

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.

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*

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.)

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.

**GUIDELINES FOR APPLICANTS
FOR OCCUPATIONAL DRIVER'S LICENSE
IN COUNTY CRIMINAL COURT AT LAW #11**

Petitioners, please read the following instructions carefully **before** paying your filing fee!

1. Please be advised that the judge will require these items from the Petitioner **prior to the hearing**:
 - a. Proof of SR-22 insurance, (insurance must cover the **entire** period of suspension) and
 - b. Results of a substance abuse evaluation (See Court staff for information)
 - c. An Occupational Driver's License **Data Sheet**, completely filled out and signed by the Petitioner. (This is a *different document* than the application filed with the clerk. Obtain from Court staff.)

2. If the underlying case is a DWI, ignition interlock device is typically required. If so, the Court **will not** issue a license until the device is properly installed on the vehicle.
 - a. It is advisable to have the device already installed on your vehicle if you expect to obtain a license on the date of your hearing. (Obtain **Installation Order** from Court staff.)
 - b. Obtain and complete the necessary paperwork, such as the **Ignition Interlock Affidavit**, *prior to the hearing*.

3. All applicants will be ordered to abstain from the use of illegal drugs and alcohol. A urinalysis may be required.

4. The judge prepares her own orders. It is **not** necessary to bring a pre-prepared order to court.

DATA SHEET FOR OCCUPATIONAL DRIVER'S LICENSE HEARING

Petitioner's Personal Information

Name on your Texas Driver's License	Date of Birth	Original Cause Number
Home Address		
Home Telephone	Work Telephone	Cell Phone
Vehicle Insurance Company	Policy Number	Expiration Date
Employer	Type of Work	
Employer's Address		

Are you presently under ALR suspension? **Yes / No** Do you drive a company-owned vehicle? **Yes / No**

Are you presently on probation / deferred adjudication? **Yes / No** If so, in which court(s)? _____

If original offense was DWI, did you take a breath or blood test? **Yes / No** If so, what was the result? ._____

Do you presently have an ignition interlock device on your vehicle? **Yes / No**

Have you ever had a restricted or occupational driver's license in the past? **Yes / No** If so, when? _____

List below **all** previous arrests and dispositions, including traffic violations:

<u>Charge</u>	<u>Court</u>	<u>Disposition</u>	<u>Date of Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Use additional page to continue, if needed. Disclose **all** previous arrests and dispositions.)

What is your reason for requesting a restricted driver's license? (**Check all that apply.**)

- Transportation to and from work / school, namely: _____
 - I typically leave my house at ____ a.m. / p.m. and leave my work to return home at ____ a.m. / p.m.
 - I typically **do / do not** drive during my work hours.
- To perform household duties, namely: _____
- Other, namely: _____

Petitioner's Affidavit

I, _____, solemnly swear that the information I have provided in this Data Sheet is true and correct to the best of my knowledge. I WILL CONTINUE TO PROVIDE THE COURT WITH MY CORRECT ADDRESS AND PHONE NUMBER. Failure to provide this information may result in my inability to receive notice of, and contest, any revocation of my restricted driver's license.

Date: _____

Petitioner

(Continue on reverse. ↩)

RDL Worksheet

Offense Causing Suspension

Date of Conviction

Date Suspension Ends

Counties Requested in addition to Harris County

Days of the Week Requested:

and

Hours Requested:

_____ to _____

from _____ a.m. / p.m. to _____ a.m. / p.m.

_____ to _____

from _____ a.m. / p.m. to _____ a.m. / p.m.

_____ to _____

from _____ a.m. / p.m. to _____ a.m. / p.m.

_____ to _____

from _____ a.m. / p.m. to _____ a.m. / p.m.

Stop here. Did you fill out the reverse side? 🖱

Do not write below this line. For official use only.

Days and hours of operation approved as requested above.

Days and hours of operation granted as indicated below:

Days of the Week Granted:

and

Hours Granted:

_____ to _____

from _____ a.m. / p.m. to _____ a.m. / p.m.

_____ to _____

from _____ a.m. / p.m. to _____ a.m. / p.m.

_____ to _____

from _____ a.m. / p.m. to _____ a.m. / p.m.

_____ to _____

from _____ a.m. / p.m. to _____ a.m. / p.m.

Required by Court:

- SALCE
- SR-22 Insurance
- Ignition Interlock
- AA / NA: ____ in ____ days
- UA from private lab
- Other: _____

Provided by Petitioner:

- SALCE score: _____
- SR-22 Insurance
- Ignition Interlock
- AA / NA: ____ in ____ days
- UA results: _____
- Other: _____

STANDING ORDER FOR DRIVERS WITH IGNITION INTERLOCK

in and for County Criminal Court at Law # _____

Harris County, Texas

The undersigned Judge of said Court hereby enters the following Standing Orders for all petitioners granted occupational driver's licenses with an ignition interlock requirement in this Court:

You are hereby ORDERED to operate only a motor vehicle equipped a court-approved, camera-equipped ignition interlock device, properly installed and maintained in your vehicle. The only acceptable exemption from this requirement is the operation of an employer's company-owned vehicle, **only** if used in the normal course and scope of petitioner's employment, and only with the court's prior approval written in Petitioner's occupational driver's license.

