGIBILITY CHECKLIST FOR BASIC REQUIREMENTS AND WAITING PERIODS

GENERAL REQUIREMENTS

(1.) Is Petitioner suspended for medical reasons? Yes/No

(2.) Is Petitioner suspended for delinquent child support? Yes/No

(3.) Has Petitioner been issued 2 or more ODLs in the last 10 years? Yes/No

IF YES TO ANY OF ABOVE: PETITIONER IS NOT ELIGIBLE FOR AN ODL

IF NO: GO TO NEXT SECTION.

Does Petitioner have a CDL? If so, Petitioner can only receive a Class C ODL. PETITIONER CANNOT RECEIVE AN ODL FOR A CDL.

CONVICTION SUSPENSIONS

(1.) Is this is DWI* conviction suspension? Yes/No

IF YES: Go to next question (2).

IF NO: Skip to next section for ALR suspensions.

(2.) Is this Petitioner's ***first*** DWI* conviction suspension? Yes/No

IF YES: PETITIONER IS ELIGIBLE FOR AN ODL

IF NO: go to next question (3).

(3.) What is ***ARREST*** date for this offense? _____

What is ***ARREST*** date for previous offense that resulted in conviction suspension?

_____

Are these dates ***5 years apart or less***? Yes/No

IF YES: PETITIONER WILL HAVE TO ***WAIT A YEAR FROM CONVICTION*** TO BE ELIGIBLE FOR AN ODL.

IF NO, PETITIONER IS ELIGIBLE FOR AN ODL.

(NOTE: ONLY CONVICTING COURT CAN ISSUE ODL FOR CONVICTION SUSPENSION.)

** DWI, Intoxicated Assault, & Intoxicated Manslaughter*

ALR SUSPENSIONS

(1.) Is Petitioner suspended due to an ALR suspension? Yes/No

If NO: SKIP THIS SECTION.

IF YES: is this Petitioner's first ALR suspension? Yes/No

IF YES: PETITIONER IS ELGIBLE FOR AN ODL

IF NO: Go to next question (2).

(2.) What is ***enforcement contact date*** for suspension? _____

What is ***enforcement contact date*** for previous suspension? _____

Are these dates ***5 years apart or less***? Yes/No

If NO: PETITIONER IS ELIGIBLE FOR AN ODL

IF YES: Go to next question (3).

(3.) Did contact for previous suspension result in conviction? Yes/No

If YES: PETITIONER MUST WAIT ***180 DAYS FROM SUSPENSION DATE*** TO BE ELIGIBLE FOR AN ODL.

IF NO: PETITIONER MUST WAIT ***90 DAYS FROM SUSPENSION DATE*** TO BE ELIGIBLE FOR AN ODL.

(NOTE: ODL FOR ALR SUSPENSION CAN BE GRANTED IN COUNTY OF RESIDENCE OR COUNTY WHERE ENFORCEMENT CONTACT OCCURRED.)

DPS SAFETY RESPONSIBILITY SURCHARGES

Petitioner is eligible for an ODL even if he has unpaid surcharges. Petitioner will have to pay reinstatement fees plus a $10.00 license fee for DPS to issue the ODL. However, surcharges do not have to be paid for the issuance of an ODL.

THIS LIST IS NOT AN ALL-INCLUSIVE CHECKLIST FOR ODL ELIGIBILITY.

HELPFUL INFORMATION FOR COMMON DRIVER LICENSE PROBLEMS

Common driver license suspension reasons
Your driver license status may be "Not Eligible" (suspended) for a number of reasons including:

- *DPS suspension for driving while license invalid (DWLI), etc.*
- *DPS suspension for breath/blood test failure or refusal (ALR suspension)*
- *Conviction suspension for driving while intoxicated (DWI) and other crimes*
- *SR-22 requirement*
- *Cancellation for interlock requirement*
- *Unpaid citations (including out of state citations)*
- *Unpaid surcharges from DPS Driver Responsibility Program*
- *Failure to complete an alcohol/drug education class*
- *Unpaid reinstatement fees due to current or previous suspensions*

DPS Driver Eligibility Website
You can view your suspension reasons, and information on unpaid citations, surcharges and reinstatement fees by visiting the Official Texas DPS Driver Eligibility System website at ***txapps.texas.gov/txapp/txdps/dleligibility/***. You can also pay reinstatement fees on this website.

Some license problems can be cleared by actions from you such as SR-22 requirement, cancellation for an interlock requirement, completion of an alcohol/drug education class, or unpaid surcharges/citations. Other suspensions with set beginning and end dates require an occupational driver license to allow you to drive legally before the suspension ends.

