



OCCUPATIONAL LICENSE FLOWCHART
 Created by the Texas Justice Court Training Center

Notes

1. A minor with multiple convictions for these offenses whose license is suspended under Chapter 524 is ineligible for an ODL.
2. The petitioner may not operate a motor vehicle for more than four hours in any 24-hour period, except that on a showing of necessity operation time may be increased to up to 12 hours in any 24-hour period. The court may require a driving log to enforce its order.
3. If the petitioner has a previous alcohol/drug-related enforcement contact, the delay period is 91 days from the date of the current suspension. If the petitioner has a previous conviction under Sections 49.04-49.08, Penal Code, the delay period is 181 days. If the petitioner has multiple previous convictions under Sections 49.04-49.08, Penal Code, the delay period is one year.

The court shall clearly note any delayed effective date in its order. The court shall send a certified copy of the petition and a certified copy of the order to DPS.

Has the petitioner been restricted to the use of a vehicle equipped with an ignition interlock device? IID installed?

The court's order may take effect immediately. The court may not order the petitioner to submit to CSCD supervision.

Does the petitioner have a prior suspension based on an alcohol/drug enforcement contact or conviction under Sections 49.05-49.08, Penal Code, within the past 5 years?

The court's order may take effect immediately. The court may order the petitioner to submit to CSCD supervision.

The court shall order the petitioner to attend alcohol counseling, and may order the petitioner to submit to alcohol/drug testing.

The court may not order the petitioner to attend alcohol counseling, and may not order the petitioner to submit to alcohol/drug testing.

The court's order must specify: 1) the hours of the day and days of the week during which the person may operate a motor vehicle;² 2) the reasons for which the person may operate a motor vehicle; and 3) areas or routes of travel permitted.

Has the petitioner's license been suspended under Chapter 524 or Chapter 724, Transp. Code?

The court's order shall note the IID restriction but may not include any time of travel, reason for travel, or location of travel restrictions.

Has the petitioner been restricted to the use of a vehicle equipped with an ignition interlock device?

The effective date of the court's order must be delayed.³ The court may order the petitioner to submit to CSCD supervision.

The court must hold a live hearing and send notice of the hearing to the attorney representing the state by certified mail. At the hearing, the petition must be denied.

Have 90 days elapsed since the initial date of suspension?

Have 30 days elapsed since the initial date of suspension?

Is the conviction for an offense under Sec. 19.05, 49.04, 49.07, or 49.08 of the Penal Code, or an offense to which Sec. 521.342 of Transp. Code applies?

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

Before issuing an order (see below), a live hearing is optional. TJCTC recommends holding a live hearing if the petition is unclear or incomplete.

Did the offense for which the petitioner's license was suspended occur in the county where the petition was filed?

The court may issue an order granting the petition.

Has the defendant demonstrated an essential need to operate a motor vehicle?

Has the petitioner provided the court with proof of financial responsibility (SR-22)?

Has the petitioner provided the court with a copy of his or her driving record?

The petition must be denied.

Has the petitioner's license been suspended for a physical or mental disability?

Has the petitioner's license been automatically suspended as the result of a conviction?

Does the petitioner reside in the county where the petition was filed?

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 Petition is filed. Petitioner must pay civil filing fees or file a SSIP.

Is the petitioner under 21 years of age?

Was the petitioner's license suspended for failing a breath/blood test following an intoxication-related arrest?

Has the petitioner previously been convicted (once) of DUI-Minor or an offense under 49.04, 49.045, 49.06, 49.07, or 49.08 of the Penal Code?¹