

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Docket No. 4086; Amendments 61-13, 63-2,  
65-3, 67-1, 143-1]

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

#### PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PI- LOTS

#### PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEM- BERS

#### PART 67—MEDICAL STANDARDS AND CERTIFICATION

#### PART 143—GROUND INSTRUCTORS

##### Cheating on Tests and Other Irregularities

The purpose of these amendments is to prohibit cheating or certain other unauthorized conduct in connection with FAA written airman or ground instructor tests; fraudulent or intentionally false applications for airman, ground instructor, or medical certificates or ratings, or entries in logbooks, records, or reports required in connection with these certificates or ratings; and alteration, or fraudulent reproduction of these certificates or ratings. This action was proposed in Notice No. 64-20 (29 F.R. 4919) issued April 1, 1964. As proposed, it applies to not only the airman regulations but also the regulations covering medical certification and ground instructors.

A number of comments were received on Notice No. 64-20, most of them generally favorable to the proposed amendments. Three comments opposed as too harsh the provision that the commission of a prohibited act is a basis for suspending or revoking an existing certificate or rating held by the violator. A major purpose for this provision is the deterrent effect of the enunciation of a strong available penalty. Thus, the provision is especially significant with respect to a person who assists another in the violation, for example by taking a test for him. In such a case, it is no deterrent to the former (who usually is obtained because he already holds the certificate the latter is seeking) merely to warn him that the principal penalty for taking a test in behalf of another person is that he will not be eligible, for a year thereafter, for any airman, ground instructor, or medical certificate or rating, as the case may be. The most effective deterrent in this situation would be the possibility of loss of one or all of the certificates he already possesses.

The 1-year ineligibility for a certificate or rating is automatic in the case of cheating or other unauthorized conduct

in connection with written tests. However, as indicated by Notice No. 64-20, the fact that suspension and revocation of certificates or ratings are made available in these regulations does not mean they must be imposed in every case or automatically upon every violator. The same degree of discretion and the same criteria for the imposition of these sanctions will be exercised by the Agency officials responsible for taking enforcement action in this area as in all other areas where penalties are provided for violation of regulations. Furthermore, the sanctions made available by these amendments do not preclude the imposition, in case of violation, of civil penalties under section 901 of the Federal Aviation Act of 1958 (49 U.S.C. 1471), either alone or in conjunction with these sanctions.

Comments also were received urging that acts to be prohibited by these amendments should be done "knowingly," or "willfully," or "knowingly or willfully," to incur the sanctions provided. It of course is not the design of these amendments to prohibit acts that might likely be committed inadvertently. Accordingly, these amendments make clear that intention is an element of those prohibited acts that otherwise might likely be committed inadvertently, namely, the removal of a written test, or a false statement on an application for a certificate or rating or in a logbook, record, or required report. Also, responsive to several comments and reflecting the original intention as to reproductions of certificates or ratings, the prohibition has been restated to refer to reproduction for fraudulent purpose. Furthermore, the reference in Notice No. 64-20 to authorization by the Administrator in this connection has been dropped in these amendments, since only fraudulent reproductions are prohibited, and since new documents are issued where appropriate, thus obviating any need for authorizing alterations.

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, 63, 65, 67, and 143 of the Federal Aviation Regulations are amended, effective March 20, 1965, as follows:

1. By adding new §§ 61.20 and 61.48 to Part 61 to read as follows:

##### § 61.20 Written tests: cheating or other unauthorized conduct.

(a) Except as authorized by the Administrator, no person may—

- (1) Copy, or intentionally remove, a written test under this part;
- (2) Give to another, or receive from another, any part or copy of that test;
- (3) Give help on that test to, or receive help on that test from, any person during the period that test is being given;
- (4) Take any part of that test in behalf of another person;
- (5) Use any material or aid during the period that test is being given; or

(6) Intentionally cause, assist, or participate in any act prohibited by this paragraph.

(b) No person who commits an act prohibited by paragraph (a) of this section is eligible for any airman or ground instructor certificate or rating under this chapter for a period of 1 year after the date of that act. In addition, the commission of that act is a basis for suspending or revoking any airman or ground instructor certificate or rating held by that person.

##### § 61.48 Applications, certificates, logbooks, reports, and records: falsification, reproduction, or alteration.

(a) No person may make or cause to be made—

(1) Any fraudulent or intentionally false statement on any application for a certificate or rating under this part;

(2) Any fraudulent or intentionally false entry in any logbook, record, or report that is required to be kept, made, or used, to show compliance with any requirement for any certificate or rating under this part;

(3) Any reproduction, for fraudulent purpose, of any certificate or rating under this part; or

(4) Any alteration of any certificate or rating under this part.

(b) The commission by any person of an act prohibited under paragraph (a) of this section is a basis for suspending or revoking any airman or ground instructor certificate or rating held by that person.

2. By adding new §§ 63.18 and 63.20 to Part 63 to read as follows:

##### § 63.18 Written tests: cheating or other unauthorized conduct.

(a) Except as authorized by the Administrator, no person may—

- (1) Copy, or intentionally remove, a written test under this part;
- (2) Give to another, or receive from another, any part or copy of that test;
- (3) Give help on that test to, or receive help on that test from, any person during the period that test is being given;
- (4) Take any part of that test in behalf of another person;
- (5) Use any material or aid during the period that test is being given; or
- (6) Intentionally cause, assist, or participate in any act prohibited by this paragraph.