Further, you are hereby ORDERED that you may **only** operate a motor vehicle during the hours and days approved by the court.

You are hereby that when you are unable to use your vehicle equipped with an ignition interlock device you **must** use alternate means of transportation such as taxis, buses, and rides from friends and family. **There are no exceptions to this order.**

You are hereby ORDERED that you must not use any alcohol or drugs whatsoever prior to operating a motor vehicle. You must not use products containing alcohol, such as mouthwash and medicines containing alcohol such as cough syrup, prior to the operation of your vehicle. Even a very small amount of alcohol detected by the ignition interlock device may be used in a hearing to revoke your occupational driver's license.

You are hereby ORDERED that you must follow all regulations of your ignition interlock vendor regarding the care, maintenance and periodic calibration of your ignition interlock device. You must never attempt to disable or tamper with your ignition interlock device.

You are further ORDERED to behave in a courteous and respectful manner at all times with your ignition interlock vendor and all court personnel.

SIGNED AND ORDERED this _____ day of _____, 20____.

Hon. _____
Judge Presiding

(Please read and continue on reverse side. 🖱)

CAUSE NO. _____

EX PARTE

§ IN THE JUSTICE COURT

§

§ PRECINCT NO. _____

§

PETITIONER

§ _____ COUNTY, TEXAS

ORDER DENYING OCCUPATIONAL DRIVER'S LICENSE

The Court **DENIES** the Petition for Occupational Driver's License in the above-styled and numbered cause, for the following reason(s):

- Petitioner's license was suspended due to a physical or mental disability or impairment.
- Petitioner's license was automatically suspended due to a conviction of an offense in a different court as provided by Transportation Code Chapter 521, Subchapter O or P, therefore the petition must be filed with the convicting court as provided by Transportation Code Sec. 521.242(b).
- Petitioner failed to demonstrate an essential need for an Occupational Driver License.
- Other:

_____.

ISSUED AND SIGNED the ____ day of _____, 20__.

JUSTICE OF THE PEACE, PRECINCT

_____ COUNTY, TEXAS

CAUSE NO. _____

EX PARTE

§ IN THE JUSTICE COURT

§

§ PRECINCT NO. _____

§

PETITIONER

§ _____ COUNTY, TEXAS

ORDER GRANTING OCCUPATIONAL DRIVER'S LICENSE

The Petitioner:

- Has a Texas Driver's License, with the following number: _____
- Does not have a Texas Driver's License

The Court hereby **GRANTS** the above-named Petitioner an Occupational Driver's License pursuant to Transportation Code Sec. 521.248, and **ORDERS** the Petitioner to:

- 1) NOT drive a commercial vehicle.
- 2) Maintain valid auto liability insurance or other financial responsibility in accordance with Chapter 601 of the Texas Transportation Code for the entire period this order is in effect.
- 3) Carry a certified copy of this Order and, after issuance, an Occupational Driver's License while driving. (The Department of Public Safety will provide the Occupational Driver's License after payment to DPS of the Occupational Driver's License fee.)

The Court additionally **FINDS** (check one):

- Petitioner is restricted to the operation of a motor vehicle equipped with an ignition interlock device and has installed such a device on Petitioner's vehicle, and therefore, pursuant to Transportation Code Sec. 521.248(d) is not subject to any time of travel, reason for travel, or location of travel restrictions.
- Petitioner is **ORDERED** to abide by the following time of travel, reason for travel and location of travel restrictions:
 - 1) Restrict driving to travel to and from work or school and essential duties, including medical appointments, court, attorney's office, probation office, and any supervision, education, or counseling required by this Order.
 - 2) Restrict driving to no more than ____ hours per day, and only on the days, times, and in the counties or on the routes listed below. (A person may operate a motor vehicle for no more than four hours within a 24 hour period unless the defendant demonstrates an essential need, in which case the court may allow a person to drive up to 12 hours in a 24 hour period.)

