

ODL Scenarios aka What Do I Do with This?

Randall L. Sarosdy
General Counsel
Texas Justice Court Training Center

© Copyright 2021. All rights reserved.
No part of this work may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying and recording, or by any information storage or retrieval system without prior written permission of the Texas Justice Court Training Center unless copying is expressly permitted by federal copyright law. Address inquiries to: Permissions, Texas Justice Court Training Center, 1701 Directors Blvd., Suite 530, Austin, TX, 78701.

1

Resources



ODL Module: www.tjctc.org > Please watch
online learning > self-paced before class!
modules



ODL Eligibility Chart and ODL Flowcharts:
www.tjctc.org > legal resources > charts and
checklists > administrative proceedings



Administrative Proceedings Deskbook:
Chpt. 9



ODL Forms



Legal Board: search "ODL" or "occupational"

2

DPS Driving Eligibility Website

Won't necessarily have all the info you need, but can provide some info about a person's license suspension and eligibility for an ODL

<https://txapps.texas.gov/txapp/txdps/dleligibility/login.do>

3

What is an ODL?

An ODL is a driver's license that may be issued to a person whose license has been **suspended** for a reason other than a physical or mental disability or impairment.

An ODL allows the person to drive legally while their license is suspended.

4

When May a Justice Court Issue an ODL?

- Whether or not a justice court may issue an ODL depends on the reason the license was suspended:
 - If the license was suspended automatically as a result of a conviction, then the person must apply for an ODL from the court where the conviction occurred.
 - But if the license was suspended for another reason, then they may apply for an ODL from a justice court.

5

Welcome to the Flowcharts!

We are going to use the flowcharts and Eligibility Chart to figure out whether and how to issue an ODL!

So take a moment to review:

Handout 1: ODL Flowchart -- Filing to Decision	Handout 2: ODL Flowchart – Contents of Order	Handout 3: ODL Eligibility Chart
--	--	----------------------------------

6

Scenario 1

- Otis is 85 years old. He was not able to get his license renewed because his eyesight is failing due to macular degeneration. He comes to your court and asks for a “temporary” ODL until his vision improves and he can get his license renewed. Can your court issue an ODL?

- A. Yes.
- B. No

Hint: Look at Handouts 1 and 3!

7

Scenario 2

- Ophelia could renew her driver’s license but she doesn’t want to wait in line at the DMV and besides she has a crush on someone at the courthouse. Can she get an ODL instead of getting a regular license at the DMV?

- A. Yes
- B. No

Hint: Look at Handout 1

8

Scenario 3

- Oliver is arrested for DWI. He refused to provide a breath or blood test at the time of his arrest and his license was suspended due to his refusal. If he is convicted of DWI his driver's license will be automatically suspended but he is still awaiting trial and has not yet been convicted. Can he get an ODL?

- A. Yes
- B. No

If yes, can he apply for it in justice court?

Hint: Look at Handouts 1 and 3!

9

Scenario 4

- Olivia's license has expired and DPS will not renew it because she is in OMNI for not showing up in court after getting a speeding ticket. Can she get an ODL while she's in OMNI?

- A. Yes
- B. No

Hint: Look at Handout 3!

10

Scenario 5

- Octavia has never had a driver's license and now she can't get one because there is a suspension in place due to her blowing over .08 at a DWI stop. Is she eligible for an ODL?

- A. Yes
- B. No
- C. Maybe

Hint: Look at Handout 3!

11

Scenario 6

- Owen is a FedEx delivery truck driver who holds a CDL. He also has a Chevy Impala that he uses to get to and from work. Owen's license was suspended when he failed a breath test after being stopped while driving his Impala. Can he get an ODL?
 - Yes, but only to drive his Impala.
 - Yes, and he may use it to drive both his Impala and his FedEx truck.
 - No, he can't get an ODL.

Hint: Look at Handout 3!

12

Scenario 7

- Orlando lost his job during the pandemic but he is currently looking for a new one and needs to drive for job interviews. Can he get an ODL if he meets all the other requirements?

- Yes
- No

Hint: Look at Handout 1!

