



**Texas**  
LawHelp.org

## **OCCUPATIONAL DRIVER'S LICENSE**

### **Sue these instructions & forms if:**

● Your license was suspended or revoke and you qualify to drive a non-commercial vehicle under restriction for work, school, or to perform essential household duties.

### **This Packet Includes:**

1. Instructions for an Occupational Driver's license
2. Petition for Occupational Driver's license
3. Order for Occupational Driver's license
4. Statement of Inability to Afford Payment of Court Fees
5. Filing Fee \$56.00 Cash or Money Order

**Note:** You may not need all of the forms listed or you may need additional forms. Get more information at [www.TexasLawHelp.org](http://www.TexasLawHelp.org). Talk to a lawyer if you have questions

## About Us

TexasLawHelp.org is dedicated to providing free, reliable legal information to low-income Texans. The website is part of a national legal aid effort that is using technology to enhance and expand the delivery of legal services. In the last year alone, more than 4 million people visited the site.

TexasLawHelp.org is a collaborative effort by Texas legal aid organizations and foundations, courts, and nonprofits. It is managed by **Texas Legal Services Center (TLSC)**. TLSC is a 501(c)(3) nonprofit organization that empowers underserved Texans through legal education, advocacy, advice, and representation.

The information available on this website is available to all visitors at no cost.

*All grantees of the **Texas Access to Justice Foundation** help sustain this site by drafting legal information, forms, documentation, and support.*

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

- The **Order for Occupational Driver's License** form. Fill out everything above "The Court fills out the rest of this form" statement on page seven (except for the Cause No and the box on page one).
- A Certified Abstract of your full driver record (Type AR).
- The SR-22 from your insurance company.
- Some courts may require a copy of the court order suspending your license and/or the notice of suspension from DPS.
- Proof that you need to drive.
- Proof that you have installed an interlock ignition device ("breathalyzer") on your vehicle, if applicable.
- A copy of the filed Petition.

It's a good idea for you to have copies of everything for your own records, as well as for the state's attorney if one is assigned to your case.

**Note:** If you filed a form to request the court filing fees be waived, the court may require proof of income and expenses.

**At the hearing:**

- The judge reviews your Petition and other paperwork. Then the judge decides whether to sign the Order granting an ODL.
- If the judge signs the Order, they will mark the restrictions that describe 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 Occupational Driver's License to drive for **45 days** after the order takes effect while you wait for your actual ODL. Read your order to learn when it takes effect. **See Common Questions about Occupational Driver's License about waiting periods.**

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 ODL that extends the deadline.

A signed Order for Occupational Driver's License is not the license itself. Rather, it is a court order telling DPS to give you an ODL.

After you get the court Order, you must contact DPS to get the actual ODL.

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 DPS for the amount you owe in reinstatement fees, if any. Go to [www.Texas.gov/driver](http://www.Texas.gov/driver) or call DPS at 512-424-2600 to find out what you owe.

**Write your name, birth date, and DL number on each document. Place them in a single envelope.** Then mail the envelope by certified mail return receipt requested (so that you have proof you mailed it) to:

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

Note that while you may **pay online** instead of mailing a check or money order, you will still need to mail all documents.

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 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](#).

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 (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. If they tell you that you need a form to set the hearing, you can use forms they provide or this [Agreed Order Setting Hearing](#).

Always have the following documents with you while driving with an ODL. You may want to keep them in your glovebox or console so you don't forget.

- **Certified copy of the Order.** You need a certified copy of the Order with you when driving, even after DPS sends you your ODL.
- **SR-22 insurance form.**
- **Logbook (if an interlock ignition device is not required).** Record details of every trip in a notebook. Write down the time, date, destination, and purpose of each drive you take.

## Guide Overview

**Warning:** *The information and forms in this guide are not a substitute for the advice and help of a lawyer*

If your driver's license was suspended or revoked, you may still be allowed to drive under certain circumstances if you get an occupational driver's license (ODL).

