

Information on Filing Petition for Occupational Driver's License

The Harris County Justice Courts accept petitions for occupational driver's licenses from persons whose licenses are suspended for a cause other than a physical or mental disability or impairment or a conviction for driving while intoxicated. You may apply for an occupational driver's license by filing a verified petition with the clerk of a justice, county, or district court with jurisdiction that includes the precinct or county in which (1) you reside or (2) the offense occurred for which your license is suspended.

However, a verified petition may be filed only with the clerk of the court in which you were convicted if (1) your license was automatically suspended or canceled following a conviction of an offense under the laws of Texas, and (2) in the 10 years preceding the date of filing the petition, you have not been issued more than one occupational license after a conviction. If your license was suspended following a conviction, the petition must state that you were convicted for an offense under the laws of the Texas in the court in which the petition is filed.

Simply put, if your license was automatically suspended or canceled following a conviction, you must file the petition in the same court that convicted you. If your license has not been suspended or canceled following a conviction, you may file the petition in any District Court, County Court-at-Law, or Justice Court in the county where you live or where the offense that is currently suspending your license occurred.

The petition must set out in detail your essential need for the occupational license. Essential need means your need to operate a motor vehicle (1) in the performance of an occupation or trade or for transportation to and from the place at which you practice your occupation or trade; (2) for transportation to and from an education facility in which you are enrolled; or (3) in the performance of essential household duties.

Petition. A template Petition for Occupational Driver's License is available from Texas Law Help's website at: https://texaslawhelp.org/sites/default/files/cv-odl-100-petitionordercomb-rev_01_2020_0.pdf.

Filing fee. The fee to file a Petition for Occupational Driver's License in the justice court is \$54.00. The filing fee is payable in cash, by credit card, or by cashier's check or money order payable to the Justice of the Peace.

Certified Abstract of Driving Record (Type AR). Immediately on filing a petition for an occupational driver's license, you must order a certified abstract of your complete driving record (type AR). The certified 3-year history record (Type 2A) or the certified list of all crashes and violations (Type 3A) will not be sufficient.

To order a certified abstract of your driving record (type AR), you may use the Texas Department of Public Safety (DPS) Online Driver Record Request System, at <https://txapps.texas.gov/tolapp/txldrdr/TXDPSLicenseeManager>.

Evidence of Financial Responsibility. At the hearing on your petition for an occupational driver's license, in addition to the Certified Abstract of your Driving Record, you must provide evidence of financial responsibility in accordance with the Texas Motor Vehicle Safety Act, Chapter 601, Texas Transportation Code. Information about the Financial Responsibility Insurance Certificate (SR-22) is available at <https://www.dps.texas.gov/section/driver-license/financial-responsibility-insurance-certificate-sr-22>.

At the hearing, the judge must determine whether an essential need exists, and determine your actual need to operate a motor vehicle. The judge will consider your driving record and any evidence presented by the State in opposition to granting an occupational driver's license.

Any order granting an occupational driver's license must specify the hours of the day and day(s) of the week during which you may operate a motor vehicle, the reason(s) for which you may operate a motor vehicle, and the area or routes of travel permitted. With an occupational license, a person may not operate a motor vehicle for more than four (4) hours in a 24-hour period, unless you show a necessity, in which case you may not exceed 12 hours in a 24-hour period.

Note: a court may not grant a person an occupational license for the operation of a commercial motor vehicle.

The court may, as part of the order, also require you to attend counseling or rehabilitation services for alcohol dependence, to submit to periodic testing for alcohol or controlled substances, and/or to report periodically to the court or to supervision by a personal bonds office or community supervision corrections department.

Once an occupational license is granted, you may use a copy of the court order as a restricted license until the 45th day after the date on which the order takes effect, while awaiting the actual license from DPS. In some cases involving current or prior suspensions for alcohol or drug-related enforcements or convictions, there may be a delayed effective date for the order granting an occupational license.

A certified copy of the court order must remain in your possession while operating a motor vehicle, and you must allow a peace officer to examine the court order upon request. Failure to have a certified copy in your possession or violation of a restriction imposed in the order is a Class B misdemeanor offense.

Note: the court may issue at any time an order revoking an occupational license for good cause.

Information about an occupational license is available from the Texas Department of Public Safety, at <https://www.dps.texas.gov/section/driver-license/occupational-driver-license> and from TexasLawHelp.org, a project of Texas Legal Services Center supported by the Texas Access to Justice Foundation, among others, at <http://texaslawhelp.org/resource/occupational-drivers-license>.