

**JUSTICE OF THE PEACE, PRECINCT
ONE GILLESPIE COUNTY, TEXAS**

125 W. Main St.
Lower Level
Fredericksburg, Texas 78624

(830) 307-3737, ext 1
(830) 990-1115 Fax

**Filing Requirements for an
Occupational Driver's License:**

Please provide the following documents along with the **completed petition** for Occupational Driver's License:

- Certified Abstract (Type AR) of your driving record from DPS
- SR-22 proof of insurance from your insurance company.
- Complete list of **ALL COUNTIES** you will be driving in/through. (i.e. If you are driving from Gillespie County to Brazos County, you will need a list of every county you will drive through to reach Brazos County)
- Hours you are requesting to drive (can be no more than 12 hour span per day, i.e. 8:00am-5:00pm)
- Proof that you need to drive to work, school, or perform essential household duties.
- A copy of the court order suspending your license and/or the notice of suspension from DPS.
- The filing fee of \$54.00.

A hearing will not be scheduled until all documentation is provided.

If you have a **COURT ORDER** for an interlock device, please provide a legible copy of the order along with your completed petition. A list of counties and driving hours are not required if you have a court order for an interlock device. Texas Transportation Code 521.248(d)

**FAILURE TO PROVIDE ALL REQUIRED
DOCUMENTATION WILL RESULT IN
YOUR CASE NOT BEING FILED.**

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.



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 motor 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.

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

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

Caution!

The process can take **weeks** to complete and can get complicated.

You may need to hire an attorney to help you reach your goal.

Overview of Steps:

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.
2. **Check** to see if you qualify for an ODL.
3. **Gather the forms** and information you need to ask the Court to order DPS to issue you an ODL.
4. **File** your forms with the Clerk of the Court.
5. Go to **Court** to ask the Judge to sign the Order.
6. If the Judge signs the order, **mail** the paperwork and fees to DPS **right away**.

See pages 3-4 for instructions...



*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 or operate **MUST** be equipped with a working ignition interlock device in accordance with Texas Transportation Code Section 521.2465 for the entire period of the 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)).

Step 1 Do you really need an ODL?

Or can you reinstate your license?

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:

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)

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:

1. The requirements to meet.
2. The fees you need to pay.
3. 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.



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 Do 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 at:

www.txdps.state.tx.us/DriverLicense/ApplyforLicense.htm

Step 3 Gather your paperwork

- ✓ Two court forms:

- 1) The *Petition for Occupational Driver's License* asks the Court to issue an order.
- 2) The *Order for Occupational Driver's License* orders DPS to issue you an ODL.

Print the court forms at www.TexasLawHelp.org. You can also use the interactive forms interview on TexasLawHelp. With this program, you answer questions about your need to drive, etc. Then you print out the prefilled-in forms.

- ✓ Certified Abstract (Type AR) of your driving record from DPS: Get your Type AR Certified Abstract:

*By mail with form DR-36 (takes 3-4 weeks, costs \$20) or

*Online (quickly, cost \$22 & must have audit number) at

© Texas Partnership for Legal Access

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

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

Step 4 File your papers with the Court

When you file your *Petition for Occupational 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 cancelled following a conviction, file the *Petition* in the same court that convicted you.

If your license was *not* suspended or cancelled following a conviction, file the *Petition* in the county where you live or where the offence occurred. You may have a choice between filing in District Court, County Court-at-Law or Justice of the Peace (JP) court. If so, you may want to research local procedures, court costs, and court scheduling to decide which court is best for your situation.

Ask the court clerk when you should come back for the hearing. You may need to schedule a time for your hearing.

Note: Travis County residents can review the *Instructions for Travis County ODL Filers* for local procedure information.

Step 5 Go to Court

Go to Court the day of your hearing. Arrive early.

When you go to Court, **bring:**

1. The *Order for an Occupational Driver's License* form. Fill out all but the restrictions and the judge's signature.
2. A Certified Abstract of your full driver record (Type AR).
3. The SR-22 from your insurance company.
4. Some courts may require a copy of the court order suspending your license and/or the notice of suspension from DPS.
5. Proof that you need to drive.
6. A copy of the filed *Petition*.

Note: If you filed an Affidavit of Indigency to waive the court filing fees, the court may require proof of income & expenses.

At the hearing: The judge reviews your *Petition* and other paperwork. Then the judge decides whether or not to sign the *Order* granting an occupational license. If the judge signs the order, he/she will mark the restrictions as to when and where you can drive.

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



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 takes effect. *See FAQ about waiting periods.*

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 ODL that extends the deadline.

Step 6 Texas Department of Public Safety

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.

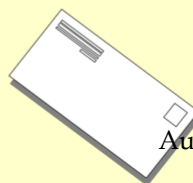
Mail the following documents to DPS as soon as possible!

- ✓ 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 for a 1-year license or \$20 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.Texas.gov/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, Texas 78761-5999

Frequently Asked Questions (FAQs)

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

Sometimes, if your license was suspended because:

- of a criminal homicide, or an intoxication offense under Penal Code 49.04 – 49.08
- 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 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 and the last four digits of your social security number at:

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

To get a Certified Abstract **by mail**, print the DR-36 form called "Request for a Certified Abstract of a Driver Record" from

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

Mail the completed form and a \$20 check or money order to Texas DPS. This form does not require the audit number or your social security number.