(b) No person who commits an act prohibited by paragraph (a) of this section is eligible for any airman or ground instructor certificate or rating under this chapter for a period of 1 year after the date of that act. In addition, the commission of that act is a basis for suspending or revoking any airman or ground instructor certificate or rating held by that person.

##### § 63.20 Applications, certificates, logbooks, reports, and records: falsification, reproduction, or alteration.

(a) No person may make or cause to be made—

(1) Any fraudulent or intentionally false statement on any application for a certificate or rating under this part;

(2) Any fraudulent or intentionally false entry in any logbook, record, or report that is required to be kept, made, or used, to show compliance with any requirement for any certificate or rating under this part;

(As published in the Federal Register /30 F.R. 2195/ on February 18, 1965)

(1) Any fraudulent or intentionally false statement on any application for a certificate or rating under this part;

(2) Any fraudulent or intentionally false entry in any logbook, record, or report that is required to be kept, made, or used, to show compliance with any requirement for any certificate or rating under this part;

(3) Any reproduction, for fraudulent purpose, of any certificate or rating under this part; or

(4) Any alteration of any certificate or rating under this part.

(b) The commission by any person of an act prohibited under paragraph (a) of this section is a basis for suspending or revoking any airman or ground instructor certificate or rating held by that person.

3. By adding new §§ 65.18 and 65.20 to Part 65 to read as follows:

**§ 65.18 Written tests: cheating or other unauthorized conduct.**

(a) Except as authorized by the Administrator, no person may—

(1) Copy, or intentionally remove, a written test under this part;

(2) Give to another, or receive from another, any part or copy of that test;

(3) Give help on that test to, or receive help on that test from, any person during the period that test is being given;

(4) Take any part of that test in behalf of another person;

(5) Use any material or aid during the period that test is being given; or

(6) Intentionally cause, assist, or participate in any act prohibited by this paragraph.

(b) No person who commits an act prohibited by paragraph (a) of this section is eligible for any airman or ground instructor certificate or rating under this chapter for a period of 1 year after the date of that act. In addition, the commission of that act is a basis for suspending or revoking any airman or ground instructor certificate or rating held by that person.

**§ 65.20 Applications, certificates, logbooks, reports, and records: falsification, reproduction, or alteration.**

(a) No person may make or cause to be made—

(1) Any fraudulent or intentionally false statement on any application for a

certificate or rating under this part;

(2) Any fraudulent or intentionally false entry in any logbook, record, or report that is required to be kept, made, or used, to show compliance with any requirement for any certificate or rating under this part;

(3) Any reproduction, for fraudulent purpose, of any certificate or rating under this part; or

(4) Any alteration of any certificate or rating under this part.

(b) The commission by any person of an act prohibited under paragraph (a) of this section is a basis for suspending or revoking any airman or ground instructor certificate or rating held by that person.

4. By adding new § 67.20 to Part 67 to read as follows:

**§ 67.20 Applications, certificates, logbooks, reports, and records: falsification, reproduction, or alteration.**

(a) No person may make or cause to be made—

(1) Any fraudulent or intentionally false statement on any application for a medical certificate under this part;

(2) Any fraudulent or intentionally false entry in any logbook, record, or report that is required to be kept, made, or used, to show compliance with any requirement for any medical certificate under this part;

(3) Any reproduction, for fraudulent purpose, of any medical certificate under this part;

(4) Any alteration of any medical certificate under this part.

(b) The commission by any person of an act prohibited under paragraph (a) of this section is a basis for suspending or revoking any airman, ground instructor, or medical certificate or rating held by that person.

5. By adding new §§ 143.18 and 143.20 to Part 143 to read as follows:

**§ 143.18 Written tests: cheating or other unauthorized conduct.**

(a) Except as authorized by the Administrator, no person may—

(1) Copy, or intentionally remove, a written test under this part;

(2) Give to another, or receive from another, any part or copy of that test;

(3) Give help on that test to, or re-

ceive help on that test from, any person during the period that test is being given;

(4) Take any part of that test in behalf of another person;

(5) Use any material or aid during the period that test is being given; or

(6) Intentionally cause, assist, or participate in any act prohibited by this paragraph.

(b) No person who commits an act prohibited by paragraph (a) of this section is eligible for any airman or ground instructor certificate or rating under this chapter for a period of 1 year after the date of that act. In addition, the commission of that act is a basis for suspending or revoking any airman or ground instructor certificate or rating held by that person.

**§ 143.20 Applications, certificates, logbooks, reports, and records: falsification, reproduction, or alteration.**

(a) No person may make or cause to be made—

(1) Any fraudulent or intentionally false statement on any application for a certificate or rating under this part;

(2) Any fraudulent or intentionally false entry in any logbook, record, or report that is required to be kept, made, or used, to show compliance with any requirement for any certificate or rating under this part;

(3) Any reproduction, for fraudulent purpose, of any certificate or rating under this part; or

(4) Any alteration of any certificate or rating under this part.

(b) The commission by any person of an act prohibited under paragraph (a) of this section is a basis for suspending or revoking any airman or ground instructor certificate or rating held by that person.

(Secs. 313(a), 601, 602, and 607, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422, 1427))

Issued in Washington, D.C., on February 11, 1965.

HAROLD W. GRANT,  
Acting Administrator.

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