

DUI/DWI/OWUI

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Traffic accidents kill more than 40,000 people in the United States each year. Alcohol is a factor in about 40 percent of these deaths. This means that 16,000 people die in the United States each year because someone chose to drink and drive. Congress believes that people who choose to drink and drive are likely to choose to drink and fly. In 1990, this concern, and several high profile incidents involving drinking and flying, resulted in changes to the Federal Aviation Regulations.

Under FAR 61.15, all pilots are required to submit a notification letter to the FAA within 60 calendar days of the effective date of an alcohol- or drug-related conviction or administrative action. The FAA calls these convictions or administrative actions Motor Vehicle Actions (MVA). Failure to notify the FAA of an MVA will subject you to substantial penalties. These letters are in addition to the notification you must provide on your medical application form.

A separate notification letter is required for each MVA (e.g. conviction or administrative action). For example, if your driver's license is suspended at the time you are arrested for drinking under the influence of alcohol you must submit a notification letter notifying the FAA of the suspension. You must also report the suspension on your application for a medical certificate. If you are subsequently convicted, you must file a second notification letter. You must then report the conviction on your application for a medical certificate. While there may only be one alcohol-related incident, you must send two notification letters to the FAA, and report two separate events on your medical application. One drinking and driving event can require four separate notifications to the FAA.

A growing number of states are now immediately suspending driving privileges when they make any alcohol-related driving arrest, regardless of whether the driver refuses a breathalyzer test or not. If you are arrested in one of these states, you will have 60 days from the date of your arrest to notify the FAA. There may also be a trend afoot that would force those

arrested for DUI to notify their employers of their arrest. Our Legal Department recently had to assist a pilot in drafting a letter to the Company notifying them about his DUI arrest in order to fulfill his legal obligation in the jurisdiction.

Many pilots do not realize that the FAA must be notified no matter how this offense is characterized in your state: whether or not you have points added to your driving record; whether or not your driver's license is suspended or revoked; whether or not your insurance rates increase; and whether or not you receive a fine. State action that causes you to spend time thinking up reasons why the reporting requirement does not apply to you is exactly the sort of situation you must report. Your choice to drink and drive has triggered one of those situations that requires you to take responsibility for your actions and accept the consequences. You must report every MVA to the FAA.

You will incur substantial penalties if you fail to report an MVA within 60 calendar days. The standard penalty for failure to report even one MVA is a 30-day suspension of your certificate. Since there can be four required reports for even one event, it is possible that your failure to follow the rules could result in a lengthy suspension of your certificate.

The FAA maintains a website containing information about the reporting requirement, a suggested format for a reporting letter, and other pertinent information. You can find the page at: <http://www.mmac.jccbi.gov/cas/duidwi/index.html>.

Your choice to drink and drive places your life and that of others at substantially increased risk. In addition, your pilot certificate is at great risk. It is crucial that you understand your responsibilities if you make the choice to drink and drive. If you need assistance drafting a notification letter, contact either of our two attorneys, Jeff Small or Paul Girdany, at the ALPA MEC Office. Contact a member of the Violations Committee if you have any questions.

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