

Justice of the Peace, Pct One
Angelina County, Texas
Occupational Drivers License Frequently Asked Questions

Am I eligible to file an Occupational License in the Justice Court?

You do **NOT** qualify for an Occupational License in the Justice Court if;

- Your drivers license is suspended due to a conviction of Driving While Intoxicated, drug related offenses, or other conviction-based offenses.
- Your drivers license was suspended by another Court.
- Your drivers license is in the Failure to Appear (OMNI) system due to unpaid tickets.

For additional information on eligibility, refer to the Eligibility Chart.

I have a CDL. Can I get an Occupational Drivers License?

Yes, however you will not be able to operate a commercial vehicle while holding an Occupational Drivers License. If you are a CDL holder, you can apply for an Occupational Drivers License to operate a non-commercial vehicle.

What if I need changes made to my Occupational Order?

If you need changes made to your Occupational Order, you will need to file an Amended Petition with the Court. The Court does not charge a filing fee for an Amended Petition, but if a new order is issued, there will be a charge of \$ 20.00.

How do I renew my Occupational License?

The Court Order does not expire (unless noted on the order). If your Occupational License is coming up on expiration, you will need to contact DPS in Austin for renewal instructions and payment.

Can I go to the local DPS office for assistance?

No. Occupational Licenses are handled at the DPS office in Austin. You will need to contact the Austin DPS Enforcement and Compliance Dept at 512-424-2600.

Do I need to keep my Occupational Order once I receive the Occupational Drivers License?

Yes. The Occupational Order is good by itself for 45 days from the date the Order was signed. After that, both the Order and the License must be in your possession while you're driving.

What happens if I don't receive my Occupational License from DPS within the 45 day period?

If the License has not been received from DPS within 45 days, then you are driving while your license is invalid. There is nothing that the Court can do to extend this time.

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</i> of an offense. <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</i> an automatic suspension upon a conviction (so <i>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).