

Reporting Requirements Following Offenses Involving DUs, Substance Abuse Charges, Motor Vehicle Actions & Non-Traffic Convictions

There are a number of events that trigger an automatic reporting requirement to the FAA. These reports must be made under FAR Part 61.15 or Part 67 (Airman Medical Application). The specific report that must be made depends on the circumstances of the offense. The required reports under each section are independent of one another. **Therefore, if a report is required under PART 61.15 and PART 67, satisfaction of one does not satisfy the reporting requirements of the other.** In this event, **separate reports must be filed.** Additionally, there is now an employer requirement to report DUI convictions. It is very important to understand your responsibilities and obligations following such an unfortunate event.

1. Company Required Reporting

- a. DUI/DWI Conviction – Depending on the respective carrier’s policy, there may be a requirement to make a timely report to the pilot’s employer. Usually, this requirement is based on the impact a DUI/DWI conviction has on a pilot’s ability to operate flights to Canada or other countries.
- b. Other Criminal Charges and Convictions – Again, there may be reporting requirements based on the respective carrier’s policies. With regards to criminal convictions, this requirement is often to determine TSA SIDA and Canada entry eligibility.

2. Airman Medical Application - FAA FORM 8500-8 - Questions 18(v) and 18(w)

18. Medical History - HAVE YOU EVER IN YOUR LIFE BEEN DIAGNOSED WITH, HAD, OR DO YOU PRESENTLY HAVE ANY OF THE FOLLOWING? Answer “yes” or “no” for every condition listed below. In the EXPLANATIONS box below, you may note “PREVIOUSLY REPORTED, NO CHANGE” only if the explanation of the condition was reported on a previous application for an airman medical certificate and there has been no change in your condition. **See Instructions Page**

Yes	No	Condition	Yes	No	Condition	Yes	No	Condition
<input type="checkbox"/>	<input type="checkbox"/>	Frequent or severe headaches	<input type="checkbox"/>	<input type="checkbox"/>	Heart or vascular trouble	<input type="checkbox"/>	<input type="checkbox"/>	Mental disorders of any sort; depression, anxiety, etc.
<input type="checkbox"/>	<input type="checkbox"/>	Dizziness or fainting spell	<input type="checkbox"/>	<input type="checkbox"/>	High or low blood pressure	<input type="checkbox"/>	<input type="checkbox"/>	Substance dependence or failed a drug test ever; or substance abuse or use of illegal substance in the last 2 years.
<input type="checkbox"/>	<input type="checkbox"/>	Unconsciousness for any reason	<input type="checkbox"/>	<input type="checkbox"/>	Stomach, liver, or intestinal trouble	<input type="checkbox"/>	<input type="checkbox"/>	Alcohol dependence or abuse
<input type="checkbox"/>	<input type="checkbox"/>	Eye or vision trouble except glasses	<input type="checkbox"/>	<input type="checkbox"/>	Kidney stone or blood in urine	<input type="checkbox"/>	<input type="checkbox"/>	Suicide attempt
<input type="checkbox"/>	<input type="checkbox"/>	Hay fever or allergy	<input type="checkbox"/>	<input type="checkbox"/>	Diabetes	<input type="checkbox"/>	<input type="checkbox"/>	Motion sickness requiring medication
<input type="checkbox"/>	<input type="checkbox"/>	Asthma or lung disease	<input type="checkbox"/>	<input type="checkbox"/>	Neurological disorders; epilepsy, seizures, stroke, paralysis, etc.	<input type="checkbox"/>	<input type="checkbox"/>	Military medical discharge
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	Medical rejection by military service
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	Rejection for life or health insurance
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	Admission to hospital
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	Other illness, disability, or surgery
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	Medical disability benefits

Arrest, Conviction, and/or Administrative Action History --- See Instructions Page

Yes	No	Condition	Yes	No	Condition
<input type="checkbox"/>	<input type="checkbox"/>	History of (1) any arrest(s) and/or conviction(s) involving driving while intoxicated by, while impaired by, or while under the influence of alcohol or a drug; or (2) history of any arrest(s), and/or conviction(s), and/or administrative action(s) involving an offense(s) which resulted in the denial, suspension, cancellation, or revocation of driving privileges or which resulted in attendance at an educational or a rehabilitation program.	<input type="checkbox"/>	<input type="checkbox"/>	History of nontraffic conviction(s) (misdemeanors or felonies).

- a. Question 18(v) - Arrests, Convictions or Administrative Actions – When completing this question on MedXpress, be sure to click on the link [x]. This will open an expanded explanation of the terms “Arrest” and “Conviction” as used in question 18(v).

