UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

Civil Air Regulations Amendment 22-2
Effective: October 20, 1950
Adopted: September 15, 1950

ISSUANCE OF PRIVATE AND COMMERCIAL PILOT CERTIFICATES BASED ON MILITARY COMPETENCE

Currently effective Part 22 provides for the issuance of private and commercial lighter-than-air pilot certificates on the basis of military competence to members of the armed forces of the United States and civilian employees thereof who are serving on solo flying status or who have been discharged therefrom within 12 months preceding date of application therefor. Generally an applicant for a private certificate may be issued such certificate if he is currently serving with the armed forces or, if discharged, he has had at least 10 hours of solo flying in military aircraft within 12 months preceding the date of application, irrespective of the date of discharge. On the other hand, an applicant for a commercial certificate must be on duty or, if discharged, must have served on active duty as a rated pilot for at least 6 months within 18 months preceding the date of application. Thus, no provision is currently effective which would authorize the issuance of a commercial certificate to an individual who has been discharged longer than 12 months. In each instance he must pass an examination covering the provisions of Parts 43 and 60.

The Board has recently received requests for waiver of the time limits in which an applicant must file after discharge from former military pilots who did not apply for pilot certificates within the currently specified period but who have since found that the holding of civilian pilot certificates is essential to their livelihood.

This amendment provides for the issuance of pilot certificates to members of the armed forces of the United States and civilian employees of the ferry or transport services thereof who have been on solo flight status as rated lighter-than-air pilots or the equivalent (as currently provided) and to graduates of military flying schools who are considered to be technically qualified to act as rated military pilots but who, because of budgetary or other limitations, may not have served on active duty with the armed forces as rated military pilots. In addition, this amendment provides for the issuance of commercial certificates to such military pilots who have been discharged for a period longer than 12 months preceding the date of application therefor. (The current regulations provide for such issuance only to applicants for private certificates.) This amendment does not change the current rule with respect to the issuance of private and commercial certificates to military pilots who apply therefor during the time they are on extended active duty and within 12 months subsequent to their discharge or release, except to authorize graduates of military flying schools to apply for such certificates even though, as previously explained, they may not have served on active duty as rated pilots. Those certificates will be issued to such graduates on a basis similar to that established for other military pilots.

Provision is also made whereby subsequent to 12 months after discharge or release an applicant for a private lighter-than-air pilot certificate may be issued such certificate, if he has had, within 12 months preceding the date of application therefor, at least 10 hours of flight time as pilot in command in military aircraft. However, an applicant for a commercial certificate who has been discharged or released for a period longer than 12 months preceding the date of application therefor will have to pass an appropriate flight test. Because of the privileges accorded the holder of a commercial certificate, i.e., of carrying

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passengers and cargo for compensation or hire, we believe that former military pilots applying for a commercial certificate who have been discharged or released for a period longer than 12 months should demonstrate, by passing a flight test, that they are competent to exercise those privileges safely.

Accordingly, a military pilot or former military pilot, if he passes a written examination covering Parts 43 and 60 and applies for such certificate within the periods specified, may obtain a lighter-than-air private pilot certificate based upon military competence without taking the flight test required of all applicants for a private certificate. An applicant for a commercial certificate, on the other hand, will be relieved of taking the prescribed extensive written examination if he passes a written examination covering only Parts 43 and 60 and applies therefor either while a member of the armed forces or within 12 months subsequent to the date of his honorable discharge or release therefrom, or graduation from a military flying school, or at any time subsequent to 12 months from the date of such discharge, or release, or graduation, if he passes a flight test.

It should be noted that the current requirements provided that the flight time acquired in military aircraft shall be either "solo flying" time or shall have been flown as "first pilot or as sole manipulator of the controls." To avoid using several terms having the same meaning, we are substituting in lieu of the aforementioned terms the phrase "pilot in command." This amendment adds to the provisions of Part 22 the definition of that phrase which is the pilot responsible for the operation and safety of the aircraft during the time defined as flight time, and includes flight time acquired as sole occupant of the aircraft, as first pilot, and as sole manipulator of the controls. Moreover, this amendment removes any possibility of interpreting the 10-hour "solo flying" time requirement for a private rating as meaning that such flight time must be acquired while the applicant was the sole occupant of the aircraft.

We realize that the issuance of pilot certificates on the basis of military competence is not dictated by safety considerations. However, we believe that the service of individuals as pilots in the armed forces of the United States may properly be recognized since by so doing the administrative burden of certificating those men by compliance with usual procedures is lessened and safety is not jeopardized.

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

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 22 of the Civil Air Regulations (14 CFR, Part 22, as amended) as follows, effective October 20, 1950:

1. By amending § 22.11 (i) to read as follows:

(i) *Military competence.* An applicant for a private lighter-than-air pilot certificate shall be deemed to have met the aeronautical knowledge, experience, and skill requirements for the issuance of such certificate, if he passes a written examination on Parts 43 and 60 and presents reliable documentary evidence showing:

(1) That he is a member of the armed forces of the United States or a civilian employee of the ferry or transport services thereof, and either is on solo flying status as a rated lighter-than-air pilot or the equivalent or has, within 12 months preceding the date of application, been graduated from and rated as a lighter-than-air pilot by a military flying school; or

(2) That he has been honorably discharged or released from such forces and was, at the time of such discharge or release, on solo flying status as a rated lighter-than-air pilot or the equivalent or had been graduated from and rated as a lighter-than-air pilot by a military flying school: *Provided*, That if he has been honorably discharged or released from such forces for a period longer than 12 months preceding the date of application, he shall pass the flight test prescribed by § 22.11 (h), unless he can show that he has had, within 12 months preceding the date of application, at least 10 hours of flight time as pilot in command in lighter-than-air military aircraft.

2. By amending § 22.12 (j) to read as follows:

(j) *Military competence.* An applicant for a commercial lighter-than-air pilot certificate shall be deemed to have met the aeronautical knowledge, experience, and skill requirements for the issuance of such certificate, if he passes a written examination on Parts 43 and 60 and presents reliable documentary evidence showing:

(1) That he is a member of the armed forces of the United States or a civilian employee of the ferry or transport services thereof, and has been on active duty on solo flying status as a rated lighter-than-air pilot or the equivalent for a period of at least 6 consecutive months prior to the date of application or has, within 12 months preceding the date of application, been graduated from and rated as a lighter-than-air pilot by a military flying school; or

(2) That he has been honorably discharged or released from such forces, and had been on active duty on solo flying status as a rated lighter-than-air pilot or the equivalent for a period of 6 consecutive months preceding such discharge or release or had been graduated from and rated as a lighter-than-air pilot by a military flying school: *Provided*, That if he has been honorably discharged or released from such forces for a period longer than 12 months preceding the date of application, he shall pass the flight test prescribed by § 22.12 (h).

3. By adding § 22.43 to read as follows:

22.43 Pilot in command. Pilot in command shall mean the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

4. By adding § 22.44 to read as follows:

22.44 Flight time. Flight time shall mean the total time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the end of the flight.

5. By adding § 22.45 to read as follows:

22.45 Authorized representative of the Administrator. An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties imposed upon him by the provisions of this part.

[Sec. 205 (a), 52 Stat. 984, 49 U.S.C. 425 (a). Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, 62 Stat. 1216, 49 U.S.C. 551, 552, Act of July 1, 1948.]

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

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