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**.

Read your Order to learn when it takes effect.

If you don't receive your actual 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 ODL that extends the deadline.

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

An Order for ODL will take effect as soon as a judge signs it **UNLESS** one of the following waiting periods (also called "hard suspension" applies.

If your license was suspended for refusing or failing a blood or breath test when arrested for DWI or other alcohol or drug-related driving or boating offense, the order for ODL cannot take effect for:

- **90 days** after your license was suspended – if during the 5 years before your arrest your license was suspended because of an alcohol or drug-related **arrest**.
- **180 days** after your license was suspended – if during the 5 years before your arrest your license was suspended because of a DWI, Intox-ication Assault, or Manslaughter **conviction**.
- **365 days** after your license was suspended – if during the 5 years before your arrest your license was suspended because of a second (or more) DWI, Intoxication Assault, or Manslaughter **conviction**.

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

Processing time runs between three and four weeks unless a **waiting period** (*see above*) applies. Call DPS for more information at (English) 512-424-2600 or 512-424-7181 (Español).

What happens after I get my ODL from DPS?

- Maintain your SR-22 insurance. If your insurance lapses, your Occupational Driver's License will be revoked.
- Always keep your ODL, a certified copy of the court order for ODL and proof of SR-22 insurance with you when you drive. It is a Class B misdemeanor to drive without a certified copy of the court order in your possession.
- Only drive when and where the court order for ODL allows you to drive. It is a Class B misdemeanor to drive at other times or places.
- If the times and/or places you need to drive changes, go back to court to modify the *Order*.

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



CAUSE NO. _____

§ IN THE JUSTICE COURT

§

§

§ PRECINCT ONE

§

§

PETITIONER

§ GILLESPIE COUNTY, TEXAS

PETITION FOR OCCUPATIONAL LICENSE

I, _____, seek an occupational driver's 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 One – 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:

_____.

☐ Driver's License Number and Issuing State/Country:

☐ I do not have a driver's license issued by any state or country.

☐ I am employed or looking for work, and my occupation is _____.

☐ I am a student at _____.

☐ I am the primary caretaker of _____ dependents who cannot drive.

☐ I have been ordered by a magistrate or other court order 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 been convicted more than once in the 10 years before the date of this petition of an offense under Sections 49.04-49.08 of the Penal Code.

Section Two – Reason(s) for Driver’s License Suspension/Revocation/Cancellation.

- ☐ 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 suspended due to an unpaid civil judgment (issued in _____ County) related to a car wreck.
- ☐ My driver’s license has been revoked for failure to pay child support in _____ County.
- ☐ My driver’s license has been suspended as the result of a conviction for a criminal offense. *(Please provide information regarding this offense, including the name and county of the court in which you were convicted, the cause number, and the type of offense, below.)*
- _____
- _____
- _____.
- ☐ My driver’s license has been suspended or revoked by DPS for the following reason:
- _____.
- ☐ I previously obtained an occupational driver’s license and it was revoked by a court in _____ County for the following reason:
- _____.
- ☐ My driver’s license has been suspended, revoked, or cancelled as the result of a physical or mental disability.
- ☐ My driver’s license has been suspended, revoked, or cancelled for another reason, described below (if applicable, include the county where the incident occurred that led to the suspension/cancellation/revocation):
- _____
- _____
- _____
- _____
- _____.

Section Three – Essential Need.

(Note: 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: 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; for transportation in pursuit of a trade or occupation; for transportation to and from an educational facility in which the person is enrolled; or in the performance of essential household duties.” 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 Five of this petition.)

☒ I am seeking this occupational license to *(check all that apply)*:

- ☐ Travel to and from my place of work;
- ☐ Perform the duties of my job;
- ☐ Travel in pursuit of a trade or occupation;
- ☐ Travel to and from school; or
- ☐ Perform essential household duties.

☒ I am **not** seeking an occupational license to drive a commercial motor vehicle.

*(*A commercial driver’s license holder is eligible for an occupational license to drive non-commercial motor vehicles.)*

☒ The following are addresses and descriptions of all destinations where I am requesting to travel with my occupational license:

☒ To reach the destinations described above, I must travel to or through the following Texas counties *(please fully describe all counties and routes traveled)*:

☒ 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 travel in pursuit of a trade or occupation as follows:

- ☐ I perform the following essential household duties:

- ☐ 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:

Section Four – Additional Documents.

- ☐ I have obtained evidence of financial responsibility (*automobile liability insurance*), SR-22 (if required by DPS), or that I am covered by insurance carried by another party at all times while driving. The evidence is attached to my petition.
- ☐ I have attached a Type AR certified abstract of my driving record to this petition. (*Note: the court cannot grant your petition without reviewing your driving record.*)
- ☐ I have attached documents demonstrating my essential need to operate a motor vehicle.
- ☐ I have attached other documents, which are described below:

_____.

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

Petitioner's Signature

Date of Birth

Last 4 of SSN

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

CLERK OF THE JUSTICE COURT OR NOTARY