

## **ODL Filings**

### **Filing**

An ex parte petition can be picked up from our office if needed. All sections are required to be filled out. Any sections left blank will cause petition to be incomplete. Filing fees for ODL petition is \$40.00. There are required documents that need to be filed with petition:

Documents required:

- A certified copy of your driver's license record
- Proof of current valid auto liability insurance or a copy of an SR 22 from your insurance
- A copy of the court order that suspended your license
- A letter from employer on letterhead that verifies your work schedule

### **Hearing**

A hearing will be set up within 14-21 days of the filed petition considering all required documents are filed at the time.

If the Justice of the Peace determines the individual is eligible to apply for an occupational license, then a court order will be issued. The court order is not the occupational license. A court order is only the order which authorizes the Department of Public Safety (DPS) to issue the occupational license.

### **Issuance of an Occupational License**

The court order and all required items must be submitted to DPS before an occupational license will be issued. The court order may be used as a driver license for 30 days from the date of the judge's signature while the request for an occupational license is processed.

Individuals must submit the following items to DPS:

- 1.) A certified copy of the petition and a certified copy of the court order granting the occupational license.
  - a) The judge has the authority to grant an occupational order.
  - b) If the individual is participating in a special drug court program, then the petition is not required.
- 2.) A Financial Responsibility Insurance Certificate (SR-22).
- 3.) Payment of the occupational license fee.

# 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](http://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](http://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](http://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 carefull 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 whether 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 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](http://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](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](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](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>

Ex Parte

Cause No: The clerk fills out below

Print your name

District  County  Justice Court of: \_\_\_\_\_ County, Texas

\_\_\_\_\_  
First Middle Last

### Petition for Occupational Driver's License

Print your answers:

My name is: \_\_\_\_\_  
First Middle Last

I am the Petitioner, and I am asking the court for an Occupational Driver's License.

I ask the Court to consider the information I have provided below.

Upon approval of this Petition, I ask the Clerk to send a certified copy of the Petition and the court Order setting out the judge's findings and restrictions to the Texas Department of Public Safety.

#### I. Petitioner's Personal Information

1. Home address: \_\_\_\_\_  
Street address City  
\_\_\_\_\_, Texas  
County Zip

2. Mailing address (if different from above): \_\_\_\_\_

3. Phone number: ( ) \_\_\_\_\_

4. Email address: \_\_\_\_\_

5. Date of birth: \_\_\_\_\_  
Month Day Year

6. The last four digits of my Social Security Number are . \_\_\_\_\_

Or

I do not have a Social Security Number.

## II. Driver's License Information

5. Check all that apply and provide requested information:

- I have never held a Texas Driver's License.
- My Texas Driver's License # is: \_\_\_\_\_. Expiration date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_.
- My Driver's License was issued by the state of \_\_\_\_\_.  
My Driver's License number is \_\_\_\_\_, Expiration date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_.

6. Is your license suspended because of a physical or mental disability?  Yes  No
- Is your license suspended for non-payment of child support?  Yes  No
- Have you had 2 or more occupational driver's licenses because of a conviction in the last 10 years?  Yes  No

## III. Notice to the State If Applicable

7. If any of the following are applicable, the Clerk of the Court should serve the State with notice of this Petition as required by the Texas Transportation Code section 521.243(a).

(Check all that apply and fill in the blanks.)

A. My license is suspended under Transportation Code section 521.342. (Conviction of various offenses of an individual under the age of 21)

- Yes  No

\_\_\_\_\_

Date of conviction

\_\_\_\_\_

Court of conviction

B. My license is suspended because I was convicted of:

- |   |                          |
|---|--------------------------|
| a. <input type="checkbox"/> Criminally Negligent Homicide                               | <i>Penal Code 19.05</i>  |
| b. <input type="checkbox"/> Driving While Intoxicated                                   | <i>Penal Code 49.04</i>  |
| c. <input type="checkbox"/> Driving While Intoxicated with Child Passenger              | <i>Penal Code 49.045</i> |
| d. <input type="checkbox"/> Flying While Intoxicated                                    | <i>Penal Code 49.05</i>  |
| e. <input type="checkbox"/> Boating While Intoxicated                                   | <i>Penal Code 49.06</i>  |
| f. <input type="checkbox"/> Assembling or Operating an Amusement Ride While Intoxicated | <i>Penal Code 49.065</i> |
| g. <input type="checkbox"/> Intoxication Assault  | <i>Penal Code 49.07</i>  |
| h. <input type="checkbox"/> Intoxication Manslaughter                                   | <i>Penal Code 49.08</i>  |

