

Occupational Driver's License Procedure: Filing to Decision

Transportation Code Ch. 521, Subchapter L

Start Here!
Petition is filed.
Petitioner must pay civil filing fees or file Statement of Inability and include a certified abstract of their complete driving record with their petition.

Are one of the following true?:

- Petitioner's license has been suspended, canceled, or revoked.
- Petitioner does not hold a DL (includes if expired or never had one) and can't get one because of a suspension order.
- Petitioner can't get a DL because out of state DL was suspended/canceled/revoked.

The judge MUST deny the petition. No hearing is required. Cannot be appealed.

Suspended/canceled/revoked due to a physical or mental disability or a DPS determination under § 521.294 that the person is incapable of safely operating a motor vehicle?

Has the petitioner's license been automatically suspended/revoked/canceled under Transportation Code Ch. 521, Subchapter O or P as the result of a conviction?

The judge MUST dismiss for lack of jurisdiction and shall refund the filing fee.
Court may hold a hearing first. If dismissed, Petitioner may submit written request for reinstatement within 14 days, stating reason court has jurisdiction.

Does one of the following apply?:

- Petitioner resides in the county where the petition was filed.
- The offense/incident for which the petitioner's license was suspended/canceled/revoked occurred in the county where the petition was filed.
- The petition has been filed in the court that ordered the suspension/cancelation/revocation.

Is the court in which the petition was filed the convicting court?

Before making a decision, a live (or virtual) hearing is optional. If held, it is up to the court whether to give notice to the prosecutor, and the hearing may be held ex parte. TJCTC recommends holding a live hearing if the petition is unclear or incomplete. A court may allow a petitioner to submit any missing documentation at a later time.

The judge MAY issue an order granting the ODL or the judge MAY deny the ODL:

- Based on evidence presented at a hearing by a prosecutor.
- If no evidence of financial responsibility (often but not always an SR-22).
- If petitioner has been convicted more than once in past 10 years of a DWI offense.
- If petitioner's previous ODL has been revoked under § 521.252 or .253.

An order granting or denying an ODL cannot be appealed.

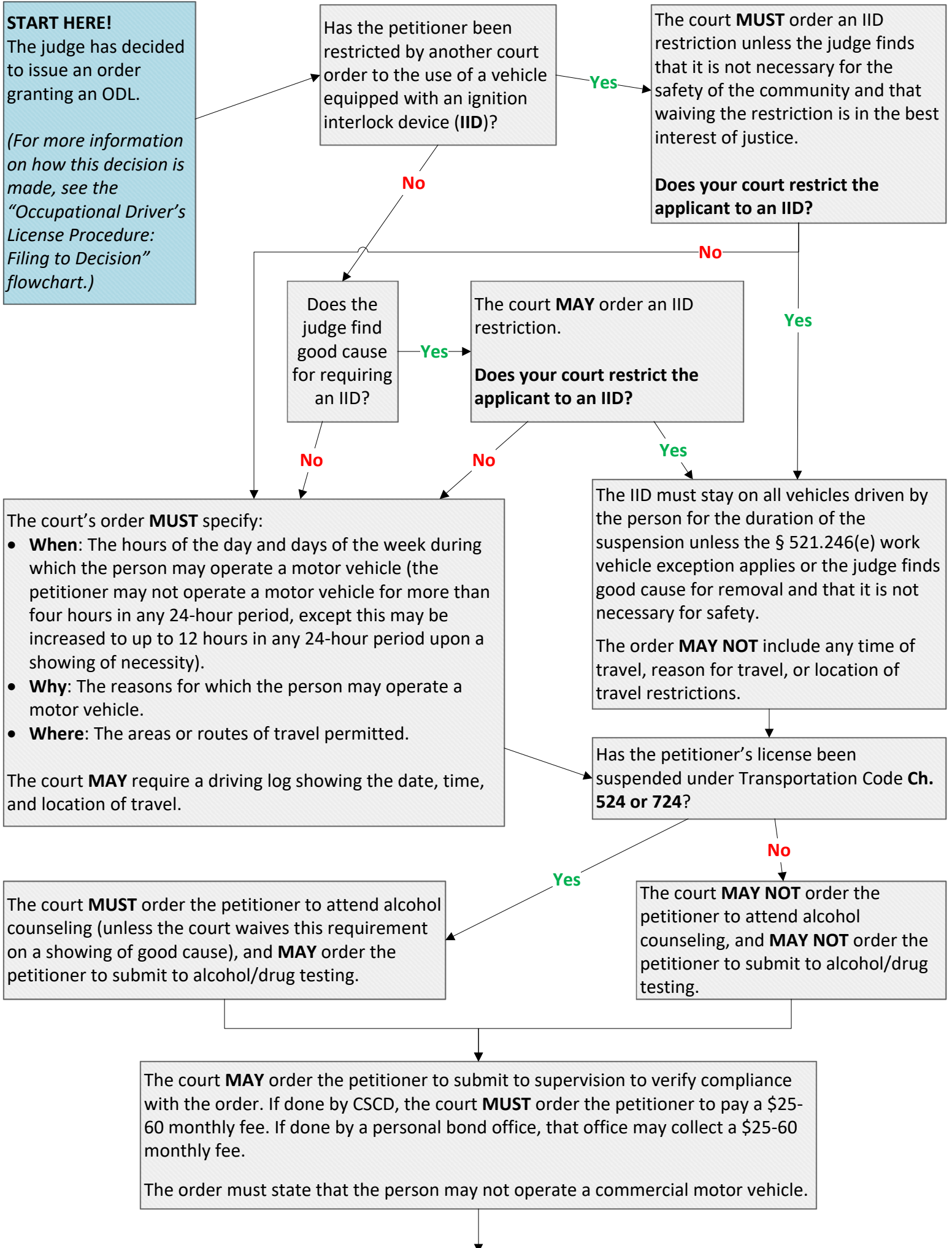
For what should be included in the order if granted, see the "Occupational Driver's License Procedure: Contents of the Order" flowchart.

Has the defendant demonstrated an essential need to operate a motor vehicle (for work, the pursuit of work, education, or essential household duties)?

The judge MUST deny the petition. Cannot be appealed.

Occupational Driver's License Procedure: Contents of the Order

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The court MUST:

- Send a certified copy of the petition and the order to DPS
- Give a certified copy of the order to the petitioner.
- Inform the petitioner that they must comply with any DPS requirements to get their ODL.

Note: For information about when an order can/must be modified or revoked and the procedures for doing so, see Ch. 9 of TJCTC's Administrative Proceedings Deskbook.