

# **ODL ELIGIBILITY CHECKLIST FOR BASIC REQUIREMENTS AND WAITING PERIODS**

## **GENERAL REQUIREMENTS**

- (1.) Is Petitioner suspended for medical reasons? Yes/No
- (2.) Is Petitioner suspended for delinquent child support? Yes/No
- (3.) Has Petitioner been issued 2 or more ODLs in the last 10 years? Yes/No

IF YES TO ANY OF ABOVE: PETITIONER IS NOT ELIGIBLE FOR AN ODL

IF NO: GO TO NEXT SECTION.

Does Petitioner have a CDL? If so, Petitioner can only receive a Class C ODL. PETITIONER CANNOT RECEIVE AN ODL FOR A CDL.

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## **CONVICTION SUSPENSIONS**

- (1.) Is this is DWI\* conviction suspension? Yes/No

IF YES: Go to next question (2).

IF NO: Skip to next section for ALR suspensions.

- (2.) Is this Petitioner's *first* DWI\* conviction suspension? Yes/No

IF YES: PETITIONER IS ELIGIBLE FOR AN ODL

IF NO: go to next question (3).

- (3.) What is *ARREST* date for this offense? \_\_\_\_\_

What is *ARREST* date for previous offense that resulted in conviction suspension?  
\_\_\_\_\_

Are these dates *5 years apart or less*? Yes/No

IF YES: PETITIONER WILL HAVE TO *WAIT A YEAR FROM CONVICTION* TO BE ELIGIBLE FOR AN ODL.

IF NO, PETITIONER IS ELIGIBLE FOR AN ODL.

(NOTE: ONLY CONVICTING COURT CAN ISSUE ODL FOR CONVICTION SUSPENSION.)

*\* DWI, Intoxicated Assault, & Intoxicated Manslaughter*

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## ALR SUSPENSIONS

**(1.)** Is Petitioner suspended due to an ALR suspension? Yes/No

If NO: SKIP THIS SECTION.

IF YES: is this Petitioner's first ALR suspension? Yes/No

IF YES: PETITIONER IS ELIGIBLE FOR AN ODL

IF NO: Go to next question (2).

**(2.)** What is *enforcement contact date* for suspension? \_\_\_\_\_

What is *enforcement contact date* for previous suspension? \_\_\_\_\_

Are these dates *5 years apart or less*? Yes/No

IF NO: PETITIONER IS ELIGIBLE FOR AN ODL

IF YES: Go to next question (3).

**(3.)** Did contact for previous suspension result in conviction? Yes/No

IF YES: PETITIONER MUST WAIT *180 DAYS FROM SUSPENSION DATE* TO BE ELIGIBLE FOR AN ODL.

IF NO: PETITIONER MUST WAIT *90 DAYS FROM SUSPENSION DATE* TO BE ELIGIBLE FOR AN ODL.

(NOTE: ODL FOR ALR SUSPENSION CAN BE GRANTED IN COUNTY OF RESIDENCE OR COUNTY WHERE ENFORCEMENT CONTACT OCCURRED.)

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## DPS SAFETY RESPONSIBILITY SURCHARGES

Petitioner is eligible for an ODL even if he has unpaid surcharges. Petitioner will have to pay reinstatement fees plus a \$10.00 license fee for DPS to issue the ODL. However, surcharges do not have to be paid for the issuance of an ODL.

*THIS LIST IS NOT AN ALL-INCLUSIVE CHECKLIST FOR ODL ELIGIBILITY.*

## HELPFUL INFORMATION FOR COMMON DRIVER LICENSE PROBLEMS

### Common driver license suspension reasons

Your driver license status may be "Not Eligible" (suspended) for a number of reasons including:

- *DPS suspension for driving while license invalid (DWLI), etc.*
- *DPS suspension for breath/blood test failure or refusal (ALR suspension)*
- *Conviction suspension for driving while intoxicated (DWI) and other crimes*
- *SR-22 requirement*
- *Cancellation for interlock requirement*
- *Unpaid citations (including out of state citations)*
- *Unpaid surcharges from DPS Driver Responsibility Program*
- *Failure to complete an alcohol/drug education class*
- *Unpaid reinstatement fees due to current or previous suspensions*

### DPS Driver Eligibility Website

You can view your suspension reasons, and information on unpaid citations, surcharges and reinstatement fees by visiting the Official Texas DPS Driver Eligibility System website at [txapps.texas.gov/txapp/txdps/dleligibility/](http://txapps.texas.gov/txapp/txdps/dleligibility/). You can also pay reinstatement fees on this website.

