

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 Administration Code, Title 7, Subtitle B, Ch. 521, Subtitle I, Ch. 708.



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 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!



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 MUST be equipped with a working ignition interlock device in accordance with Texas Transportation Code Section 521.2464 for the entire period of 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)).

You can read the statutes online at www.statutes.legis.state.tx.us



Do you really need an ODL, or can you reinstate your license?

Sometimes people think they need an Occupational 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



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)

Am I Eligible for an ODL?

To get an ODL, your license must have been suspended.

What if my license expired or was never issued? You're not eligible because there's been no suspension. Just go to the DMV. • **What about suspensions for a medical or physical disability or impairment?** No, this is an exception in the law and is not eligible. • **What if it was suspended for a conviction of an offense?** It's eligible, but you must file in the court where you were convicted. • **What if it was suspended from failure to pay surcharges, refusal to submit to a blood/breath test after a DWI stop, a blood/breath sample with over .08 BAC after a DWI stop, or a cause listed under 521.292?** It's eligible, but the application must be filed in a justice, county, or district court in the precinct or county in which you reside or in which the offense occurred. • **What if my license can't be renewed because of placement in Omni?** Omni isn't a suspension; it's a non-renewal. The remedy is to do what's necessary to clear the suspension from Omni, such as paying outstanding court fees.



Gather Your Paperwork

Two court forms

1). The **Petition for ODL** asks the court to issue an order. The petition is available on our website at [http://www.jtx.org/government/justice of the peace precinct 4](http://www.jtx.org/government/justice_of_the_peace_precinct_4)

or visit TexasLawHelp.org.

2). The **Order for ODL** orders DPS to issue you an ODL. This would be issued after you've appeared in court.

Certified Abstract (Type AR) of your driving record from DPS. By mail with form DR36 (\$20.00; allow 4-6 weeks for delivery); Online at www.dps.texas.gov/DriverLicense/driverrecords.htm (\$22.00; must have audit number)

Proof that you need to drive Documents verifying the need to go to school, work or perform household duties, such as a school schedule or registration, a current paystub, a letter from your job or an affidavit (sworn statement) explaining your need to drive.

SR-22 Proof of Insurance Get the SR-22 from your insurance company. It 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. Your insurance company will alert DPS if your coverage lapses, terminates or cancels, and your ODL will be revoked.



Once you've filed your petition with the court and paid the filing fee, you'll be set with a hearing date. At the hearing, the judge will review your petition and the additional documentation submitted with it. The judge will then decide whether an Order granting an ODL will be issued.



Caution!

You may use a certified copy of the Order for ODL to drive for 45 days *after* the order takes effect (read your order to learn when it becomes effective). 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 the ODL that extends the deadline.

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

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 \$10.00 for a 1-year license or \$20.00 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.Texasgov/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
Central Cash Receiving
Box 15999
Austin, TX 78761-5999





Frequently Asked Questions



How much does an Occupational License cost?

The cost of filing an ODL petition with JP4 is \$66.00.

Will the state have a lawyer against me at the hearing?

Possibly, if your license was suspended because of a criminal homicide or intoxication offense under Penal Code 49.04-49.08, or 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 can purchase your driving record online and print it out; the cost is \$22.00. You'll need your license number, your audit number, and the last four digits of your Social Security number at:

www.dps.texas.gov/DriverLicense/driverrecords.htm

You can also make your request by mailing a completed form DR-36 (available at the website above) and \$20.00 to DPS.

Can I drive after the Judge signs the order?

You may use a certified copy of the Order for ODL to drive for 45 days once the Order takes effect. If you don't receive your actual ODL from DPS before your 45th day, you can't drive until you either get the ODL or go back to court and get an Amended Order for ODL that extends the deadline.

Why wouldn't an Order take effect as soon as the Judge signs it?

A "Hard Suspension" can keep an Order from taking effect as soon as it's signed. If a license is suspended for refusing or failing a blood or breath test when

arrested for DWI or other alcohol/drug-related driving or boating offense, the order for ODL cannot take effect for:

- 90 days after suspension, if during the previous 5 years before your arrest your license was suspended due to an alcohol or drug-related arrest.
- 180 days after suspension, if during the 5 years prior to arrest your license was suspended due to DWI, Intoxication Assault, or Manslaughter conviction.
- 365 days after suspension, if during the 5 years prior to arrest your license was suspended due to a 2nd (or more) DWI, Intoxication Assault or Manslaughter conviction.

How long will it take to get my ODL from DPS?

Processing time is usually 3 to 4 weeks unless a waiting period (discussed above) applies. Contact DPS for more information.

What happens after I get my ODL?

- Maintain your SR-22 insurance; if it lapses, your license will be revoked.
- Always keep your ODL, a certified copy of the court Order and proof of your SR-22 insurance with you when you drive. It's a class B misdemeanor to drive without it in your possession.
- Only drive when and where the court Order allows you to drive. It's a class B misdemeanor to drive at other times or other places.
- If the times or places you need to drive to change, go back to court to get the Order modified.