

MOTOR VEHICLE ACTIONS CAN GROUND YOU

Every pilot, regardless of rating or experience level, should be aware that there are Federal Aviation Regulations pertaining to operation of “motor vehicles” that could affect his or her pilot’s certificate. FAR 61.15 is one such regulation. It requires pilots to report each “motor vehicle action” in which they are involved to the FAA within 60 days of the “motor vehicle action.”

The regulation went into effect in late 1990, but only recently received the attention of the national press when it was reported after his death that singer/pilot, John Denver had been involved in a drinking and driving incident in 1993 and allegedly involved in another drinking and driving incident in 1994, that had brought him within the regulatory requirements of FAR 61.15.

Enforcement by the FAA of 61.15 has been strict regardless of whether the pilot involved is John Denver, an airline captain or a new student pilot just learning to fly. The computer age has given the FAA access to the National Driver Register, and the FAA regularly cross checks its list of pilot certificates with the Register. A pilot’s certificate can be suspended (or even revoked) if the pilot fails to comply with the regulation’s reporting requirement. For the pilot who fails to report within sixty days, the FAA generally seeks, and the NTSB usually upholds, thirty-day suspensions of pilot’s certificates. *Harris v. Arpa*, 1992 WL 423954 (NTSB). An honest lack of knowledge of the reporting requirement by a pilot is no defense. *Harris v. Moore*, 1992 WL 501599 (NTSB). The FAA pursues an estimated 1,000 cases a year for violations of the notice requirement in this regulation.

For pilots who comply with this regulation and report a first offense within sixty days, the FAA generally does not take action. The report is simply filed. There are no consequence unless the pilot receives another “motor vehicle action” within three years. Then the pilot’s certificate may be suspended or revoked under FAR 61.15(d).

What Are You Required To Report?

FAR 61.15 says that a pilot must report any alcohol or drug related “motor vehicle action.” A “motor vehicle action” is:

- (1) any conviction for a violation of federal or state law relating to the operation of a motor vehicle while intoxicated, impaired, or under the influence of alcohol or drugs,
- (2) the cancellation, suspension or revocation of a driver’s license

relative to the operation of a motor vehicle while intoxicated, impaired or under the influence of alcohol or drugs, or

(3) the denial of an application for a license by a state for a cause relating to the operation of a motor vehicle while intoxicated, impaired, or under the influence or alcohol or drugs.

In an NTSB decision, *Harris v. Anderson*, 1992 WL 348086 (NTSB), the Administrative Law Judge held that suspension of a pilot's drivers license for refusing to submit to a breathalyzer test was a "motor vehicle action" that required reporting to the FAA. In this case, the pilot refused to take a breathalyzer test after being stopped on suspicion of driving his car while under the influence of alcohol. Florida law provided that refusal of a breathalyzer test results in a one-year suspension of driving privileges. The pilot later entered a negotiated plea to reckless driving related to alcohol. It was not this plea (which was also reportable) which resulted in the FAA action, however, but the failure of the pilot to report the suspension of his license for failure to submit to the breathalyzer test. The Administrative Law Judge affirmed a thirty-day suspension of the pilot's airman certificate.

It is also important to remember that the sixty day reporting requirement of 61.15 is in addition to the reporting requirement on your medical application. In *Harris v. Smith*, 1992 WL 348093 (NTSB), the FAA sought a suspension of a pilot's certificate for failure to report a motor vehicle action within sixty days when in fact the pilot had reported the action within eleven days on his medical certificate. The FAA pursued the pilot for failure to report, and the Administrative Law Judge found a violation of 61.15 but, in an act of mercy, imposed no sanction against the pilot because the pilot had "substantially complied." The pilot was still left, however, with a violation of FAR 61.15 on his record.

In *Administrator v. Booth*, 1993 WL 721323 (NTSB), a pilot did not report the suspension of his driver's license by the state of Florida under 61.15 or disclose the incident on his medical application. The NTSB Administrative Law Judge determined that the suspension was an alcohol related motor vehicle action that was required to be reported not later than sixty (60) days after the motor vehicle action, and that failing to report it on his medical application was a knowingly false statement. The NTSB therefore revoked the pilot's medical certificate and suspended his private certificate for a period of ninety (90) days.

How Do You Comply?

Compliance with FAR 61.15 requires a pilot to report each “motor vehicle action” within sixty days of the action to the FAA, Civil Aviation Security Division (AAC-700), P.O. Box 25810, Oklahoma City, OK 73125. The report must include:

(1) the person’s name, address, date of birth and airman certificate number;

(2) the type of violation that resulted in the conviction or the administrative action;

(3) the date of conviction or administrative action;

(4) the state that holds the record of conviction or administrative action; or

(5) a statement of whether the motor vehicle action resulted from the same incident or arose out of the same factual circumstances related to a previously reported motor vehicle action.

Conclusion

A review of the enforcement cases clearly indicates that the FAA is enforcing FAR 61.15 and imposes strict sanctions for failure to comply. The use of a designated driver is strongly recommended when having an adult drink as a good way to avoid the consequences and hassle of FAR 61.15. If you are ever involved in an incident related to drinking and driving, you should advise your attorney that you are a pilot and refer him or her to FAR 61.15. An attorney unfamiliar with FAR 61.15 may unknowingly consent to a plea bargain which appears favorable to the client, but in fact results in a reportable “motor vehicle action”.

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