Some license problems can be cleared by actions from you such as SR-22 requirement, cancellation for an interlock requirement, completion of an alcohol/drug education class, or unpaid surcharges/citations. Other suspensions with set beginning and end dates require an occupational driver license to allow you to drive legally before the suspension ends.

### Driver Responsibility Program Surcharges

You may owe surcharges due to convictions for DWI, DWLI, no driver license, and no insurance or points on your license. If you have delinquent surcharges, you are not eligible to drive. To view your surcharge account or make an online payment, go to [txsurchargeonline.com](http://txsurchargeonline.com). To set up a payment plan or get help, call Municipal Services Bureau at **800-688-6882** or email [msb@txdps.state.tx.us](mailto:msb@txdps.state.tx.us). You may also apply for a surcharge reduction under the Indigency/Incentive Program. For more information, visit [txsurchargeonline.com](http://txsurchargeonline.com) or call **866-223-3583**.

### Unpaid citations

You may have outstanding citations under the Failure to Appear/Failure to Pay Program (includes out of state citations). You can get information on your unpaid citations at [texasfailuretoappear.com](http://texasfailuretoappear.com) or by calling the Omnibase Services of Texas automated line at **800-686-0570**.

### SR-22

You may be required to obtain an SR-22 due to a DWI conviction, no insurance conviction, crash or judgment. SR-22 is a certificate issued by your insurance provider and filed with DPS to certify that you have the minimum insurance required by law. For more information on SR-22, visit the Texas DPS website.

### Interlock cancellation

DPS will cancel your license 30 days after notice of an interlock order is received from a court, unless you apply for a restricted interlock license. A restricted interlock license is a normal driver license, but it has a restriction code for interlock. It will only be issued by DPS if your license is otherwise clear. If you have an "interlock required" cancellation, you can obtain an interlock removal order from the court or apply to DPS for a restricted interlock license. This type of license cannot be obtained at a local DPS location. The application has to be mailed to DPS. Please ask the court for a restricted interlock license form.

### Reinstatement fees

You may owe reinstatement fees due to current or previous license suspensions. You can view and pay these fees online through the Official Texas DPS Driver Eligibility System website.

### DPS Contact

You can contact DPS Compliance at **512-424-2600** or **email a question to DPS through the Texas DPS website Customer Service Center**. Compliance items that do not require a payment can be submitted to DPS at [driver.improvement@dps.texas.gov](mailto:driver.improvement@dps.texas.gov).

CAUSE NO. \_\_\_\_\_

EX PARTE

\_\_\_\_\_  
*(Name of Petitioner)*

§ IN THE JUSTICE COURT  
§  
§ PRECINCT NO. \_\_\_\_\_  
§  
§ \_\_\_\_\_ COUNTY, TEXAS

**PETITION FOR OCCUPATIONAL LICENSE**

I, \_\_\_\_\_ *(Name of Petitioner)*, seek an occupational 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 1. General Information.**

*You must complete all applicable sections.*

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: \_\_\_\_\_

\_\_\_\_\_.

My Texas driver's license number is: \_\_\_\_\_.

I am employed, and my occupation is \_\_\_\_\_  
\_\_\_\_\_.

I am the primary caretaker of \_\_\_\_\_ children less than 16 years of age.

I have been ordered by a magistrate 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 a commercial driver's license.

I do not have a commercial driver's license.

## **Section 2. Reason(s) for Driver's License Suspension.**

*You must complete all applicable sections.*

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 connection greater than 0.08.

My driver's license has been automatically suspended as the result of a  
Conviction for Driving While Intoxicated (DWI) in a County or District

Court.

