



CODY HENSON

Judge

Burnet County Court at Law

220 S. Pierce St. | Burnet, TX 78611

Date: December 4, 2024

To: All Attorneys Practicing in Burnet County Court at Law

From: Cody Henson, Judge, Burnet County Court at Law

Subject: Petition for Occupational Driver License (ODL)

Petition for Occupational Driver License

Texas Transportation Code §521.244(d) states that an ODL hearing may be ex parte, unless notice to the State is required and the State requests a hearing, at which it may present evidence against granting the ODL. However, in accordance with §521.243(2)(b), it is the policy of this Court that no such petition for an ODL will be considered without proof of service upon the State and written response from the State indicating whether they consent to or oppose the granting of such petition.

If the State opposes a request for an ODL, a hearing will be set.

If the State is unopposed to such request and the petitioner is in compliance with §521.248 (proof of financial responsibility and proof of the installation of a deep lung device on every vehicle operated by the petitioner) the order along with proof of service and no opposition by the State may be filed for signature without hearing by the Court. If no deep lung device has been installed, a hearing will be required to determine if the petitioner has an essential need to drive during the period of suspension and if so, what restrictions on such operation would be appropriate (See §521.244(b)).

If the petitioners license has been suspended under Texas Transportation Code Chapter 524 (failure of breath/blood test) or Chapter 724 (refusal of breath/blood test), the Court must require the petitioner to attend a program designed to provide counseling and rehabilitation services to persons for alcohol dependence and this must be stated in the order. Unless modified by the Court, weekly attendance at AA or NA will satisfy this requirement. The Court maintains the authority to require the petitioner to periodically report to the Court to verify compliance with this requirement.

For all suspensions arising from non-alcohol related offenses, service upon the State is still required and a hearing will be conducted to determine whether the petitioner demonstrates an essential need to operate a motor vehicle.

Kind Regards,



Cody Henson