on \_\_\_\_\_ in \_\_\_\_\_

Date of conviction Court of conviction County of Conviction

#### IV. Suspensions and Charges

8. Why is your Driver's License suspended? *(Check all that apply and fill in the blanks):*

A.  I was arrested on \_\_\_/\_\_\_/\_\_\_ and the breath sample I provided registered above 0.08.  
(date)

B.  I was arrested on \_\_\_/\_\_\_/\_\_\_, and I did not give a breath sample, as requested.  
(date)

Within the past ten (10) years from the date of the arrest that led to your current suspension, have you had a suspension for refusal to give a breath/blood sample or providing a sample with a blood alcohol content greater than .08 following an arrest for DWI?

YES  NO

C.  This court convicted me of \_\_\_\_\_ on (date) \_\_\_/\_\_\_/\_\_\_.

D.  A Texas court determined that I am a "habitual violator of traffic laws."

E.  A Texas court ordered me to go to a Driver Education Program, and my license, permit, and/or driving privilege is automatically suspended for 365 days.

F.  Other *(If you did not check any of the above, why is your license suspended or invalid? Be specific.)*

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9. I have the following criminal charges *pending*: *(You do not need to list traffic or Class C charges.)*

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### V. Petitioner's Essential Need to Drive

If your license is suspended based on an offense under Penal Code 49.04 - 49.08, you are required to have an interlock device installed on each motor vehicle you own or operate, and you do not need to complete Numbers 10, 11, and 12 below.

10. Why do you need an Occupational Driver's License? (Check all that apply):

I need an Occupational Driver's License to drive to and from my place of work.

Name of Employer #1: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Days and hours you work: \_\_\_\_\_

Job title: \_\_\_\_\_

Name of Employer #2: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Days and hours you work: \_\_\_\_\_

Job title: \_\_\_\_\_

I need to drive to **school**. (Fill out below):

School Name: \_\_\_\_\_

School Address: \_\_\_\_\_

Days and hours of your classes: \_\_\_\_\_

\_\_\_\_\_

**Other** (explain): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. Driving schedule you are requesting:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>From:</b>	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm
<b>To:</b>	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm	___ am/pm

12. If you are asking the Court to allow you to drive for more than 4 hours per day, explain why below:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**VI. Petitioner's Request to the Court**

13. I ask the Court to order the Texas Department of Public Safety to issue me an Occupational Driver's License to drive for the purposes described above.

I further ask this Court to order the Texas Department of Public Safety to administer any and all tests required for the issuance of said Occupational License.

\_\_\_\_\_  
Petitioner's name (print)

▶ \_\_\_\_\_  
Petitioner's signature

\_\_\_\_\_  
Date

**Unsworn Declaration Made Under Penalty of Perjury**

As allowed by Section 132.001 of the Texas Civil Practices and Remedies Code, I am filing this Unsworn Declaration in support of the Petition for Occupational Driver's License in place of a Verified Petition.\*

My current legal name is:

\_\_\_\_\_  
*First Middle Last*

My date of birth is: \_\_\_\_/\_\_\_\_/\_\_\_\_  
*Month Day Year*

My address is:

\_\_\_\_\_  
*Street Address City State Zip Code Country*

**I declare under penalty of perjury that all information in this Petition is true and correct. I understand I could be prosecuted for lying on this form.**

Formally signed in \_\_\_\_\_ County, \_\_\_\_\_ State  
*County State*

on this date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
*Month Day Year*

▶ \_\_\_\_\_  
**Signature of Person Asking for Occupational Driver's License**

\*Pursuant to Texas Civil Practice and Remedies Code Section 132.001, an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law. This provision does not apply to an oath of office or an oath required to be taken before a specified official other than a notary public. An unsworn declaration made under this section must be 1) in writing, 2) signed by the person making the declaration as true under penalty of perjury and 3) in substantially the form used above.

**See below for a list of documents to attach to this Petition:**

- A certified abstract (Type AR) of your driver's license record.
- An SR22 from your insurance company providing proof of current valid auto liability insurance.
- Proof of need to drive: Examples of proof: A letter from your employer or immediate supervisor on your employer's letterhead that verifies your work schedule, a current pay stub, school registration with schedule, or your sworn affidavit explaining to the court why you need to drive unless your license is suspended solely based on an intoxication offense under Penal Code 49.04 - 49.08 and any vehicle you own or operate must be equipped with an interlock device.