

## RULES AND REGULATIONS

### Title 14—AERONAUTICS AND SPACE

#### Chapter I—Federal Aviation Agency

[Docket No. 7534; Amdts. 61-26, 183-2]

#### PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

#### PART 183—REPRESENTATIVES OF THE ADMINISTRATOR

#### Medical Certificates Serving as Student Pilot Certificates; Parental Consent Requirements

The purpose of these amendments to Parts 61 and 183 of the Federal Aviation Regulations is to (1) authorize the issuance of student pilot certificates (combined with medical certificates) by aviation medical examiners when examining applicants for medical certification who meet the eligibility requirements of § 61.61 as to age and ability to read, speak, and understand the English language; and (2) delete the requirements of § 61.61 pertaining to consent of the parent or guardian of an unmarried applicant under 21 years of age or the husband of a married female applicant under that age, and statement of mem-

bership of a minor applicant in an Armed Force of the United States or enrolled in its ROTC or other training program. These amendments were proposed in Notice No. 66-30 issued on July 28, 1966, and published in the FEDERAL REGISTER on August 3, 1966 (31 F.R. 10415).

Except for dissents evidently based upon misunderstanding of its purpose, the public comments concurred with the first change as a time- and money-saving convenience to applicants for student pilot certificates. One of these two dissents remarked that issuing a pilot certificate is a function and responsibility of the FAA. This comment apparently did not consider the fact that an aviation medical examiner is a representative of the Administrator designated under section 314(a) of the Federal Aviation Act of 1958. The other dissent asked whether there now would be "two classes" of third-class medical certificates. This commentator apparently did not realize that there would still be only one class of third-class (or other-class) medical certificate but that, as explained in the notice, there would be two alternate procedures, one of these providing a certificate serving the dual function of both

student pilot and medical certification, and the other preserving the applicant's right to obtain separate medical and student pilot certification from different representatives of the Administrator. As stated in Notice No. 66-30, the latter would be necessary to accommodate situations where the applicant already has an airman certificate, such as a certificated air traffic control tower operator with a second-class medical certificate, who now desires to obtain a student pilot certificate. In this kind of situation, it should not be necessary for him to go to an aviation medical examiner to obtain the pilot certificate.

Some comment was concerned with the disposition of a combination certificate when the student pilot applies for a private pilot certificate, since under prior administrative procedure the student pilot certificate has been surrendered upon issue of a different pilot certificate. The Agency will meet this situation with appropriate administrative methods preserving the continuance of the issued medical certification.

The objectives stated in Notice 66-30 are now implemented by amending § 61.61(b) to state that student pilot certificates are issued by FAA inspectors, designated pilot examiners, and aviation medical examiners when requested by persons being examined by them for medical certification under Part 67. However, it is provided that an aviation medical examiner may not issue a student pilot certificate if the applicant cannot read, speak, and understand the English language, since operating limitations then must be placed on the student pilot certificate that should be determined by another examiner. Section 183.21 also is amended to complete the delegation of authority to aviation medical examiners, and the term "Federal Air Surgeon" is substituted for the term "Civil Air Surgeon" throughout Part 183 to state the correct name of this official of the Agency.

Some comments opposed the deletion of the parental consent requirements from § 61.61, asserting that potentially parents may now be held responsible, without their consent, for damages that may result from operation of aircraft by their children. However, since these regulations provide safety rules prescribing standards for competency of pilots, their content should not depend upon the question of liability of a parent for a child's tort (that is determined by the law of the place where the tort takes place, not by regulations issued by this Agency). Furthermore, as stated in No-

notice No. 66-30, the parental consent requirement does not seem to serve any realistic safety purpose, and imposes an undue burden on the applicant for a pilot certificate since generally persons less than 21 years of age are inducted into the armed services, can exercise property rights, can marry, and are able to secure automobile driving licenses without parental consent.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

In consideration of the foregoing, Parts 61 and 183 of the Federal Aviation Regulations are amended, effective May 1, 1967, as follows:

1. By striking out paragraph (c) of § 61.61, and amending paragraph (b) of that section to read as follows:

§ 61.61 Eligibility requirements: general.

(b) Student pilot certificates are issued by the following:

(1) FAA inspectors.

(2) Designated pilot examiners.

(3) Aviation medical examiners, when requested by persons being examined by them for medical certificates under Part 67 of this chapter.

However, an aviation medical examiner may not issue a student pilot certificate if operating limitations are required under paragraph (a) (2) of this section.

(c) [Deleted]

2. By amending Part 183 as follows:

a. By striking out the term "Civil Air Surgeon" wherever it appears in Part 183 and substituting the term "Federal Air Surgeon" therefor.

b. By striking out the word "and" at the end of paragraph (c), redesignating paragraph (d) as paragraph (e), and inserting a new paragraph (d), in § 183.21, to read as follows:

§ 183.21 Aviation Medical Examiners.

(d) Issue student pilot certificates as specified in § 61.61 of this chapter; and

(Secs. 313(a), 314(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1355, 1421, 1422)

Issued in Washington, D.C., on December 29, 1966.

WILLIAM F. MCKEE,  
Administrator.

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