- Monday: _____
- Tuesday: _____
- Wednesday: _____
- Thursday: _____
- Friday: _____
- Saturday: _____
- Sunday: _____

3) Restrict driving to the following counties/routes:

ADDITIONAL CONDITIONS OF ORDER

Petitioner must (check all that apply):

- Record dates, time, mileage, destinations, and reasons for travel in a travel log. Carry and update the travel log every time Petitioner drives, and show the log to any peace officer who asks to see it.
- Within ____ days of this order, attend the alcohol/drug counseling program listed below, and give the court clerk proof of attendance within that time period.
Program: _____
(Must be selected if Petitioner’s license has been suspended under Chapter 524 or 724 of the Texas Transportation Code.)
- Report to the court every ___ days, demonstrating compliance with the order requiring attendance at the counseling program described above.
- Submit to testing for alcohol controlled substances every ____ days, to be conducted by the following entity: _____
(May be selected only if Petitioner’s license has been suspended under Chapter 524 or 724 of the Texas Transportation Code.)
- Submit to supervision by the local community supervision and corrections department to verify compliance with all terms of this order, and pay a monthly administrative fee of \$_____, as authorized by Government Code Sec. 76.015.
- NOT drive any vehicle unless it is equipped with an ignition interlock device, as required by Petitioner’s existing restricted license or bond condition.

EFFECTIVE DATE OF ORDER

This order is effective beginning:
(See Transportation Code Sec. 521.251)

- Today
- 91 days after the date the license was suspended.
- 181 days after the date the license was suspended.
- 365 days after the date the license was suspended.

ISSUED AND SIGNED the ___ day of _____, 20__.

JUSTICE OF THE PEACE, PRECINCT

_____ COUNTY, TEXAS

CAUSE NO. _____

EX PARTE

§ IN THE JUSTICE COURT

§

§ PRECINCT NO. _____

§

PETITIONER'S NAME

§ _____ COUNTY, TEXAS

PETITION FOR OCCUPATIONAL LICENSE

I, _____, 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.

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 not 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.

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 concentration 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.)

- 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 Education Program and suspended my license for 365 days.
- My driver's license has been suspended because of a failure to pay surcharges ordered by the State of Texas.
- My driver's license has been suspended for another reason, described below:

Section 3. Essential Need.

(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.

The following are addresses and descriptions of all destinations to which I seek to travel with my occupational license: _____

Below, I have fully described all public transportation options within one mile of any destination described above, including my home, place of work, school, or place where I perform essential household duties. Public transportation options may include bus service, rail service, rural automobile service, ride-sharing services, etc.

- 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.)

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

- 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: _____

- Tuesday: _____

- Wednesday: _____

- Thursday: _____

- Friday: _____

- Saturday: _____

- Sunday: _____

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

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

- I perform the following essential household duties:

- 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: _____
- Tuesday: _____
- Wednesday: _____
- Thursday: _____
- Friday: _____
- Saturday: _____
- Sunday: _____

- 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):

Section 4. Suspension History

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 Assault (Section 49.07, Penal Code), or 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 an offense prohibiting the operation of a motor vehicle or 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); 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.

- 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 copy of my driving record 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:

PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Honorable Court grant this Petition for Occupational License, and to send a certified copy of this Petition, along with 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____.

CLERK OF THE JUSTICE COURT OR NOTARY

EX PARTE

IN THE COUNTY CRIMINAL

COURT AT LAW NO. 1

Testy Testerson, PETITIONER

HARRIS COUNTY, TEXAS

ORDER GRANTING OCCUPATIONAL DRIVER'S LICENSE REQUIRING PETITIONER TO OPERATE A VEHICLE EQUIPPED WITH AN IGNITION INTERLOCK

On this day the Court considered the verified petition filed by Petitioner pursuant to section 521.242 Texas Transportation Code (Vernon 2015), testimony by the Petitioner, the Petitioner's driving record, and any evidence presented by the attorney representing The State of Texas.

FINDINGS OF FACT: The Court **FINDS** it has jurisdiction to hear this matter; and that Petitioner presented sufficient evidence of the following

- 1. Petitioner's name is **Testy Testerson**
- 2. Petitioner resides at **12345 Test Way
Houston, TX 77000**
- 3. Petitioner driver's license number and date of birth **12345678 1/1/1905**
- 4. Petitioner 's driver's license was suspended as a result of **Crazy Driving on 1/1/2015.**
- 5. The beginning date of the suspension is **8/24/2015** , and the ending date is **8/28/2015.**
- 6. Petitioner provided the Court with evidence of financial responsibility in accordance with Chapter 601 Texas Transportation Code
- 7. Petitioner provided the Court with evidence, that prior to this hearing, petitioner has had an ignition interlock device installed on each motor vehicle owned or operated by the petitioner.

This Court Grants Petitioner an occupational driver's license, and **Orders** Petitioner to comply with the following license restrictions: **PETITIONER SHALL ONLY OPERATE A MOTOR VEHICLE EQUIPPED WITH A DEEP LUNG IGNITION INTERLOCK DEVICE.**

The Court Further Orders Petitioner to comply with the Occupational Driver's License Conditions of Supervision attached to this Order incorporated by reference herein for all purposes.

The court further directs that the Harris County Community Supervision and Corrections Department supervise the petitioner and monitor the conditions of this order.

Signed _____

Paula Goodhart, Presiding Judge,
Phone Number (713)755-6180