

# **Occupational Driver's License – What you need to know**

An Occupational Driver's License (ODL), also called an essential need license, is a special type of restricted license issued to individuals whose driver's license has been suspended, revoked or denied for certain offenses other than medical or delinquent child support.

An Occupational Driver's License (ODL) authorizes the operation of a non-commercial motor vehicle in connection with an individual's:

- Work
- School-related activities **OR**
- Performance of essential household duties

## **Request an Occupational Driver's License**

Requests for an Occupational Driver's License must be made to the justice, county or district court where the individual resides or to the court of original jurisdiction where the offense occurred.

- The petitioner **MUST** file in the county they reside or the county where their driver's license was suspended
- A petitioner can have 2 ODLs within a 10 year period
- The suspended license must be a Texas driver's license
  - A petitioner can **NOT** apply for an ODL if they have never had a Texas driver's license
- Justice Courts **DO NOT** have jurisdiction over suspension for DWI, medical advisory issues, mental issues or child support issues

## **Before filing check your eligibility status**

- You must show a **NOT ELIGIBLE** status to file for an ODL
  - <https://txapps.texas.gov/txapp/txdps/dleligibility/login.do>

## **Filing Fee and Required Documents**

- \$54.00 filing fee
- Original Petition
- SR-22 (financial responsibility insurance certificate)
  - A declarations page will not be sufficient
- Certified Abstract Driving Record – Type AR
  - <https://txapps.texas.gov/tolapp/txldrcdr/TXDPSLicenseeManager>

**\*\*\* A hearing date will be assigned at time of filing \*\*\***

### **Once the ODL has been granted by the Judge**

- The court will provide the petitioner with:
  - 1 certified copy of the petition
  - 2 certified copies of the order
  - Driving log (if required)
  - AA log (if required)
- The petitioner MUST submit the following items to DPS immediately as the order is only valid as your driver's license for 45 days:
  - A certified copy of the petition
  - A certified copy of the order
  - The SR-22
  - Payment of the occupational driver's license fee
    - <http://www.dps.texas.gov/DriverLicense/OccupationalLicense.htm>
  - Payment of all reinstatement fees
    - <http://www.dps.texas.gov/DriverLicense/OccupationalLicense.htm>

### **Texas DPS Contact Information**

#### Mailing Address

Texas Department of Public Safety  
Enforcement and Compliance Service  
P.O. Box 15999  
Austin, TX 78761-5999

#### Phone Numbers

English – 512.424.2600  
Spanish – 512.424.7181

**DO NOT leave any blanks.**

You **MUST** fill out all fields. If the question does not apply to you, write “N/A” (not applicable).

**NOTICE: THIS FORM CONTAINS SENSITIVE DATA**

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 . \_\_\_\_\_

7. Jurisdiction:

(Check all that apply.)

- Petitioner resides in this County.
- The offense for which Petitioner's license was suspended happened in this county.
- This Court convicted Petitioner of an offense under the laws of this state that resulted in the automatic suspension or cancellation of Petitioner's license.

**II. Driver's License Information**

8. 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: \_\_\_\_ / \_\_\_\_ / \_\_\_\_.

9. 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**

10. 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.  Criminally Negligent Homicide *Penal Code 19.05*
- b.  Driving While Intoxicated *Penal Code 49.04*
- c.  Driving While Intoxicated with Child Passenger *Penal Code 49.045*
- d.  Flying While Intoxicated *Penal Code 49.05*
- e.  Boating While Intoxicated *Penal Code 49.06*
- f.  Assembling or Operating an Amusement Ride While Intoxicated *Penal Code 49.065*
- g.  Intoxication Assault *Penal Code 49.07*
- h.  Intoxication Manslaughter *Penal Code 49.08*

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

Date of conviction Court of conviction County of conviction

**IV. Suspensions and Charges**

11. 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) \_\_\_/\_\_\_/\_\_\_  
under cause number \_\_\_\_\_.

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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12. 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

13. 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: \_\_\_\_\_

Employer's Telephone: \_\_\_\_\_

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

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

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

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

Employer's Telephone: \_\_\_\_\_

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

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

I am self-employed as: \_\_\_\_\_

My work address is: \_\_\_\_\_

I need to go to and/or transport family members to school. (Fill out below):

School #1 Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

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

School #2 Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

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

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

\_\_\_\_\_

\_\_\_\_\_

I drive as part of my work or essential needs throughout the following county or counties.

\_\_\_\_\_

14. 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 |

15. 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

16. 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.