

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Regulatory Docket No. 7258; Amtds. 61-25; 63-7; 65-9; 143-2]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

PART 143—GROUND INSTRUCTORS

Airman and Ground Instructor Administrative Requirements

The purpose of these amendments to Parts 61, 63, 65, and 143 of the Federal Aviation Regulations is to resolve several inconsistent administrative requirements applicable to airman and ground instructor certificate holders, and to standardize these provisions. The requirements concern presentation of certificates for inspection; application during suspension or after revocation; changes of name, and replacement of lost or destroyed certificates; and retesting after failure (written and flight tests). Several additional changes clarify certain provisions or remove others that are considered unnecessary. The changes were proposed in Notice No. 66-9 issued on March 28, 1966 (31 F.R. 5324), except for those making consistent the provisions on return of certificates that are suspended or revoked.

Several comments concurred generally with the proposals. Other comments were addressed to individual proposals, principally those concerned with presenting certificates for inspection, and with clarifying and incorporating in § 61.39 the interpretation that a flight instructor may not log as instrument time (and receive credit for) periods when he is serving as a flight instructor but not manipulating the controls.

(1) *Presentation of certificates for inspection.* Three comments opposed adding Federal law enforcement officers to the list of persons to whom the holder of an airman or ground instructor certificate must present it for inspection upon request. One comment expressed apprehension that a law enforcement officer might use the regulations to deprive an individual of his license. However, neither the proposed change nor the existing regulations (already requiring presentation upon request of the Administrator or an authorized representative of the Civil Aeronautics Board or of any State or local law enforcement officer) purport to extend to other agencies authority to enforce FAA safety regulations. The authority to enforce those regulations by a civil penalty or certificate action remains with the FAA, and only this Agency may suspend or revoke an airman certificate issued by it, subject to review by the CAB. This comment also questioned the existing requirements for presentation to other than authorized personnel of the regulatory agencies. However, the requirements, as expanded by these amend-

ments, are appropriate to implement the enforcement of criminal provisions of the Federal Aviation Act of 1958 such as sections 902(b)—Forgery of certificates, and 902(i) through (m)—Aircraft piracy, etc. (for whose investigation the FBI is responsible), as well as to implement regulations issued thereunder and other regulatory provisions. The second adverse comment believed that presentation should be required only to authorized persons who understand what the certificates are, namely, the FAA and CAB. The concern of the third adverse comment was with the question who constitutes a law enforcement officer. However, no difficulty has been encountered in these respects in connection with the existing regulatory provisions, and none can reasonably be expected in the future.

(2) *Application during suspension or after revocation.* Several comments felt it was too harsh to prohibit a pilot whose pilot certificate has been revoked from applying for any pilot or flight instructor certificate or rating for 1 year, or to prohibit a person whose flight instructor certificate only is revoked from applying for any flight instructor certificate for 1 year. One of these comments suggested that a pilot who files for a living could not sustain himself for a year without an opportunity to regain his certificate, and that he should be permitted to requalify without a time limit if he shows evidence of up-dating and training. These comments lose sight of the punitive as well as corrective nature of revocation action. Furthermore, the revocation order may allow application in less than 1 year.

(3) *Changes of name, and replacement of lost or destroyed certificates.* One comment objected to requiring a brief statement of the circumstances of loss or destruction of a certificate when a person applies for a replacement certificate. The Agency agrees that this requirement serves no useful purpose, and these amendments therefore omit the requirement from Part 61 where it already exists and from the additions made to the other Parts involved. This comment also criticized the requirement to supply documentary evidence verifying a change of name. However, this is a reasonable requirement to safeguard the integrity of certificates that, once issued, are reissued under changed names. Although the comment asserted that some people change their names without marriage or court order, it is reasonable to require at least some documentary evidence in such a case, as is permitted.

One comment mistakenly believed a "user charge" was being introduced into the regulations, that is, the \$2 charge for a replacement certificate. This is not a new charge. The charge already was provided for in § 61.13, and the other regulations here involved merely repeat what is already included in Part 187.

