

IF YOUR LICENSE WAS SUSPENDED, BUT YOU NEED TO DRIVE. . . .

YOU CAN ASK THE COURT FOR AN OCCUPATIONAL DRIVER'S LICENSE IF:

- You do NOT have access to public transportation, and
- You need to drive to work or school or for essential household duties

An **occupational driver's license (ODL)** is a restricted license that lets you drive at certain times, on specific days, under certain conditions. (*SEE Texas Transportation Code, Chapter 521 and 601.*) And SEE the Questions and Answers below for more information.

Q. How do I ask for an ODL:

A. Fill out these forms:

- *Petition for Occupational Driver's License, and*

The Petition asks you to explain why you have an **essential need** to drive. This means you need to drive to:

- *Do your job*
- *Get to and from work or school, or*
- *Do essential household duties.*

Q. Where do I take my completed forms?

A. If your license was suspended because of a DUI (Driving Under the Influence) conviction, take your Petition to the clerk in the same county where you were convicted. (**DO NOT** sign it until you are in front of a notary public.)

If your license was not suspended because of a DUI, file the Petition at the County Clerk's office, the District Clerk's office or the Justice of the Peace Court in the county (and Precinct if filing in Justice of the Peace Court) where you live or where your license was suspended.

Q. Can anyone get an ODL?

A. No. You cannot get an ODL if:

- *Your license was suspended because of a mental or physical disability.*
- *You need it to drive a commercial motor vehicle, or*
- *The Judge thinks you do not have an essential need or is worried about public safety.*

Q. Do I have to go to a court hearing?

A. Yes. You must go to your hearing and explain why you have an essential need to drive. You must also take a certified copy of your driving record. (Ask for this at the Texas Department of Public Safety or Order on-line at <http://www.txdps.state.tx.us/DriverLicense/driverrecords.htm>) The Judge may ask you why public transportation and getting rides from friends and relatives does not meet your needs.

Q. Will the State have a lawyer against me?

A. Yes, if your license was suspended because of:

- *A criminal homicide, DUI, intoxication assault, intoxication manslaughter, or*
- *You were under 21 and your license was suspended according to Texas Transportation Code §521.342*

The State lawyer may try to convince the Judge to not give you a license. The Judge will listen to both sides and make a decision.

Q. What should I take to my court hearing?

A. Fill out the Order and take it with you to your hearing. If the Judge does not sign the Order, you will not get an ODL. If the Judge decides to let you drive, s/he will sign the order and mark the restrictions.

WARNING! You must follow the Judge's restrictions or you will lose your ODL and face criminal charges.

Need Help? Talk to a lawyer. To find one, call your local lawyer referral service. One helpful resource in the Dallas/Fort Worth area is:

The Dallas Bar Association: Call 214-220-7444
Or On-Line at <https://www2.dallasbar.org/referral/>