

## ODL PROCEDURE – County Court at Law Number One

File with the clerk the petition, accompanied by a fiat/order setting hearing and order granting petition. Please provide proof of liability insurance and/or SR 22 and petitioner's five (5) year driving record.

### **§ 521.244. HEARING; ORDER; DETERMINATION OF ESSENTIAL NEED.**

(a) The judge who hears the petition shall sign an order finding whether an essential need exists.

(b) In determining whether an essential need exists, the judge **shall** consider:

(1) the petitioner's driving record; and

(2) any evidence presented by a person under Section 521.243(b).

(c) If the judge finds that there is an essential need, the judge also, as part of the order, shall:

(1) determine the actual need of the petitioner to operate a motor vehicle; and

(2) require the petitioner to provide evidence of financial responsibility in accordance with Chapter 601.

(d) Except as provided by Section 521.243(b), the hearing on the petition may be ex parte.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

### **§ 521.251. EFFECTIVE DATE OF OCCUPATIONAL LICENSE.**

(a) If a person's license is suspended under Chapter 524 or 724 and the person has not had a prior suspension arising from an alcohol-related or drug-related enforcement contact in the **five years preceding the date of the person's arrest**, an order under this subchapter granting the person an occupational license takes effect immediately. However, the court shall order the person to comply with the counseling and rehabilitation program required under Section 521.245.

(b) If the person's driver's license has been suspended as a result of an alcohol-related or drug-related enforcement contact during the **five years preceding the date of the person's arrest**, the order may not take effect before the 91st day after the effective date of the suspension.

(c) If the person's driver's license has been suspended as a result of a conviction under Section 49.04, 49.07, or 49.08, Penal Code, **during the five years preceding the date of the person's arrest**, the order may not take effect before the 181st day after the effective date of the suspension.

(d) Notwithstanding any other provision in this section, if the person's driver's license has been suspended as a result of a second or subsequent conviction under Section 49.04, 49.07, or 49.08, Penal Code, **committed within five years of the date on which the most recent preceding offense was committed**, an order granting the person an occupational license may not take effect before the first anniversary of the effective date of the suspension.

(e) For the purposes of this section, "alcohol-related or drug-related enforcement contact" has the meaning assigned by Section 524.001.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 969, § 5, eff. Sept. 1, 2001.

If no hearing is required, and the pleadings and documents are in order, the court will grant the petition, sign the order, and the coordinator will conform any copies submitted and the file will be returned to the clerk.

If a hearing is required the fiat/order setting hearing will be completed and the file returned to the clerk. The petitioner must be present for all hearings. If a hearing is required and there is no fiat/order setting hearing submitted the file will be returned to the clerk without action.

Please send proper notice to all parties as required. Please provide any copies you want conformed by the court.

It is the responsibility of the petitioner to follow up on any court settings or action. You may check at anytime on line at [www.collincountytx.gov](http://www.collincountytx.gov) under civil case look up to determine if an order has been signed or a hearing set. You may also contact the clerk's office at 972.548.6420. Please have the civil cause number available when calling.