Driver Responsibility Program Surcharges
You may owe surcharges due to convictions for DWI, DWLI, no driver license, and no insurance or points on your license. If you have delinquent surcharges, you are not eligible to drive. To view your surcharge account or make an online payment, go to ***txsurchargeonline.com***. To set up a payment plan or get help, call Municipal Services Bureau at ***800-688-6882*** or email ***msb@txdps.state.tx.us***. You may also apply for a surcharge reduction under the Indigency/Incentive Program. For more information, visit ***txsurchargeonline.com*** or call ***866-223-3583***.

Unpaid citations
You may have outstanding citations under the Failure to Appear/Failure to Pay Program (includes out of state citations). You can get information on your unpaid citations at ***texasfailuretoappear.com*** or by calling the Omnibase Services of Texas automated line at ***800-686-0570***.

SR-22
You may be required to obtain an SR-22 due to a DWI conviction, no insurance conviction, crash or judgment. SR-22 is a certificate issued by your insurance provider and filed with DPS to certify that you have the minimum insurance required by law. For more information on SR-22, visit the Texas DPS website.

Interlock cancellation
DPS will cancel your license 30 days after notice of an interlock order is received from a court, unless you apply for a restricted interlock license. A restricted interlock license is a normal driver license, but it has a restriction code for interlock. It will only be issued by DPS if your license is otherwise clear. If you have an "interlock required" cancellation, you can obtain an interlock removal order from the court or apply to DPS for a restricted interlock license. This type of license cannot be obtained at a local DPS location. The application has to be mailed to DPS. Please ask the court for a restricted interlock license form.

Reinstatement fees
You may owe reinstatement fees due to current or previous license suspensions. You can view and pay these fees online through the Official Texas DPS Driver Eligibility System website.

DPS Contact
You can contact DPS Compliance at ***512-424-2600*** or ***email a question to DPS through the Texas DPS website Customer Service Center***. Compliance items that do not require a payment can be submitted to DPS at ***driver.improvement@dps.texas.gov***.

Frequently Asked Questions (FAQs)

How will I know if I received a surcharge for an offense?

A notice will be mailed to your most recent address on file at DPS or to the most recent forwarding address with the United States Postal Service if it is different. It is important that you notify DPS when your address changes to ensure delivery of your surcharge notices. To change your address online, visit www.dps.texas.gov/DriverLicense under "Online Services." The surcharge must be paid within 105 days to prevent suspension of driving privileges.

Do I have to pay the full amount of the surcharge at one time?

You may pay the surcharge in installments but will be charged a $2.50 service fee for each payment. Failing to make a monthly payment will result in suspension of your driving privileges. You may only reinstate a defaulted installment agreement by submitting the minimum monthly payment or paying the remaining balance in full.

What if I don't pay and my driving privileges are suspended?

If driving privileges are suspended for failure to pay surcharges, the suspension will continue until the driver establishes an installment agreement or pays all surcharges in full and related costs, such as service and/or collection fees.

FAQs *continued*

How do I pay my surcharge?

The Municipal Services Bureau (MSB) is responsible for mailing notices and collecting fees. Payments may be made online at www.txsurchargeonline.com, by phone, mail, or at ACE Cash Express, MoneyGram, or Western Union. Payment methods include cash, check, money order, credit/debit card, electronic check, and wire transfer. For more information on making payments, visit the website above, or contact MSB at (800) 688-6882.

Why did I get a phone call from the Municipal Services Bureau (MSB)?

MSB will contact drivers, who have not complied with the surcharge payment, on behalf of DPS.

What if I receive a surcharge, but I already have a reinstatement fee?

Surcharges are applied *in addition* to reinstatement fees. This program does not replace other administrative suspension, cancellation, or revocation fees that result from the same convictions.

Make payments:
www.txsurchargeonline.com

Check license eligibility:
https://txapps.texas.gov/txapp/txdps/dleligibility

www.texas.gov/driver

Texas Driver Responsibility Program (DRP)

Understanding the Driver Responsibility Program

www.dps.texas.gov/driverlicense/drp.htm

DRIVER LICENSE DIVISION

Creating a faster, easier, friendlier driver license experience and a safer Texas

What is DRP?†

The Driver Responsibility Program (DRP) requires the Texas Department of Public Safety (DPS) to apply surcharges to individuals with certain traffic convictions.

A surcharge is an administrative fee charged to a driver based on the number of points or convictions on the driver record. A driver may receive separate surcharges for both points and convictions.