(4) *Retesting after failure (written and flight tests).* One comment suggested that in § 61.27(d) as amended, the applicant for an airline transport pilot certificate or associated rating should be required, after a second failure of a

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maneuver of the flight test, to demonstrate competency on related maneuvers. These amendments make no substantive change at this time. A substantive change has been proposed by Notice No. 66-6 (31 F.R. 4735), upon which final action has not yet been completed.

(5) *Other changes.* As proposed, the word "civil" is inserted before the word "aircraft" in § 61.3(f), thus making the language of this prohibition concerning the lack of instrument rating consistent with § 61.3(a) concerning in general the lack of a pilot certificate. Also, § 61.3(f) is amended to reflect the changes recently made by Amendment 61-24, as well as those proposed by Notice No. 66-9.

Strong opposition was expressed to the proposed change in § 61.39(e) that would specifically express the limitation, already existing and confirmed by interpretation, that a flight instructor may not log (and receive credit for) as instrument time, periods when he is serving as a flight instructor but not manipulating the controls. Since the change is clarifying only, it is made as proposed. However, the Agency intends to fully reconsider this provision in view of the public response to Notice 66-9 and, if relaxation of the rule then appears appropriate, to issue a notice of proposed rule making in order to allow full public participation in making the rule change.

These amendments make the remaining changes proposed by Notice No. 66-9. In addition, the provisions requiring the return of suspended or revoked certificates are made consistent throughout these regulations. Thus, §§ 61.9(g), 63.15(b), 65.15(c), and 143.7(b) are all amended to provide that the holder of a suspended or revoked certificate shall, upon the Administrator's request, return it to the Administrator. This change was not proposed by Notice No. 66-9; however, since the provision is considered procedural only, notice and public procedure thereon is not necessary.

Interested persons have been afforded an opportunity to participate in the making of these amendments (except those concerning return of suspended or revoked certificates), and due consideration has been given to all matter presented.

In consideration of the foregoing, Parts 61, 63, 65, and 143 of the Federal Aviation Regulations are amended effective November 19, 1966, as follows:

1. Part 61 is amended as follows:

a. By amending paragraphs (e) and (f) of § 61.3 to read as follows:

§ 61.3 Certificates and ratings required.

(e) *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 Federal, State, or local law enforcement officer.

(f) *Instrument rating.* No person may act as pilot in command of a civil aircraft under instrument flight rules or in weather conditions less than the minimums prescribed for VFR flight unless—

(1) In the case of a helicopter, he holds a helicopter instrument rating, or an airline transport pilot certificate with a rotorcraft category and helicopter class rating not limited to VFR;

(2) In the case of an airship, he holds a commercial pilot certificate with lighter-than-air category and airship class ratings; or

(3) In the case of an aircraft other than a helicopter or airship, he holds an instrument rating or an airline transport pilot certificate.

b. By amending paragraphs (e) and (f) of § 61.5 to read as follows:

§ 61.5 Application and issue.

(e) Unless authorized by the Administrator—

(1) A person whose pilot certificate is suspended may not apply for any pilot or flight instructor certificate or rating during the period of suspension; and

(2) A person whose flight instructor certificate only is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(f) Unless the order of revocation provides otherwise—

(1) A person whose pilot certificate is revoked may not apply for any pilot or flight instructor certificate or rating for 1 year after the date of revocation; and

(2) A person whose flight instructor certificate only is revoked may not apply for any flight instructor certificate for 1 year after the date of revocation.

c. By amending paragraph (g) of § 61.9 to read as follows:

§ 61.9 Duration of certificate.

(g) *Return of certificate.* The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

d. By striking out subparagraph (b) (1) of § 61.13, and redesignating subparagraphs (b) (2) and (b) (3) as subparagraphs (b) (1) and (b) (2) respectively.

e. By amending paragraph (c) of § 61.13 to read as follows:

§ 61.13 Change of name; replacement of lost or destroyed certificate.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Aeromedical Certification Branch, Civil Aeromedical Institute, Federal Aviation Agency, Post Office Box 1082, Oklahoma City, Okla. 73101, accompanied by a check or money order for \$2.

f. By amending paragraph (a) of § 61.27 to read as follows:

§ 61.27 Retesting after failure.

