

CHECKLIST FOR FILING FOR OCCUPATIONAL LICENSE

**PLEASE MAKE SURE YOU HAVE ALL THE LISTED ITEMS BEFORE FILING WITH THE COURT. THE JUDGE WILL THEN EITHER GRANT OR DENY YOUR FILING. IF GRANTED, I WILL PROVIDE YOU WITH TWO CERTIFIED COPIES OF YOUR ODL TO KEEP IN YOUR VEHICLES AT ALL TIMES WHEN DRIVING AND A PACKET TO MAIL TO DPS WITH A MONEY ORDER FOR \$100.00 AND A SEPARATE MONEY ORDER FOR \$10.00. YOU MUST MAIL THIS PACKET THE SAME DAY.

____ 1. PETITION (COMPLETELY FILLED OUT TO THE BEST OF YOUR ABILITY. DO NOT SIGN UNTIL YOU ARE IN FRONT OF A NOTARY. THE CLERK AT OUR OFFICE CAN ASSIST YOU WITH A NOTARY IF NEEDED)

____ 2. CERTIFIED COPY OF YOUR 3A DRIVING RECORD (THIS CAN BE OBTAINED ONLINE AT WWW.TEXAS.GOV OR BY MAILING IN THE PAPER ATTACHED AT THE BACK OF THIS PACKET WITH A \$10.00 MONEY ORDER)

____ 3. SR-22 (THIS CAN BE OBTAINED AT AN INSURANCE COMPANY)

____ 4. PROOF OF YOUR NEED TO DRIVE (EXAMPLE: A LETTER FROM EMPLOYER/DOCTOR, A COPY OF YOUR SCHEDULE, CHECK STUB, ETC.)

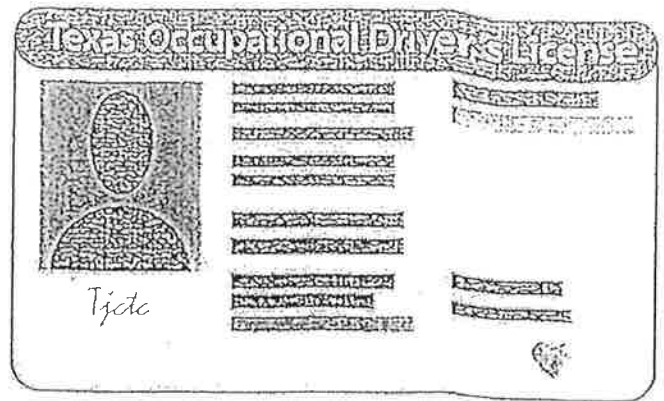
____ 5. \$54.00 COURT FILING FEE

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! BUT 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).

STEPS AND INSTRUCTIONS FOR OBTAINING 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/htm

- 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 <http://www.Texas.gov/driver>. Click on "Driver's 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 at

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

Step 3: Gather the forms and information you need to ask the Court to order DPS to issue you an ODL. You will need the following information:

- The *Petition for Occupational Driver's License*. You can request this from the court clerk or get a copy by going online to www.co.san-jacinto.tx.us
- *Certified Abstract* (Type AR) of your driving record. To get your certified Abstract online you MUST verify that ALL of your DPS records (DL, ID or

unlicensed record) have been CONSOLIDATED or you risk purchasing incomplete information and may need to purchase additional records.

If you have determined that your records are consolidated, you may purchase your driving record online with a credit card and print it out. The online cost is \$22. You will need to enter your driver's license number and license audit number from your most recent DL (or ID if your records are CONSOLIDATED) and the last four digits of your social security number at

<http://www.dps.texas.gov/DriversLicense/driverrecords.htm>

To get a Certified Abstract by mail, print the DR-1 form called "Request for a Certified Abstract of a Driver Record" from

<http://www.dps.texas.gov/DriversLicense/driverrecords.htm> and mail the completed form along with a \$20.00 check or money order to Texas DPS. This form does not require the audit number or your social security number.

-Proof that you need to drive to go to work, school or perform essential household duties, etc. Examples of proof could be 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.

- Court fee (cash or Money Order; NO CHECKS). To find out the court cost, please call the court.

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 court. If so, you may want to research local procedure, court costs and court scheduling to decide which court is best for your situation.

-Ask the 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. At the hearing, the judge reviews your Petition and other paperwork, then the judge will decide whether to sign the ORDER granting an occupational driver's license.

-If the judge signs the order, he/ she will mark the restrictions as to where and when you can drive. A travel log must be kept if the signed order has restrictions.

-After the judge signs the order, get a certified copy of your filed Petition and at least two certified copies of the Order from the clerk.

- You may use the 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.

- If you don't receive your ODL from DPS 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 an 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 an 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 \$10.00 for a one-year license or \$20.00 for a two-year license.