A pilot must report **any** arrests, convictions or administrative actions which result in a denial, suspension, cancellation or revocation of driving privileges. This would include criminal and civil (administrative) actions. **IMPORTANT** - This is a change from past policy. In the past, only a conviction was reportable.

IMPORTANT - This section requires a report even if the offense does not involve drugs or alcohol. (For example, a report would be required if a pilot’s driving privilege was suspended, whether civilly or criminally, for reckless driving, too many points, road rage, failure to maintain insurance, failure to pay speeding ticket, etc.)

IMPORTANT - There is **no “grandfathering”** of arrests that occurred prior to the addition of the “arrest” condition of Question 18(v) - If a pilot was arrested for an alcohol/drug related driving offense **prior** to the changes to Question 18(v) requiring a report of arrests in addition to convictions, the pilot **must report the prior arrest on the subsequent medical application – even though the prior arrest may not have been reportable at the time.** If a pilot has failed to make such a report, it is strongly recommended that he amend his application with the FAA Aeromedical Division to reflect the prior arrest.

- i. **Attendance in an Educational or Rehabilitation Program** - This section also requires that you report any arrests, convictions or administrative actions that resulted in “attendance in an educational or rehabilitation program.”
- ii. **“As Previously Reported”** – Pilots should exercise extreme caution when answering Question 18(v) with the response “as previously reported.” A pilot will not be in compliance with the regulations if they answer “yes – as previously reported,” unless they have detailed the incident in the first application following the alcohol-related motor vehicle incident. If a report was previously made for a civil suspension on a prior medical application and then the pilot was subsequently convicted criminally, a second report of the conviction must be made on the next medical certificate application. In this case, “as previously reported” would not be a compliant answer. Furthermore, a simple response of “as previously reported” is not recommended. You should identify the prior reported event by its nature and date followed by the phrase “as previously reported.”

IMPORTANT - As stated above, if a pilot was arrested for an alcohol/drug related driving offense **prior** to the changes to Question 18(v) requiring a report of arrests in addition to convictions, the pilot **must report the prior arrest on the subsequent medical application – even though the prior arrest may not have been reportable at the time.** In this situation, a notation of “as previously reported” is not sufficient to satisfy the reporting requirements of Question 18(v) on the current version of the medical application. If a pilot has failed to make such a report, it is strongly recommended that he amend his application with the FAA Aeromedical Division to reflect the prior arrest.

IMPORTANT – Boating While Intoxicated - By “driving offenses,” it the union’s opinion that this is construed to include arrests and convictions received for operating other types of motor vehicles such as a boat or other watercraft.

- b. Question 18(w) – History of Non-Traffic Convictions (misdemeanors or felonies) – The pilot must disclose all non-traffic convictions regardless of whether they have been determined to be a misdemeanor or felony.

3. Airman Medical Application – FAA FORM 8500-8 - Section 20 –Applicant’s National Driver Register and Certifying Declarations

Please be aware that your signature authorizes the FAA to review your National Drivers Registry record. This record is reviewed on a regular basis.

20. Applicant’s National Driver Register and Certifying Declarations	
I hereby authorize the National Driver Register (NDR), through a designated State Department of Motor Vehicles, to furnish to the FAA information pertaining to my driving record. This consent constitutes authorization for a single access to the information contained in the NDR to verify information provided in this application. Upon my request, the FAA shall make the information received from the NDR, if any, available for my review and written comment. Authority: 23 U.S. Code 401, Note.	
NOTE: ALL persons using this form must sign it. NDR consent, however, does not apply unless this form is used as an application for Medical Certificate or Medical Certificate and Student Pilot Certificate.	
I hereby certify that all statements and answers provided by me on this application form are complete and true to the best of my knowledge, and I agree that they are to be considered part of the basis for issuance of any FAA certificate to me. I have also read and understand the Privacy Act statement that accompanies this form.	
Signature of Applicant	Date
	M M / D D / Y Y Y Y

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FAR 67.403 Violations - Please be aware that there are sanctions for providing intentionally false or incorrect answers on your medical certificate application. **Be sure that you provide accurate information!**

Intentional Falsification – If it is determined that you intentionally provided false information, revocation action will be taken against your medical **and** airman certificates.

Incorrect Information – If it is determined that you unintentionally provided incorrect information, revocation action may be taken against your medical certificate – even though it was unintentional.

4. FAR 61.15 – 60 Day Rule - The pilot must make a report to the FAA Civil Aviation Security Division pursuant to FAR 61.15 for the events described below within 60 days. This report is separate and distinct from the answer on Form 8500-8 (Airman Medical Application). Disclosure on your airman medical application does not satisfy the reporting requirements of 61.15. It is strongly recommended that you review this regulation. There are some nuances that must be understood about 61.15.