Surcharges are applied in addition to other fees and do not replace a suspension, revocation, disqualification, denial, or cancellation resulting from these convictions.

Point System

Points are applied for moving traffic violation convictions and remain on the driver record for *three years*. Points are assigned as follows:

Points Assignment	
Conviction Type	**Assigned Points**
Texas moving violation	2 points
Out-of-state moving violation	2 points
Texas moving violation resulting in a crash	3 points
Out-of-state moving violation resulting in a crash	3 points

A surcharge is applied when a driver accumulates six (6) points or more. The driver must pay $100 for the first six (6) points and $25 for each additional point.

Every year, the surcharge will continue to be applied if the driver record has six (6) points or more. Point surcharges may vary with each yearly review if convictions are added or removed from the driver record.

Convictions

Drivers who are convicted of one or more of the offenses in the table below will pay a yearly surcharge for *three years* from the date of each conviction once the conviction has been reported to DPS.

No points are applied for these offenses since the surcharge is automatic upon conviction. Surcharges are applied as follows:

Conviction Surcharges	
Conviction Type	**Assigned Surcharge**
Intoxication: 1st offense, Texas or out-of state conviction for driving, boating, flying, operating amusement park ride, intoxication assault, or manslaughter	$1,000
Intoxication: 2nd, 3rd, or more offenses, Texas or out-of-state conviction for driving, boating, flying, operating amusement park ride, intoxication assault, or manslaughter	$1,500
DWI with blood alcohol concentration of 0.16 or greater, Texas or out-of-state conviction	$2,000
Driving without insurance	$250
Driving with invalid license: Driver license is canceled, suspended, denied or revoked	$250
Driving without a license, no driver license or commercial driver license, expired license, or endorsement violation(s)	$100

Reduction Programs

Through the Indigency Program and the Incentive Program, drivers with unpaid surcharges may qualify for significant reductions of the amount they owe and maintain their driving privileges.

Any surcharges billed on or after September 1, 2003 may be considered for these reductions. Eligibility for the Indigency and Incentive Programs is based on total income as determined by the federal poverty level defined by the US Department of Health and Human Services.

Indigency Program		
Poverty Level	**Amount Owed Reduced to**	**Driving Privileges**
125% or less	10%, not to exceed $250	Removes surcharge suspensions* for 6 months
Incentive Program		
Poverty Level	**Amount Owed Reduced to**	**Driving Privileges**
126% to 300%	50%	Removes surcharge suspensions* for 6 months

Under these programs, the new reduced balance must be paid in full within six months. If the balance is not paid in full by the due date, driving privileges will be suspended until it is. Partial payments plus a $2.50 service fee will be accepted during the six month grace period.

To find out if you qualify and to learn about the application process, call 866-223-3583 or visit www.txsurchargeonline.com.

** No effect on other suspensions.*

† DRP was enacted in 2003 and can be found in Chapter 708 of the Texas Transportation Code.

TEXAS DRIVER RESPONSIBILITY PROGRAM

Indigency/ Incentive Application for Reduction of Surcharges

You are applying to the Indigency/Incentive Programs and the Department or its designee will determine the program you qualify for by the supporting documentation you submit.

Print Full Name: _____

DL/ID/DPS Assigned Number: _____

Date of Birth (MM/DD/YYYY): _____

All questions must be answered in full to be reviewed and considered for acceptance into the program.

****

The following information will be used to determine your eligibility. NOTE: You **will** be required to send supporting documentation with this application. If your application is incomplete, it will be returned to you with a request for the additional information required.

Your Household:

☐ I live alone and support myself.

☐ I have dependents and support others._____

_____

Please list their name(s) and relationship to you. You are required to provide proof of dependents.

☐ I am a dependent and am supported by someone else. _____

_____

Please list their name(s) and relationship to you. You are required to list their income under "Other Household Income."

☐ I reside in housing, either partially or completely funded by government, or private assistance.

☐ I am incarcerated _____

Please list TDCJ or County Jail Inmate Number

Employment & Income Information:

(Provide gross income, before taxes, and unemployment benefits, if applicable)

I ☐ am ☐ am not employed or ☐ self employed

If unemployed, when did you file for unemployment? _____

Please explain reason, if you did not file for unemployment: _____

_____

*All Income: $_____ per week **OR** $_____per month

*Include all of **your** income received within the past 12 months from all employment, business, or income from rent payments, Social Security, Veteran benefits, interest, dividends, retirement, annuity payments, or any other sources. Income from others household members will be included under "Other Household Income'. (If you entered zero income above, you **are required** to provide supporting documentation regarding your living status.)