-A check, money order or cashier's check made out to the Texas DPS for the amount you owe in reinstatement fees, if any. Go to <http://www.Texas.gov/driver/htm> or call 512-424-2600 to find out what you owe.

- Mail all of the documents together by certified mail return receipt requested (so that you have proof you mailed them) to:

Texas DPS Central Cash Receiving

PO Box 15999

Austin, Texas 78761-5999

CAUSE NO. _____

EX PARTE

§ IN THE JUSTICE COURT

§

§ PRECINCT NO. _____

§

PETITIONER'S NAME

§ _____ COUNTY, TEXAS

PETITION FOR OCCUPATIONAL LICENSE

I, _____, seek an occupational 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 1. 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: _____.

My Texas driver's license number is: _____.

- I am employed, and my occupation is _____.
- I am the primary caretaker of ____ children less than 16 years of age.
- I have been ordered by a magistrate 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 not been ordered by a magistrate 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 a commercial driver's license.
- I do not have a commercial driver's license.

Section 2. Reason(s) for Driver's License Suspension.

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 automatically suspended as the result of a conviction for Driving While Intoxicated (DWI) in a County or District Court.
- My driver's license has been suspended as the result of a conviction for a criminal offense in a justice or municipal court. (Please provide information regarding this offense, including the name of the court in which you were convicted, the cause number, and the type of offense, below.)

- My driver's license has been suspended as the result of a physical or mental disability.
- My driver's license has been suspended as the result of a conviction for Racing on a Highway.
- My driver's license has been suspended because a court found that I am a "habitual violator of traffic laws."
- My driver's license has been suspended because a court ordered me to attend a Driver Education Program and suspended my license for 365 days.
- My driver's license has been suspended because of a failure to pay surcharges ordered by the State of Texas.
- My driver's license has been suspended for another reason, described below:

Section 3. Essential Need.

(Note: In order 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: (A) 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; (B) for transportation to and from an educational facility in which the person is enrolled; or (C) in the performance of essential household duties." In order 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 5 of this petition.)

- I am seeking this occupational license in order to *(check all that apply)*:
 - Travel to and from my place of work;
 - Perform the duties of my job;

- Travel to and from school; or
- Perform essential household duties.

The following are addresses and descriptions of all destinations to which I seek to travel with my occupational license: _____

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 perform the following essential household duties:

- In order 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: _____

- In order to:

Travel to school;

Travel to my place of work;

Perform my job duties; or

Travel to the place I perform essential household duties;

I must travel by automobile to or through the following Texas counties (please fully describe all counties and routes traveled):

Section 4. Suspension History

My driver's license has previously been suspended for:

- A second or subsequent conviction for Driving While Intoxicated (Section 49.04, Penal Code); Intoxication Assault (Section 49.07, Penal Code), or Intoxication Manslaughter (Section 49.08, Penal Code), committed within five years of a previous conviction for Driving While Intoxicated (Section 49.04, Penal Code); Intoxication Assault (Section 49.07, Penal Code), or Intoxication Manslaughter (Section 49.08, Penal Code).

In the past five years, my license has been suspended for:

- A refusal to submit to the taking of a breath or blood specimen following an arrest for an offense prohibiting the operation of a motor vehicle or an offense prohibiting the operation of a watercraft while intoxicated, under the influence of alcohol, or under the influence of a controlled substance.
- An analysis of a breath or blood specimen showing an alcohol concentration of .08 or above, following an arrest for an offense prohibiting the operation of a motor vehicle or watercraft while intoxicated.
- A conviction for Driving While Intoxicated (Section 49.04, Penal Code); Intoxication Assault (Section 49.07, Penal Code), or Intoxication Manslaughter (Section 49.08, Penal Code).
- A conviction for an offense other than Driving While Intoxicated (Section 49.04, Penal Code); Intoxication Assault (Section 49.07, Penal Code), or Intoxication Manslaughter (Section 49.08, Penal Code) prohibiting the operation of a motor vehicle or watercraft while intoxicated, under the influence of alcohol, or under the influence of a controlled substance.

Section 5. Additional Documents.

- I have obtained evidence of financial responsibility, which is attached to my petition. (Note: You may not be issued an occupational license unless you obtain evidence of financial responsibility.)
- I have attached a certified copy of my driving record to this petition. (Note: the court cannot grant your petition without reviewing your driving record.)
- I have attached documents which demonstrate my essential need to operate a motor vehicle.
- I have attached other documents, which are described below:

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Honorable Court grant this Petition for Occupational License, and to send a certified copy of this Petition, along with its order granting petitioner's occupational license to the Department of Public Safety of Texas.

Petitioner's Signature

SWORN TO AND SUBSCRIBED before me on this ____ day of _____,
20____.

CLERK OF THE JUSTICE COURT OR NOTARY