

## **Occupational Driver's License (ODL) Information**

This information is not intended to be legal advice. If you need legal advice, please consult a competent attorney.

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, to get to and from work or school, or to do essential household duties.

### **You are not eligible for 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 motor vehicle.
- You have received two ODLs in the past 10 years after a conviction.
- You have a "hard suspension" waiting period due to a prior DWI arrest or conviction.
- The judge thinks you do not have an essential need or is worried about public safety.

### **To request an ODL, you must:**

- File a Petition for Occupational License in the county and precinct where you reside.
- File an SR-22 Financial Responsibility Insurance Certificate.
- File a signed letter from your employer on employer letterhead regarding the need to drive. If you are retired, disabled, or on public assistance, a sworn affidavit of status with proof may substitute for an employer's letter.
- File a Type AR-Certified Abstract of Complete Driver Record which can be obtained from the Department of Public Safety (DPS) at <https://txapps.texas.gov/tolapp/txldrctdr/TXDPSLicenseeManager>. (Type 3A)
- File a copy of the Order of Suspension Notice from DPS.
- Pay a **\$54.00** filing fee **or** file a Statement of Inability to Pay Court Costs.
- Provide a Money Order payable to Texas Department of Public Safety.
  - \$10.00 for 1 year or \$20.00 for 2 years

The court will send a certified copy of the ODL petition and a certified copy of the ODL order to DPS. You must keep the other certified copy of the ODL order with you at all times while driving. The signed ODL order may be used as a license for 45 days from the date of the Judge's signature while DPS processes the ODL card.

If the ODL is granted, you must submit the following items to DPS to obtain your ODL card:

- Payment of all reinstatement fees. Can be paid online via DPS website: <https://txapps.texas.gov/txapp/txdps/dleligibility/login.do>

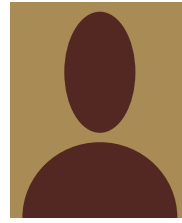
# Eligibility for an ODL

(Transportation Code § 521.242; 521.001(a)(6))

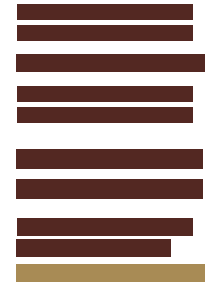
For a person to be eligible for an ODL, their license (including a permit, a privilege to operate a motor vehicle, and a non-resident's operating privilege) has to first be suspended.

[Note: All citations below are to the Transportation Code.]

## Texas Occupational Driver's License



*Tjete*



### Reason Does Not Have License

### Eligible for an ODL?

License expired or was never issued and they *just haven't gone to the DMV* 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 *physical or mental disability or impairment*.

**No!** This is an exception in the law – suspensions for this reason are not eligible.

License or privilege *automatically suspended or canceled for a conviction* of an offense.

- 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 *almost never be a justice court*.

(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 *other than* an automatic suspension upon a conviction (so *administratively suspended by DPS on its own or as a result of a court order*). Includes:

- 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:

- The person resides; or
- The offense occurred for which the license was suspended.

License cannot be renewed because of *placement in OMNI*.

**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.

License revoked for failure to pay child support.

**No!** This is not a suspension. This is a revocation. A person whose license has been revoked due to non-payment of child support is not eligible for an ODL.

### But What If....?

### Eligible for an ODL?

The applicant's *license has expired*, and they now can't renew it for a reason listed above that would allow them to get an ODL?

**Yes!** The applicant's privilege has been suspended, so they are eligible.

The applicant *never had a license*, and they now can't get one for a reason listed above that would allow them to get an ODL?

**Maybe! (Up to the judge but be consistent.)**

- Literal reading of statute: no license or privilege has been suspended, so **not** eligible.
- DPS position: will honor an ODL in this situation if all other requirements are met.

The applicant is a *minor* and is otherwise eligible.

**Yes!** (Subject to the limitations described in 524.022(d)).

The applicant wants an ODL *to operate a CMV* and is otherwise eligible.

**No!** (But a CDL holder may get an ODL to operate a non-CMV vehicle).