

Eligibility for Occupational Driver's Licenses Over 21

Looking at the Δ's Driving Record, is this the Δ's FIRST contact with ALR/DWI activity?

YES

Δ can get an occupational license without waiting, following the effective date of suspension. §521.251(a). The suspension time from the current ALR period can be applied to the current DWI post-conviction suspension. §521.344(c)

NO

From the arrest date on the current case, go back 5years. Does Δ have any alcohol / drug-related contacts OR any final convictions for DWI?

NO

Δ can get an occupational license without waiting, following the effective date of suspension. §521.251(a). **BUT**, if Δ has a prior conviction for DWI at any time in their history, then the suspension time from the current ALR suspension **cannot be applied** to the current DWI post conviction suspension. §521.344(c)(1).

YES

If the jury did not recommend to suspend the driver's license as part of the final conviction, you have to treat the conviction as an alcohol / drug related contact for occupational license purposes.

Not Suspended

Suspended

Key Terms to Know

"Alcohol or Drug Related Contact"

- DWI conviction from any state
- a Breath/Blood refusal
- being over the legal alcohol concentration. §524.001.

"Effective Date of Suspension"

- can be anywhere between date of conviction until 30 days thereafter. §521.344(a)(1)
- driver's license suspension

Prior ALR Suspension &/ DWI Final Conviction where DL not Suspended

The occupational is allowed on the 91st day following the effective date of suspension. §521.251(b). If the Δ does not have a DWI at any time in their history, then the current ALR period can be applied to the current DWI post-conviction suspension. §521.344(c). If the Δ has a prior DWI conviction, then the current ALR suspension **cannot** be applied to the current post-conviction suspension. §521.344(c)(1).

Final DWI Conviction where DL Suspended

The occupational is allowed on the 181st day following the effective date of suspension. §521.251(c). The suspension time from the current ALR suspension **cannot** be applied to the current DWI post-conviction suspension. §521.344(c)(1). **BUT**, if the current suspension is for a second conviction for DWI, Intox. Assault, or Intox. Manslaughter, then the effective date for the occupational is 1 year from date of suspension. §521.251(d).

Eligibility for Occupational License Under 21

Defendant cannot get an occupational license for the first 30 days of a suspension for failure of a breath test. Section 524.022(d)(1). If they fail a breath test and they've had one prior conviction of an offense under Section 106.041 ABC code or an offense under Section 49.04, 49.07 or 49.08, Penal Code, they cannot get an occupational for the first 90 days of the suspension. Section 524.022(d)(2). If they fail a breath test and they've had two or more prior convictions for offenses listed above, the maximum suspension is 180 days and they cannot get an occupational for the entire suspension period. Section 524.022(d)(3).