An occupational driver's license is a restricted license that lets you drive a non-commercial vehicle to work or school and to perform essential household duties. This does not include driving as a part of work duties, such as performing deliveries.

To get an occupational driver's license you must first get a court order that authorizes the Texas Department of Public Safety to issue the license.

The process can take weeks to complete and can be complicated. You may need to hire an attorney to help you reach your goal. It's a good idea to ask a lawyer to help you determine if you qualify for an occupational driver's license. You can also hire a lawyer to review your forms before you file them with the court.

## Research Tips

### Texas laws:

- Texas Transportation Code chapter 521 subchapter L
- Texas Transportation Code chapter 601.
- Texas Health and Safety Code section 469.009.
- Texas Transportation Code, Title 7, Subtitle B, Ch. 521, Subtitle I, Ch. 708.

receive the ODL or go back to court to get an Amended Order for 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 the court 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 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](http://www.Texas.gov/driver) [1] 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

© TexasLawHelp.org - Source URL: <https://texaslawhelp.org/checklist/instructions-forms-occupational-drivers-license>  
Links

[1] <http://www.Texas.gov/driver>

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

[3] [https://texaslawhelp.org/sites/default/files/cv-odl-100\\_odl\\_petition\\_august\\_2017finala.pdf](https://texaslawhelp.org/sites/default/files/cv-odl-100_odl_petition_august_2017finala.pdf)

[4] [https://texaslawhelp.org/sites/default/files/cv-odl-200\\_odl\\_order\\_august\\_2017final.pdf](https://texaslawhelp.org/sites/default/files/cv-odl-200_odl_order_august_2017final.pdf)

[5] <http://www.dps.texas.gov/DriverLicense/driverrecords.htm>

[6] [http://live-txlg.pantheonsite.io/sites/default/files/tx-pr-pay-112\\_scot\\_statement\\_of\\_inability\\_to\\_pay\\_court\\_costs.pdf](http://live-txlg.pantheonsite.io/sites/default/files/tx-pr-pay-112_scot_statement_of_inability_to_pay_court_costs.pdf)

[7] <http://live-txlg.pantheonsite.io/article/court-fees-fee-waivers>

---

**NOTICE: THIS FORM CONTAINS SENSITIVE DATA**

EX PARTE

Cause No. \_\_\_\_\_  
The clerk fills out the Cause No.

In the: (Check one)

\_\_\_\_\_  District  
 Court Number  County  
 Justice Court of: 2-2  
 CAMERON \_\_\_\_\_ County, Texas

\_\_\_\_\_   
 Print your full name

**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 understand that this license will **not** allow me to drive a **commercial vehicle** that requires a Commercial Driver's License under Chapter 522 of the Texas Transportation Code.

I am **not** represented by an attorney in this request for an Occupational Driver's License. I ask the Court to consider the information I have provided below.

Upon approval of this request, I ask the Court to order the Clerk to send a certified copy of the Petition and the court Order 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): \_\_\_\_\_  
   Mailing address                                  City  
   \_\_\_\_\_ , Texas  
   County                                  ZIP

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.)

I reside in this County.

The incident for which my license was suspended, canceled, or revoked occurred in this county.

This Court convicted me of an offense that, under Texas law, resulted in an automatic suspension, cancellation, or revocation of my license.

My license was suspended, canceled, or revoked due to another court, located in this county, submitting an order to DPS. The court that made the order is the  District  County  Justice  Other \_\_\_\_\_ Court of \_\_\_\_\_, Texas.  
Other type of court County

## II. Driver's License Information

8. Check all that apply and fill in the blanks:

I have never had a Texas Driver's License.

My Texas Driver's License # is: \_\_\_\_\_  
Expiration date: \_\_\_\_\_  
Month Day Year

My non-Texas Driver's License was issued by the state of \_\_\_\_\_  
My Driver's License number is \_\_\_\_\_  
Expiration date: \_\_\_\_\_  
Month Day Year

9. Check Yes or No for each:

My license is canceled, suspended, or revoked because of a physical or mental disability.