(a) *Written test.* An applicant for a certificate or rating under this part who fails a written test for that certificate or rating may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) Upon presenting a statement from whichever of the following is applicable, certifying that he has given additional instruction to the applicant and considers him ready for retesting:

(i) For a private or commercial pilot certificate or associated rating—a certificated flight instructor with an appropriate category rating or a certificated ground instructor with an appropriate rating.

(ii) For an instrument rating—a certificated flight instructor with an instrument rating on his flight instructor certificate or a certificated ground instructor with an appropriate rating.

(iii) For a flight instructor certificate—a certificated flight instructor with an appropriate category or instrument rating on his flight instructor certificate.

(iv) For an airline transport pilot certificate—a person employed by an airline to instruct in airline transport pilot subjects, a certificated airline transport pilot, a certificated ground instructor with an appropriate rating, or a person qualified to instruct in instrument flight theory.

g. By striking out paragraphs (c), (e), and (f) of § 61.27.

h. By amending the lead-in sentence of paragraph (d) of § 61.27 to read as follows:

§ 61.27 Retesting after failure.

(d) *Airline transport; flight test.* An applicant for an airline transport pilot certificate or associated rating who fails a flight test under this part may apply for retesting upon presenting a statement from his instructor (as to required instruction) certifying that he has given the additional instruction to the applicant and considers him ready for retesting, and satisfactory evidence that he has—

1. By amending § 61.29 to read as follows:

§ 61.29 Graduates of certificated flying schools: Special rules.

(a) A graduate of a flying school that is certificated under Part 141 of this chapter is considered to meet the applicable aeronautical experience requirements of this part if he presents an appropriate graduation certificate within 60 days after the date he is graduated. However, if he applies for a flight test for an instrument rating or a flight instructor certificate, he must hold a commercial pilot certificate, or hold a private pilot certificate and meet the requirements of § 61.115 (except paragraphs (a) (3) and (4) thereof).

(b) An applicant for a certificate or rating under this part may be considered to meet the aeronautical knowledge or skill requirements, or both, applicable to that certificate or rating, if he applies within 90 days after being graduated from an appropriate course of a flying school that is certificated under Part 141 of this chapter and is authorized by the

Administrator to test applicants on aeronautical knowledge or skill, or both.

j. By amending paragraph (e) of § 61.39 by inserting the word "only" between the words "log" and "that".

k. By striking out § 61.49.

2. Part 63 is amended as follows:

a. By amending paragraph (c) of § 63.3 to read as follows:

§ 63.3 Certificates required.

(c) Each person who holds a flight engineer or flight navigator 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 Federal, State, or local law enforcement officer.

b. By adding new paragraphs (c) and (d) to § 63.11 to read as follows:

§ 63.11 Application and issue.

(c) Unless authorized by the Administrator, a person whose flight engineer certificate is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise, a person whose flight engineer or flight navigator certificate is revoked may not apply for the same kind of certificate for 1 year after the date of revocation.

c. By amending paragraph (b) of § 63.15 to read as follows:

§ 63.15 Duration of certificates.

(b) The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

d. By inserting the following new section after § 63.15:

§ 63.16 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the FAA Airman Certification Branch, Federal Aviation Agency, Oklahoma City, Okla. The letter must—

(1) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued, and the ratings on it; and

(2) Be accompanied by a check or money order for \$2, payable to the Federal Aviation Agency.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Aeromedical Certification Branch, Civil Aeromedical Institute, Federal Aviation Agency, Post Office Box 1082, Oklahoma City, Okla.

73101, accompanied by a check or money order for \$2.

(d) A person whose certificate issued under this part or medical certificate, or both, has been lost may obtain a telegram from the Federal Aviation Agency confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic certificate should be sent to the office prescribed in paragraph (b) or (c) of this section, as appropriate. However, a request for both at the same time should be sent to the office prescribed in paragraph (b) of this section.

3. Part 65 is amended as follows:

a. By adding new paragraphs (c) and (d) to § 65.11 to read as follows:

§ 65.11 Application and issue.

