

## **WHAT ARE THE RESPONSIBILITIES OF A PILOT WHO GETS A DUI CONVICTION?**

Any pilot who gets a DUI conviction or a cancellation, suspension or revocation of driving privileges or the denial of an application of a license to operate a motor vehicle based upon the operation of a motor vehicle after November 29, 1990, has a responsibility to notify the FAA within sixty (60) days of the conviction/cancellation/denial. See FAR § 61.15(c), (d), (e). If the pilot fails to satisfy this obligation, it is grounds for suspending or revoking any airman certificate he or she may have and/or for denying any application for any certificate up to one year after the date of the motor vehicle action. FAR § 61.15(f).

Pilots sometime call and tell me that their lawyer told them that since they entered a plea of *nolo contendere*, it was not a “conviction,” and they have no responsibility to report it. Unhappily, the FAA does not agree with that advice. As far as the FAA is concerned, a plea of *nolo contendere* is a “conviction.” *Nolo contendere* simply means “no contest.” The person charged with the offense throws himself or herself on the mercy of the court. If the person has no previous driving under the influence convictions, the court, as a courtesy, may not suspend the person’s driver’s license. However, for purposes of the definition of a “motor vehicle action” under FAR § 61.15(c), the FAA considers a conviction relating to the operation of a motor vehicle while intoxicated by alcohol or drugs as being something the pilot must report to the FAA. The reporting requirements are set forth in FAR § 61.15(e), and the report must be sent to the FAA Civil Aviation Security Division in Oklahoma City, not less than sixty days after the date of the “motor vehicle action” as defined in FAR § 61.15(c). In addition to the foregoing, the pilot has a responsibility to disclose the motor vehicle action on his or her next medical application.