FAR 61.15 requires notice be sent to the FAA within 60 days of the following:

- a. Conviction of Offense - A conviction after Nov. 29, 1990, for the violation of any federal or state statute relating to the operation of a motor vehicle while intoxicated, impaired, or under the influence of alcohol or a drug requires a report.
- b. Cancellation, Suspension or Revocation of Driver’s License - The **civil or criminal** cancellation, suspension or revocation of a license to operate a motor vehicle after Nov. 29, 1990, for a cause relating to the operation of a motor vehicle while intoxicated, impaired, or under the influence of alcohol or a drug requires a report.

This provision is often misinterpreted or misunderstood. In many states, two processes begin following a DUI/DWI arrest: a civil action and a criminal action.

Under FAR 61.15, both the civil administrative actions and criminal actions are considered motor vehicle actions.

- 1. Civil Action** - The **civil action** is an administrative action taken against the offending driver's license which usually results in the immediate suspension of the driver's license, however any civil action that results in immediate suspension, cancellation or revocation of a driver's license pursuant to the civil action triggers the obligation to report.

NOTE – Some examples of a civil action include:

- Automatic suspension for refusal of a blood alcohol test.
- Automatic suspension for failing a blood alcohol test.

There may be other situations depending on the laws of the jurisdiction in which the offense occurred.

NOTE - If the arrest only resulted in suspension of driving *privileges* (as opposed to a suspension, cancellation or revocation of the license itself) then there is no report under 61.15 required. In this case, you would still have to report the suspension of driving privileges on your medical application.)

IMPORTANT – It is the pilot's responsibility to determine which civil action has occurred following an arrest (suspension, revocation or cancellation of license vs. suspension of driving privilege).

- 2. Criminal Action** - If the pilot is later **convicted** of the offense pursuant to the criminal action, a **SECOND REPORT must be made to the FAA.**

IMPORTANT – It is advised that you provide a clear explanation of circumstances following the criminal conviction. While the FAA normally advises the airman of this obligation, it remains the responsibility of the airman to ensure this is done.

- a.** If a pilot is subsequently convicted pursuant to the criminal action, the pilot is strongly advised that you explain that the conviction arose from the **SAME FACTUAL CIRCUMSTANCES** as the previously reported civil suspension. This explanation should be clearly stated in the *Notification Letter* that must be submitted following the criminal conviction. **The absence of such explanation can result in confusion with the FAA incorrectly believing that the pilot had two separate motor vehicle actions rather than just one.** This incorrect assumption can lead to the determination that “multiple alcohol related offenses” exist, thus triggering further investigation.

- 3. FAR 61.15 Reports** – Reports should be made using the Notification Letter found at the following link:

http://www.faa.gov/about/office_org/headquarters_offices/ash/ash_programs/investigations/airmen_duidwi/

SUMMARY - The suspension/revocation/cancellation of a driving license and any subsequent conviction are **separate, reportable actions** under this regulation – even though they may be related to the same incident.

- c. Denial of Application for Driver’s License - The denial after Nov. 29, 1990, of an application for a license to operate a motor vehicle for a cause related to the operation of a motor vehicle while intoxicated, impaired, or under the influence of alcohol or a drug. If this occurs, a report must be made to the FAA using the Notification Letter in addition to any reports required for the civil and/or criminal actions.

5. Consequences for Failing to Report

There are harsh consequences for failing to report under either Part 61.15 or Part 67. The FAA takes such reporting failures very seriously. Failure to report may result in denial, suspension or revocation of certificates, ratings or authorizations.

- a. **Denial** of an application for any certificate, rating or authorization issued under Part 61 for a period of up to 1 year after the date of the motor vehicle action; or
- b. **Suspension or revocation** of any certificate, rating or authorization issued under Part 61.

6. Additional Information

- a. Report Format/Form
 - i. The NOTIFICATION LETTER found at the following link satisfies the reporting requirements of 61.15.
http://www.faa.gov/about/office_org/headquarters_offices/ash/ash_programs/investigations/airmen_duidwi/
 - ii. Certified Mail - while the notification letter may be mailed or faxed, it is strongly recommended that you send the letter via certified mail. The tracking number should be identified on the letter. This ensures that you have proof of delivery should the notice is ever challenged.
- b. Frequently Asked Questions
 - i. Answers to frequently asked questions can be found on the FAA website:
http://www.faa.gov/about/office_org/headquarters_offices/ash/ash_programs/investigations/airmen_duidwi/airman_faqs/

If you have any further questions, please contact Marc Anderson at Teamsters Local 357.