

Instructions & Forms for an Occupational Driver's License

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

Checklist Steps

- **Step 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.**

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. This **free site** will tell you if you can drive with your current license or what you need to do to become eligible. If you are not eligible, the website will tell you:

- The requirements to meet.
- The fees you need to pay.

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.

You can also call the Texas Department of Public Safety (DPS) to check your eligibility/qualifying status at 512-424-2600 (English) and 512-424-7181 (Español)

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: Check to see if 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 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**.

□ **Step 3: Gather the forms and information you need to ask the Court to order DPS to issue you an ODL.**

Three Court Forms:

1. **Petition for Occupational Driver's License**. The Petition asks the Court to issue an order.
2. **Agreed Order Setting Hearing**. The Agreed Order Setting Hearing sets a date and time to review your request. Fill out the court information and your name. The court clerk will fill out the rest and the judge will sign.

(Some courts do not require an order to set a hearing--the clerk will instead set the hearing for you upon request. Other courts have their own forms that they prefer you use.)

3. **Order for Occupational Driver's License**. The Order tells DPS to issue you an ODL. 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). The judge will fill in the rest and sign your order if they approve your request.

Other Required Documents:

- **Certified Abstract (Type AR) of your driving record.** Be careful: To get your Certified Abstract **online**, you **must** verify that **all** of your DPS records (DL, ID or unlicensed record) have been **consolidated**. Otherwise you risk purchasing incomplete information and may need to purchase additional records.

If you have determined that your records are consolidated, you may purchase your Type AR 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 from your most recent DL (or ID, if your records are **consolidated**). You will also need the last four digits of your social security number.

If you do not have an audit number or social security number, or would prefer to get a Certified Abstract by mail, you may print and fill out the **Request for a Certified Abstract of a Driver Record** form (form DR-1). Mail the completed form and a \$20 check or money order to Texas DPS. This form does not require an audit number or your social security number.

- **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 **unsworn declaration** or **affidavit** 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 canceled. If your insurance ends, you will lose your ODL.
- **Proof of ignition interlock device (if applicable).** If you lost your license to due a drug or alcohol-related offense, you may be required to install an ignition interlock device ("breathalyzer"). If so, you will need to give the court proof of installation.
- **Statement of Inability to Afford Payment of Court Costs (if applicable).** Fill out this form only if you have low income, receive public assistance because you have low income, or cannot pay the court filing fee. Read **Court Fees & Fee Waivers** for more information.

□ Step 4: File your forms with the Clerk of the Court.

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](#).

□ **Step 5: Go to Court to ask the Judge to sign the Order.**

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.

Step 6: If the Judge signs the order, mail the paperwork and fees to DPS right away.

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 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.

□ **Step 7: Have the required documents with you when driving.**

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.

Forms Required

Petition for Occupational Driver's License

Order for Occupational Driver's License

Agreed Order Setting Hearing for Occupational Driver's License

Fee Waiver (Bilingual) - Statement of Inability to Afford Payment of Court Costs or an Appeal Bond

Source URL: <https://texaslawhelp.org/checklist/instructions-forms-for-an-occupational-drivers-license>