

**PETITIONER
PROCEDURES FOR OCCUPATIONAL DRIVER'S LICENSE**

This packet contains the following documents:

Petition for Occupational License;
Occupational Driver's License Order;
SR-37 Form; and
Trip Log

Steps to Follow:

1. **Obtain an SR-22 insurance policy.** This is a special insurance policy for persons in your position; it may be obtained from your automobile insurance company.
2. **Obtain a certified copy of your Texas driving record from the Texas Department of Public Safety.** For instructions on how to obtain the driving record, contact the Texas Dept. of Public Safety at: 512-424-2600. You may also obtain information about this from the DPS website at: www.txdps.state.tx.us.
3. **Prepare the Petition for Occupational Driver's License.** You may use this form as a "fill in the blank" if it fits your circumstances. If these forms do not fit your circumstances, you may wish to seek legal counsel. You will be assigned a case number when you file. *It is perfectly all right to hand-write the forms.* DO NOT sign the Petition UNTIL you are in front of the Court Clerk or a Notary.
4. **Sign the Petition** in front of the Court Clerk or a Notary Public. DO NOT sign the Petition UNTIL you are in front of the Court Clerk or a Notary Public.
5. **Prepare the Occupational Driver's License Order**, filling in numbers 1 through 9 ONLY.

NOTE: You will need two copies of everything that you file with the Clerk.

6. **File the original Petition** (along with all attachments) and the Order with the Clerk. You may file in a Justice of the Peace Court in the county in which you reside or in which the offense occurred unless your license was suspended for a physical or mental disability or impairment or a conviction under Section 49.04 of the Penal Code (driving while intoxicated). The filing fee is \$54.00 and must be paid at the time of filing. You will be sent a notice regarding a hearing date.
7. **Complete the SR-37 Form- ATTACHED.** Send it along with your original SR-22 insurance certificate, the SIGNED Occupational Driver's License Order granting same and all DPS fees (fee for the issuance of the occupational license and statutory reinstatement fees) to the following address:

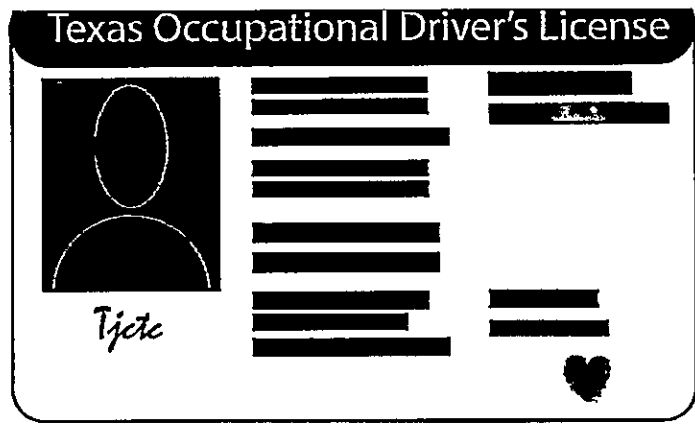
Occupational License Section
Safety Responsibility
Texas Department of Public Safety
P.O. Box 15999
Austin, Texas 78761-5999
8. **It usually takes from two to four weeks** for the Department of Public Safety to issue an occupational driver's license. A certified copy of the signed Order will serve as the license until the DPS sends you the official occupational driver's license in the mail.

Eligibility for an ODL

(Transportation Code § 521.242; 521.001(a)(6))

For a person to be eligible for an ODL, their license (including a permit, a privilege to operate a motor vehicle, and a non-resident's operating privilege) has to first be suspended.

[Note: All citations below are from the Transportation Code.]



| Reason Doesn't Have License | Eligible for an ODL? |
|---|---|
| License expired or was never issued and they <i>just haven't gone to the DMV</i> to get it. | No! There has been no "suspension." They could just go to the DMV, so that's what they need to do. |
| License or privilege suspended due to a <i>physical or mental disability or impairment</i> . | No! This is an exception in the law – suspensions for this reason are not eligible. |
| License or privilege <i>automatically suspended or canceled for a conviction of an offense</i> . <ul style="list-style-type: none"> Offenses where conviction results in automatic suspension are listed in Subchapters O & P of Ch. 521. | Yes! BUT must file application in the court where they were convicted, which will <u>almost never be a justice court</u> . (And applicant must not have been issued more than one ODL after an automatic suspension upon conviction in the past 10 years.) |
| License or privilege suspended for a reason <i>other than an automatic suspension upon a conviction (so administratively suspended by DPS on its own or as a result of a court order)</i> . Includes: <ul style="list-style-type: none"> Suspension for failure to pay surcharges (708.152). Refusal to submit to a breath or blood test following a DWI stop (Ch. 724). Providing a breath/blood sample with over .08 BAC following a DWI stop (Ch. 524). Any cause for suspension listed under 521.292. | Yes! Must file application in a Justice, county, or district court in the precinct or county in which: <ul style="list-style-type: none"> The person resides; or The offense occurred for which the license was suspended. |
| License cannot be renewed because of <i>placement in OMNI</i> . | No! This is not a suspension. This is a non-renewal. The remedy is for them to do what is necessary to remove themselves from OMNI. |

| But What If....? | Eligible for an ODL? |
|--|--|
| The applicant's <i>license has EXPIRED</i> , and they now can't renew for an eligible reason listed above. | Yes! The applicant's privilege has been suspended, so they are eligible. |
| The applicant <i>NEVER had a license</i> , and they now can't get one for an eligible reason listed above. | Maybe! <ul style="list-style-type: none"> Literal reading of statute: no license or privilege to be suspended, so NOT eligible. DPS position: will honor an ODL in this situation if all other requirements are met. |
| The applicant is a <i>minor</i> and is otherwise eligible. | Yes! (Subject to the limitations described in 524.022(d)). |
| The applicant wants an ODL <i>to operate a CMV</i> and is otherwise eligible. | No! (But a CDL holder may get an ODL to operate a non-CMV vehicle). |

**DATA FOR TEXAS
OCCUPATIONAL DRIVER LICENSE**

DEPARTMENT USE ONLY

AMOUNT: _____

MONEY
NUMBER: _____

Print or Type

Full Name _____
 First Middle Last

Street Address _____ City _____ State _____ Zip Code _____

| Month | Date of Birth | | Sex | Color Eyes | Color Hair | Weight Pounds | Height | | Driver License Number |
|-------|---------------|------|-----|------------|------------|---------------|--------|--------|-----------------------|
| | Day | Year | | | | | Ft. | Inches | |
| | | | | | | | | | |

This is to certify that I am the person named and described herein.

Mail to: Safety Responsibility Bureau
Occupational License Section
Texas Department of Public Safety
Box 15999
Austin, Texas 78761-5999

Usual Signature of Applicant

INFORMATION BELOW THIS LINE IS FOR DEPARTMENT USE ONLY

DATE OF ISSUE: _____ EXPIRE: _____

SR-37 (02/03)