For Office Use Only:

***Other Household Income:** This includes **all other household income** not included previously.

Name	Monthly Amount	Source	Relationship

Cash Assets:

I have the following accounts (please list balances):

Checking: $_____ Savings: $_____ Money Market: $_____Pre-Paid/Debit: $_____

Supporting Documentation:

You will be **required to submit** supporting documentation to verify your eligibility for the Indigency/Incentive Programs. Check those you are submitting with your application.

Do not send original documents. They will not be returned.

- ☐ A copy of SSI benefits statement.
- ☐ A copy of the most recent Medicaid benefits statement.
- ☐ A copy of your two (2) most recent and complete bank statements. *(General overview statements will not be accepted.)*
- ☐ Your most recent 1040 and related 1099. *(Please note that additional evidence of income may be requested to determine most current income status)*
- ☐ Evidence of dependents, if not listed on the previous documents.
- ☐ A copy of your two (2) most recent pay statements.
- ☐ A copy of the two (2) most recent pay statements from Other Household income listed above.
- ☐ A copy of your Unemployment approval or denial letter.
- ☐ A copy of your Veteran Benefits statement.
- ☐ Evidence of housing assistance which may include a Government Housing contract.
- ☐ Other applicable documentation.

COMPLETE NOTARIZATION ON THE BACK SIDE BEFORE SUBMITTING

INC-A (V2.0 07/13)

TEXAS DRIVER RESPONSIBILITY PROGRAM

Indigency/ Incentive Application for Reduction of Surcharges

You are applying to the Indigency/Incentive programs and the department will determine which program you qualify for by the supporting documentation you submit.

***NOTICE*: Additional documentation may be requested. You will be notified in writing of the specific documentation required. Requested documentation must be received within 30 days of the date on the initial notice, to be considered as part of this application. If you are unable to respond within 30 days, you will be required to fill out and submit a new notarized application with new supporting documentation.**

OATH BEFORE NOTARY PUBLIC

STATE OF _____, COUNTY OF _____, BEING FIRST DULY SWORN, UNDER OATH, SAYS: THAT HE/SHE IS THE APPLICANT IN THIS ACTION AND KNOWS THE CONTENT OF THE ABOVE APPLICATION AND CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

_____

Signature of Applicant

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____

DAY OF _____, 20_____

_____

Signature of Notary Public

My commission/ term expires: _____

Notary Stamp

ENTER ADDITIONAL INFORMATION IN THIS SPACE

_____

_____

_____

_____

_____

_____

_____

_____

Mail the original notarized form to:

MSB™
A PRIVATE CORPORATION

INDIGENCY/INCENTIVE APPLICATION PROCESSING
PO BOX 16733 – AUSTIN, TX 78761-6733

TOLL FREE **(800) 688-6882**
Mon – Thur 8AM– 9PM, Fri 8AM – 6PM
Saturday 8AM – 12PM

TEXAS DRIVER RESPONSIBILITY PROGRAM

Indigency/ Incentive Application for Reduction of Surcharges

You are applying to the Indigency/Incentive programs and the department will determine which program you qualify for by the supporting documentation you submit.

Indigency/Incentive Programs

These programs provide drivers the ability to comply with surcharges owed under the Driver Responsibility Program and maintain driving privileges. The surcharges *are not waived* under these programs, but are reduced. The objective is to ensure drivers can become licensed, obtain financial liability insurance, and continue to keep our roads safe. Any surcharge assessed on or after September 1, 2003 are eligible for the Indigency/Incentive Programs.

The **Indigency Program** applies to individuals who are living at or below 125% of the federal poverty level, defined annually by the United States Department of Health and Human Services. For approved applicants, surcharges will be reduced to 10% of the total amount assessed. The total amount due will not exceed $250 (service fees apply).

The **Incentive Program** applies to individuals who are living above 125% but are below 300% federal poverty level, defined annually by the United States Department of Health and Human Services. For approved applicants, the surcharge fees will be reduced by 50% of the total amount assessed (service fees apply).

Once approved for a reduction under either program, the individual must pay the the reduced balance in full *within six (6) months*. All surcharge suspensions will be lifted during this period. If the individual does not pay the balance in full by the due date, their *driving privileges will be suspended until the reduced balance is paid in full*.

These programs will not remove other suspensions on the driving record. To check the status of your driving record, please visit www.texas.gov/driver, then select Driver License and Reinstatement Status.

