

[Reg. Docket No. 1639; Amdt. 61-4]

**PART 61—CERTIFICATION: PILOTS
AND FLIGHT INSTRUCTORS [NEW]**

**Possession of Airman and Medical
Certificates, and Operations During
Physical Deficiency**

The purpose of this amendment is to make uniform the regulations concerning possession of airman and medical certificates, and operations during physical deficiency. This action was published as a notice of proposed rule making and circulated as Federal Aviation Regulations Draft Release No. 63-11, dated March 1, 1963.

Current regulations relating to personal possession of airman and medical certificates and to operations during physical deficiency do not apply to pilots other than the pilot in command. The objective of this amendment is to apply these rules uniformly to all pilots and flight crewmembers.

As stated in the preamble to the draft release, the history of regulatory changes involving this subject shows that a number of spot amendments has caused, inadvertently, the requirement to have personal possession of airman and medical certificates when on duty to apply only to the pilot in command and not to the pilot second in command nor to any other pilot. The justification used when the requirement was first adopted in 1947 (that the requirement would facilitate enforcement of Civil Air Regulations without any undue burden on pilots) applies equally to all assigned flight crewmembers.

Section 61.3 requires the pilot in command to present his pilot certificate (but not his medical certificate) for inspection upon the request of certain specified persons. Section 63.3 however, requires a flight engineer or flight navigator to present his airman certificate or his medical certificate, or both, upon request of the same persons as specified for pilot certificates.

In addition, § 61.3(d) requires an airline transport pilot or a lighter-than-air pilot to present his pilot certificate upon the request of any passenger. To standardize the requirements, the requirement to show their certificates at the request of any passenger should be applied to all flight crewmembers or dropped as to the airline transport pilots and lighter-than-air pilots. Since the requirement is not needed, it is dropped.

The majority of the comments received in response to the draft release indicate general agreement with the proposals. One comment suggested dele-

tion of the requirement for the airman or medical certificate to be in the "personal possession" of the pilot because it has no effect on safety. The Agency considers that this requirement is necessary to facilitate enforcement of the regulation.

Agency review of the draft release disclosed that the proposal as written would unintentionally prohibit any person who is not the holder of a pilot certificate from manipulating the controls of an aircraft, except a student receiving in-flight instruction. This action was not intended and the proposal has been changed to clearly limit its application to a person acting as pilot in command or in any other capacity as a required pilot flight crewmember.

Accordingly, after consideration of the foregoing comments, the rule adopted herein provides for the following amendments to § 61.3 and § 61.45:

1. Section 61.3(a) is amended to apply to personal possession of a current pilot certificate by any person acting under the provisions of the part. The phrase "(with appropriate ratings)" is deleted inasmuch as its applicability to a pilot serving as second in command is ambiguous. Furthermore, the rating requirements are specified elsewhere in the part.

2. Section 61.3(b) is amended to include a person serving as second in command or in any other capacity as a required pilot flight crewmember.

3. Section 61.3(c) is amended to include personal possession of a medical certificate for all pilots, retaining the exception for glider pilots piloting gliders.

4. Section 61.3(d) is amended by the deletion of the additional requirements for airline transport pilots and lighter-than-air pilots, and by adding a requirement that the medical certificate must also be presented for inspection to the same persons authorized to inspect pilot certificates.

5. Section 61.45 *Operations during physical deficiency* is amended to apply to persons acting as second in command or in any other capacity as a required pilot flight crewmember.

In consideration of the foregoing, Part 61 [New] of the Federal Aviation Regulations (14 CFR Part 61 [New]) is amended as follows, effective September 16, 1963.

1. Section 61.3 is amended to read:

§ 61.3 Certificates and ratings required.

(a) *Pilot certificate.* No person may, within the United States, act as pilot in command or in any other capacity as a required pilot flight crewmember of a

civil aircraft of United States registry unless he has in his personal possession a current pilot certificate issued to him under this part.

(b) *Pilot certificate, foreign aircraft.* No person may, within the United States, act as pilot in command or in any other capacity as a required pilot flight crewmember of a civil aircraft of foreign registry that is eligible to operate in the United States, unless he has in his personal possession a current pilot certificate issued to him under this part or issued to him or validated for him by the country in which the aircraft is registered.

(c) *Medical certificate.* Except for glider pilots piloting gliders, no person may act as pilot in command or in any other capacity as a required pilot flight crewmember of an aircraft under a certificate issued to him under this part, unless he has in his personal possession an appropriate current medical certificate issued under Part 67 of this chapter. However, in the case of a special purpose pilot certificate, the evidence required by the second sentence of § 61.33(b) may be used in place of a medical certificate.

(d) *Inspection of certificate.* Each person who holds a pilot certificate or medical certificate shall present either or both for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

(e) *Instrument rating.* No person may act as pilot in command of an aircraft under instrument flight rules or in weather conditions less than the minimums prescribed for VFR flight unless he holds a current instrument rating or an airline transport pilot certificate.

2. Section 61.45 is amended to read:
§ 61.45 Operations during physical deficiency.

No person may act as pilot in command, or in any other capacity as a required pilot flight crewmember while he has a known physical deficiency, or increase of known physical deficiency, that would make him unable to meet the physical requirements for his current medical certificate.

This amendment is made under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422).

Issued in Washington, D.C., on August 12, 1963.

N. E. HALABY,
Administrator.

[F.R. Doc. 63-8815; Filed, Aug. 16, 1963;
8:47 a.m.]

(As published in the Federal Register /28 F.R. 8445/ on August 17, 1963)