13



Scenario 8

- Orelia meets all the requirements for issuance of an ODL. Her license was suspended due to receiving two DWLIs. She works at the bakery department of a grocery store Monday through Friday from 6:00 a.m. until 1:00 p.m. Does the ODL Order have to include travel restrictions?

- Yes
- No

Hint: Look at Handout 2!

- If so, what should they be?
- What if Orelia says she has to pick up her kids from school at 3:30 every day?
- What about geographic travel restrictions?

14

Scenario 9

- Olympia meets all the requirements for issuance of an ODL. Her license was suspended when she refused to take a breath or blood test after a DWI stop. A magistrate ordered her to get an IID as a bond condition and she has provided proof of installing the IID. May the court include travel or time limits in the ODL Order?

- Yes
- No

Hint: Look at Handout 2!

- Does the court have to include anything in its ODL Order?
- May the court order Olympia to be supervised to make sure she is complying with the ODL Order?

15

Scenario 10

- Omarosa meets all the requirements for issuance of an ODL. Her license was suspended when she failed a blood test after a DWI stop. She was not ordered to install an IID as a bond condition but she has voluntarily installed one and asks the court not to impose any time or travel restrictions. May the court do this?

- Yes
- No

Hint: Look at Handout 2!

16

Scenario 11

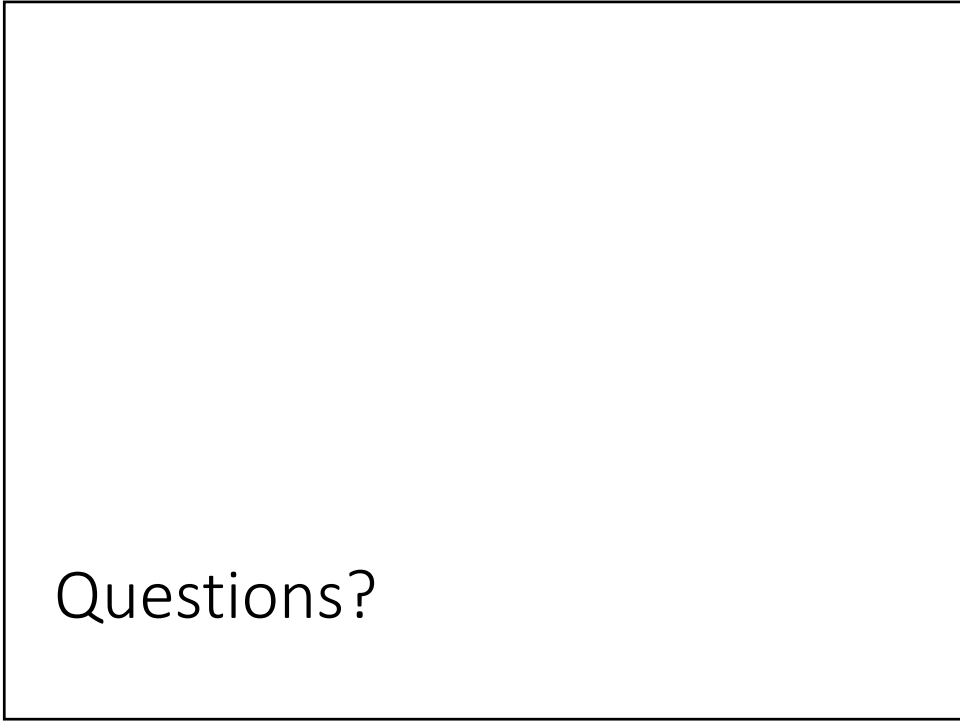
- Oberon is restricted to operating a vehicle equipped with an IID and has submitted proof that the IID is installed on his vehicle. His license has been previously suspended in the past 5 years as a result of a DWI conviction. An order granting Oberon an ODL is effective:
 - Immediately
 - 91 days after the suspension
 - 181 days after the suspension
 - One year after the suspension
- Hint: Look at Handout 2!

17

Scenario 12

- The court issues an ODL for Opal who works as a nurse on the night shift. But the hospital where she works changes her hours to the day shift. Can she ask the court to modify its ODL Order or does she have to file a new application and pay another filing fee?
 - **The court may modify the ODL Order.**
 - **She has to file a new application.**

18



19