To Apply – Complete the application in black or blue ink only. The application must be completed in full and notarized prior to submission. Use notes section on page 2 for additional information. You may also apply online at www.txsurchargeonline.com.

PLEASE NOTE: Until your application review is completed, you must continue to remit the minimum monthly payment by the due date to avoid suspension of your driving privileges.

Supporting Documents - Applicants must include supporting documentation based on answers provided on the application. If submitting an online application, you may upload all documents, including your notarized application. *All documents must be complete and accurate.* Your application and any supporting documents you provide may be forwarded to the Texas Department of Public Safety for additional review. If your application is found to be fraudulent, it can result in criminal penalties.

Approved - A written notice will be sent to the applicant and will provide the due date and the reduced balance owed.

Denied - A written notice will be sent to the applicant with the reason for the denial.

Status - If you applied online, you can check the status of your application online. Online notices will be available 10 -14 business days after your completed application is submitted. If you applied by mail, written notices take up to 60 days after your completed application is submitted.

Payment-The reduced payment must be received by the due date or driving privileges will be suspended. Available payment methods include: ACE Cash Express, MoneyGram, Western Union, Check, Money Order, or Credit or Debit Card. You can also contact us directly at 1-800-688-6882 or visit www.txsurchargeonline.com.

New Surcharges- If additional surcharges are assessed *within 90 calendar days* of reduction approval, those surcharges will be automatically reduced and a letter sent with the new balance due. The original due date remains the same. If new surcharges are assessed *90 days or more after* the reduction approval, a new application will be required.

All notices will be sent to the address associated with the surcharge account(s).

APPLICATION FOR CHANGE OF ADDRESS ON VALID TEXAS DRIVER LICENSE (DL) & IDENTIFICATION CARD (ID)
Not For Commercial Driver License

DL-64 (Rev. 9/13)

DO NOT MAIL CASH.
Mail check or money order payable to:
Texas Department of Public Safety

MAIL COMPLETED FORM AND $10 FEE TO:
Texas Department of Public Safety, PO Box 149008, Austin, Texas, 78714-9008

Driver License Number

Expiration Date MM / DD / YYYY

Social Security Number ___ — __ — ____

I.D. Card Number

Date of Birth MM / DD / YYYY

Suffix (SR., JR., etc.)

Last Name

First Name

Middle / Maiden

Residence - Street Address (Address cannot be a post office box)

City

County

State

Zip Code ____ — ____

All applicants who apply for a duplicate of their driver license or identification card may voluntarily donate an additional $1.00 to the Glenda Dawson Donate Life – Texas Registry Program. Please indicate your choice below.

Yes ☐ No ☐

Would you like to register as an organ donor?

Yes ☐ No ☐

Mailing - Street Address

City

County

State

Zip Code ____ — ____

Date_____ Signature _____

See Important Instructions on Back

No Waiting in Line! – Change your address online
Visit our Web site at www.texas.gov/driver

I do solemnly swear, affirm, or certify that I am the person named herein and that the statements on this application are true and correct. I further certify my residence address is a: (check one) ( ) single family dwelling, ( ) apartment, ( ) motel, ( ) temporary shelter.

Signature of Applicant _____ Date _____

If you currently hold a valid Texas non-commercial driver license or identification card and have not reported your change of address as required by TRC 521.054, you may do so by mail or on the Internet. To report a change of address by mail, complete the reverse side of this form and mail along with the required fee(s) to the Texas Department of Public Safety. To report a change of address online, go to www.texas.gov/driver. A driver license or identification card validating your reported address change will be mailed to you. This form may **ONLY** be used to change your address.

Should you desire a new photo or need to change information other than your address, you must apply at the local driver license office.

If you are not a US citizen you must apply at the local driver license office to change your address.

United States Selective Service

Any male United States citizen or immigrant who is at least 18 years of age but less than 26 years of age submitting this application consents to registration with the United States Selective Service System. You must be registered to qualify for federal student aid (to include Pell grant), job training, federal employment, and citizenship if an immigrant. In Texas, you must be registered to qualify for state college student aid or state employment. If convicted, failure to register with the Selective Service is a felony punishable by up to five years in prison and/or a $250,000 fine. If not registered by age 26, you can no longer register and could permanently lose those benefits associated with registration. For alternative options for applicants who object to conventional military service for religious or other conscientious reasons information is available at: http://www.sss.gov/FactSheets/FSaltsvc.pdf.

Below is an example of how numbers and letters should be written on front of this form:

1	2	3	4	5	6	7	8	9	0	

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	