Yes  No

My license is canceled, suspended, or revoked for non-payment of child support.

Yes  No

**DPS has determined that I am incapable of safely operating a motor vehicle.**

Yes  No

### III. Notice to the State If Applicable

10. If any of the following apply, the Clerk of the Court must give the State 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, canceled, or revoked under Transportation Code section 521.342. (Person under 21 convicted of certain drug or alcohol charges.)

Convicted on \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_  
Month Day Year Court of Conviction County of Conviction

- B.  My license is suspended, canceled, or revoked because I was convicted of:  
(Check all that apply and fill in the blanks.)

- |   |                          |
|---|--------------------------|
| a. <input type="checkbox"/> Criminally Negligent Homicide                               | <i>Penal Code 19.05</i>  |
| b. <input type="checkbox"/> Driving While Intoxicated                                   | <i>Penal Code 49.04</i>  |
| c. <input type="checkbox"/> Driving While Intoxicated with Child Passenger              | <i>Penal Code 49.045</i> |
| d. <input type="checkbox"/> Flying While Intoxicated                                    | <i>Penal Code 49.05</i>  |
| e. <input type="checkbox"/> Boating While Intoxicated                                   | <i>Penal Code 49.06</i>  |
| f. <input type="checkbox"/> Assembling or Operating an Amusement Ride While Intoxicated | <i>Penal Code 49.065</i> |
| g. <input type="checkbox"/> Intoxication Assault  | <i>Penal Code 49.07</i>  |
| h. <input type="checkbox"/> Intoxication Manslaughter                                   | <i>Penal Code 49.08</i>  |

Convicted on \_\_\_\_\_ in \_\_\_\_\_, \_\_\_\_\_  
Month Day Year Court of Conviction County of Conviction

In addition, the Court may notify the attorney representing the State of any hearing on this Petition for Occupational Driver License.

### IV. Prior History

11. My license is suspended, canceled, or revoked because: (Check all that apply and fill in the blanks.)

- A.  I was arrested on \_\_\_\_\_ (arrest date) and an analysis of my breath sample or blood sample registered above 0.08.
- B.  I was arrested on \_\_\_\_\_ (arrest date) and I refused to give a breath sample or blood sample, as requested.

C.  Substance-related loss of license in the past ten years: My license was suspended, canceled, or revoked within ten years prior to the date of the arrest that led to my current suspension, cancellation, or revocation. The previous suspension(s), cancellation(s), or revocation(s) were due to: (Check all that apply.)

refusal to give a breath or blood sample following an arrest for DWI.

giving a sample with a blood alcohol content greater than .08 following an arrest for DWI.

conviction of an alcohol or drug-related offense.

D.  This court convicted me of \_\_\_\_\_ on \_\_\_\_\_  
under cause number \_\_\_\_\_. Month Day Year  
Cause number

E.  A court in \_\_\_\_\_ (County) ordered the suspension, cancellation, or revocation without convicting me.

F.  A Texas court determined that I am a "habitual violator of traffic laws."

G.  A Texas court ordered me to go to a Driver Education Program, **and** my license, permit, and/or driving privilege is automatically suspended, canceled, or revoked for 365 days.

H.  Other: (If you did not check any of the above, why is your license suspended, canceled, or revoked? Be specific.)

12. I have the following criminal charges pending: (You do not need to list traffic or Class C charges.)

## V. Petitioner's Essential Need to Drive

The law requires me to demonstrate to the judge that I have an essential need for an Occupational Driver's License. I ask the Court to consider all of the following information as a demonstration of my essential need:

(Check all that apply and fill in blanks.)

### 13. Work or essential needs:

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: \_\_\_\_\_

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

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

\_\_\_\_\_

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

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

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

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

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

\_\_\_\_\_

Name of Employer #3: \_\_\_\_\_

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

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

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

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

\_\_\_\_\_

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

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

Need for an Occupational Driver's License: (Explain) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I am in pursuit of employment. (Explain)

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: \_\_\_\_\_

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

Other reasons for which I need to drive: (Explain)

14. My work or essential needs require me to drive throughout the following county or counties:  
(List counties where you drive.)