(c) Unless authorized by the Administrator, a person whose air traffic control tower operator, mechanic, or parachute rigger certificate is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise—

(1) A person whose air traffic control tower operator, aircraft dispatcher, or parachute rigger certificate is revoked may not apply for the same kind of certificate for 1 year after the date of revocation; and

(2) A person whose mechanic or repairman certificate is revoked may not apply for either of those kinds of certificates for 1 year after the date of revocation.

b. By amending paragraph (c) of § 65.15 to read as follows:

§ 65.15 Duration of certificates.

(c) The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

c. By inserting the following new section after § 65.15:

§ 65.16 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the FAA Airman Certification Branch, Federal Aviation Agency, Oklahoma City, Okla. The letter must—

(1) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued, and the ratings on it; and

(2) Be accompanied by a check or money order for \$2, payable to the Federal Aviation Agency.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Aeromedical Certification Branch, Civil Aeromedical Institute, Federal Aviation Agency, Post Office Box 1082, Oklahoma City, Okla. 73101, accompanied by a check or money order for \$2.

(d) A person whose certificate issued under this part or medical certificate, or both, has been lost may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic certificate should be sent to the office prescribed in paragraph (b) or (c) of this section, as appropriate. However, a request for both at the same time should be sent to the office prescribed in paragraph (b) of this section.

d. By amending paragraph (a) of § 65.45 to read as follows:

§ 65.45 General operating rules.

(a) Each person who holds an air traffic control tower operator certificate shall keep it readily available when performing duties under it, and shall present that certificate or a medical certificate held by him or both for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

e. By amending paragraph (b) of § 65.51 to read as follows:

§ 65.51 Certificate required.

(b) Each person who holds an aircraft dispatcher certificate shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

f. By amending § 65.89 to read as follows:

§ 65.89 Display of certificate.

Each person who holds a mechanic certificate shall keep it within the immediate area where he normally exercises the privileges of the certificate and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aero-

nautics Board, or of any Federal, State, or local law enforcement officer.

g. By amending paragraph (b) of § 65.95 to read as follows:

§ 65.95 Inspection authorization: privileges and limitations.

(b) When he exercises the privileges of an inspection authorization the holder shall keep it available for inspection by the aircraft owner, the mechanic submitting the aircraft, repair, or alteration for approval (if any), and shall present it upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

h. By amending § 65.105 to read as follows:

§ 65.105 Display of certificate.

Each person who holds a repairman certificate shall keep it within the immediate area where he normally exercises the privileges of the certificate and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

i. By amending paragraph (c) of § 65.111 to read as follows:

§ 65.111 Certificate required.

(c) Each person who holds a parachute rigger certificate shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

4. Part 143 is amended as follows:

a. By adding new paragraphs (c) and (d) to § 143.3 to read as follows:

§ 143.3 Application and issue.

(c) Unless authorized by the Administrator, a person whose ground instructor certificate is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise, a person whose ground instructor certificate is revoked may not apply for any ground instructor certificate for 1 year after the date of revocation.

b. By amending paragraph (b) of § 143.7 to read as follows:

§ 143.7 Duration of certificates.

(b) The holder of any certificate issued under this part that is suspended or revoked shall upon the Administrator's request, return it to the Administrator.

c. By inserting the following new section after § 143.7:

§ 143.8 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the FAA, Airman Certification Branch, Federal Aviation Agency, Oklahoma City, Okla. The letter must—

(1) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued, and the ratings on it; and

(2) Be accompanied by a check or money order for \$2, payable to the Federal Aviation Agency.

(c) A person whose certificate issued under this part has been lost may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate under paragraph (b) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic certificate should be sent to the office prescribed in paragraph (b) of this section.

d. By striking out § 143.13.

e. By amending § 143.21 to read as follows:

§ 143.21 Display of certificate.

Each person who holds a ground instructor certificate shall keep it readily available to him while instructing and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer. (Secs. 313(a), 601, 602, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422, 1427)

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WILLIAM F. MCKEE,
Administrator.

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