- My driver's license has been suspended as the result of a conviction for a criminal offense in a justice or municipal court. *Please provide information regarding this offense, including the name of the court in which you were convicted, the cause number and the type of offense, below.*

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- My driver's license has been suspended as the result of a physical or mental disability.
- My driver's license has been suspended as the result of a conviction for Racing on a Highway.
- My driver's license has been suspended because a court found that I am a "habitual violator of traffic laws."
- My driver's license has been suspended because a court ordered me to attend a Driver's Education Program and suspended my license for 365 days.
- My driver's license has been suspended for another reason, described below:

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**Section 3. Essential Need.**

*You must complete all applicable sections.*

*(Note: In order 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: (A) 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; (B) for transportation to and from an educational facility in which the person is enrolled; or (C) in the performance of essential household duties.” In order 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 5 of this petition.)*

- I am seeking this occupational license in order to *(check all that apply)*:
  - Travel to and from my place of work;
  - Perform the duties of my job;
  - Travel to and from school; or
  - Perform essential household duties

*In the space below, provide an address and description for any destination you seek to travel to using an occupational license.*

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*In the space below, fully describe all public transportation options within one mile of any destination described above, including your home, place of work, school, or place where you perform essential household duties. Public transportation options may include bus service, rail service, rural automobile service, ride-sharing services, etc.*

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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.)*

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I own a bicycle or other means of non-motorized conveyance, described below.

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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: from \_\_\_\_\_ to \_\_\_\_\_

Tuesday: from \_\_\_\_\_ to \_\_\_\_\_

Wednesday: from \_\_\_\_\_ to \_\_\_\_\_

Thursday: from \_\_\_\_\_ to \_\_\_\_\_

Friday: from \_\_\_\_\_ to \_\_\_\_\_

Saturday: from \_\_\_\_\_ to \_\_\_\_\_

Sunday: from \_\_\_\_\_ to \_\_\_\_\_

- 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 latest time your work or school day ends.)*

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- My job duties include automobile travel. My employer requires me to travel by automobile to perform the following tasks:

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- I perform the following essential household duties:

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- In order 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: from \_\_\_\_\_ to \_\_\_\_\_

- Tuesday: from \_\_\_\_\_ to \_\_\_\_\_

- Wednesday: from \_\_\_\_\_ to \_\_\_\_\_

- Thursday: from \_\_\_\_\_ to \_\_\_\_\_

- Friday: from \_\_\_\_\_ to \_\_\_\_\_

- Saturday: from \_\_\_\_\_ to \_\_\_\_\_

- Sunday: from \_\_\_\_\_ to \_\_\_\_\_

- In order to:

- Travel to school;

- Travel to my place of work;

- Perform my job duties; or
- Travel to the place I perform essential household duties;

I must travel by automobile to or through the following Texas counties (*please fully describe all counties and routes traveled*):

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**Section 4. Suspension History**

*You must complete all applicable sections.*

My driver's license has previously been suspended for:

- A second or subsequent conviction for Driving While Intoxicated (Section 49.04, Penal Code); Intoxication Assault (Section 49.07, Penal Code), or Intoxication Manslaughter (Section 49.08, Penal Code), committed within five years of a previous conviction for Driving While Intoxicated (Section 49.04, Penal Code); Intoxication Manslaughter (Section 49.08, Penal Code).

In the past five years, my license has been suspended for:

- A refusal to submit to the taking of a breath or blood specimen following an arrest for  
for  
an offense prohibiting the operation of a watercraft while intoxicated, under the influence of alcohol, or under the influence of a controlled substance.
- An analysis of a breath or blood specimen showing an alcohol concentration of .08 or above, following an arrest for an offense prohibiting the operation of a motor vehicle or watercraft while intoxicated.
- A conviction for Driving While Intoxicated (Section 49.04, Penal Code), or Intoxication Assault (Section 49.07, Penal Code), or Intoxication Manslaughter (Section 49.08, Penal Code).
- A conviction for an offense other than Driving While Intoxicated (Section 49.04, Penal Code); Intoxication Assault (Section 49.07, Penal Code), or Intoxication Manslaughter (Section 49.08, Penal Code) prohibiting the operation of a motor vehicle or watercraft while intoxicated, under the influence of alcohol, or under the influence of a controlled substance.

**Section 5. Additional Documents.**

*You must complete all applicable sections.*

- I have obtained evidence of financial responsibility, which is attached to my petition.  
*(Note: You may not be issued an occupational license unless you obtain evidence of financial responsibility.)*
- I have attached a certified Abstract of my driving records Type- AR to this petition.  
*(Note: the court cannot grant your petition without reviewing your driving record.)*

- I have attached documents which demonstrate my essential need to operate a motor vehicle.
- I have attached other documents, which are described below:*

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**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Honorable Court grant this Petition for Occupational License, and to send a copy of its order granting petitioner's occupational license to the Department of Public Safety of Texas.

\_\_\_\_\_  
Petitioner's Signature

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public or Clerk of the Justice Court