15. I request the following driving schedule: (Enter the times you need to drive.)

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From:	____:____ □am □pm	____:____ □am □pm	____:____ □am □pm	____:____ □am □pm	____:____ □am □pm	____:____ □am □pm	____:____ □am □pm
To:	____:____ □am □pm	____:____ □am □pm	____:____ □am □pm	____:____ □am □pm	____:____ □am □pm	____:____ □am □pm	____:____ □am □pm

16.  I ask the Court to allow me to drive more than four hours of **actual drive time** per day.  
(This cannot be more than 12 hours in a 24 hour period.) This is necessary because:  
(Explain)

## VI. Request for Interlock Exception

17. Check one of the following:

- I do not ask the court to waive the requirement for an interlock device or no such requirement exists.
- I do ask the court to waive the requirement for an interlock device due to: (Check all that apply.)
- Indigence / Inability to Pay
  - Physical disability
  - Other: (Explain)

18. An interlock device is not needed for the safety of the community and in the interest of justice should be waived because: (Explain)

## VII. Request for Waiver of Counseling Requirement

19. Check one of the following:

- I do not ask the court to waive the substance/drug abuse counseling requirement or there is no such counseling requirement.
- I do ask the court to waive the requirement for substance/drug abuse counseling due to: (Check all that apply.)
- Indigence / Inability to Pay
  - Physical disability

Other: (Explain)

20. Substance and drug abuse counseling is not needed for the safety of the community and in the interest of justice should be waived because: (Explain)

### VIII. Attached Documents

I have attached true, accurate, and unaltered copies of the following documents,

#### Documents attached to this Petition:

**(Required)** A certified abstract (Type AR) of your driver's license record. (Can be obtained at: <https://txapps.texas.gov/tolapp/txldrctr/TXDPSLicenseeManager>)

**(Required)** An SR22 from your insurance company providing proof of current valid auto liability insurance.

**(Required if applicable)** Proof of installation of interlock.

**(Optional)** Additional 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.)

**(Optional)** Other: (Explain)

### IX. Petitioner's Request to the Court

21. 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.

22. I ask this Court to order the Texas Department of Public Safety to conduct any and all tests required for the issuance of said Occupational License.

23. I ask the court to schedule a hearing, if one is required.

24. If the Court requires a hearing, I request: (Check one)

- The hearing be held in person.
- The hearing be held over the telephone.
- The hearing be held online (virtual hearing).

\_\_\_\_\_  
Petitioner's name (print)



\_\_\_\_\_  
Petitioner's signature

\_\_\_\_\_  
Date

### Verification

#### Option #1: Unsworn Declaration Made Under Penalty of Perjury

(If you use this option, you do not have to have this document notarized. Note that your birth date and address will go on public record.)

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 affirm that the attached documents are true and accurate and have not been modified. I understand I could be prosecuted for lying on this form.

Formally signed in \_\_\_\_\_ 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.

**Option #2: Notarization**

(This document does not have to be notarized if you completely filled out and signed the Unsworn Declaration Made Under Penalty of Perjury above.)

I swear under penalty of perjury that all information in this Petition is true and correct. I affirm that the attached documents are true and accurate and have not been modified. I understand I could be prosecuted for lying on this form.



\_\_\_\_\_  
Signature of Person Asking for Occupational Driver's License  
(Do not sign except in the presence of a notary.)

\_\_\_\_\_  
Date

State of Texas

County of \_\_\_\_\_  
(County where statement is notarized)

Sworn to and subscribed before me, the undersigned authority, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ year, by \_\_\_\_\_.  
(Full name of Petitioner.)

\_\_\_\_\_  
Notary Public, State of Texas (Notary's signature)

(Notary's seal)