

Occupational Driver's License Basics

Two types of ODLs:

1. Ignition Interlock Occupational License-Texas Transportation Code Section 521.251(d-1)
2. Occupational License-Texas Transportation Code Section 521.241

Ignition Interlock Occupational License:

1. Requires that an ignition interlock device be installed on each motor vehicle owned or operated by the petitioner. (521.251(d-1))
2. Interlock(s) must remain installed for the duration of the period of suspension. (521.246(d))
3. No restrictions as to time of travel, reasons for travel, or location of travel. (521.248(d))
4. No requirement of a finding of essential need. (521.244(e))
5. Requires proof of financial responsibility. (521.244(e)(1))
6. Person may not be ordered to submit to the supervision of the local community supervision and corrections department as provided by Section 521.2462 unless the order is entered by a court of record. (521.251(d-1))

Occupational License:

A. Filing Requirements

1. A verified petition for an occupational license for a suspension for a cause other than a conviction under Sections 49.04-49.08 (Texas Penal Code) may be filed in the county where the petitioner resides or in the county where the offense occurred for which the license was suspended. (521.242 (a))
2. If the petitioner's driver's license has been suspended for a conviction, the petition must be filed with the clerk of the convicting court. (521.242(b))
3. If the petitioner's license has been suspended for a conviction, he must not have been issued more than one occupational license within the 10 preceding years. (521.242(b)(2))
4. The petitioner's license must not have been suspended for a physical or mental disability. (521.242(a))

B. Hearing on the Petition

1. If the petitioner's license was suspended following a conviction under 19.05 or Sections 49.04-08 of the Penal Code or was under the age of 21, the State must receive notice of the hearing and a copy of the petition. (521.243)
2. The Judge who hears the petition shall find whether an essential need exists. (521.244)
3. In determining whether an essential need exists, the judge shall consider:
 - a. The petitioner's driving record; and
 - b. Any evidence presented under Section 521.243(b)-evidence from the State (521.244(b))
4. Hearing may be ex parte if 521.243(b) does not apply.

C. Order Requirements

1. The order must specify:

- a. Hours of the day and days of the week when the petitioner may operate a vehicle;
 - b. The reasons for which the petitioner may operate a vehicle;
 - c. The areas or routes of travel permitted;
 - d. If applicable, that the person is restricted to a vehicle equipped with an ignition interlock device; and
 - e. If applicable, that the person must submit to periodic testing for alcohol or a controlled substance. (521.248(a))
 2. Petitioner may not operate a vehicle for more than 4 hours in any 24 hour period, except on the showing of a necessity. Petitioner can then be allowed to drive not more than 12 hours in any 24 hour period. (521.248(b))
 3. An order granting an occupational license remains valid until the end of the suspension period of petitioner's regular driver's license. (521.248(c))
- D. Effective Dates:
- a. No prior suspension arising from an alcohol or drug related enforcement contact in 5 years preceding arrest-order is effective immediately. (521.251(a))
 - b. If there is a prior suspension as a result of an alcohol or drug related enforcement contact during the five years preceding the date of arrest-effective on the 91st day (521.251(b))
 - c. If there is a suspension as a result of a conviction for an offense under 49.04-49.08 during 5 years preceding arrest-effective on the 181st day (521.251(c))
 - d. If the suspension is a result of a second or subsequent conviction committed within five years of the date of the most recent offense-effective on the first anniversary of the date of the suspension (521.251(d))
- E. Revocation
- a. The court that grants the order may issue an order revoking the license for good cause at any time. (521.252)
- F. Criminal Penalty
- a. If a person operates a motor vehicle in violation of a restriction imposed on the license; or
 - b. Fails to have in possession, a certified copy of the order.
 - c. Class B misdemeanor
 - d. Upon conviction of this offense, the occupational license is revoked. (521.253)