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

Civil Air Regulations Amendment 43-5
Effective: May 1, 1949
Adopted: April 28, 1949

PERSONNEL LICENSING STANDARDS

On April 2, 1949, there was published a notice of proposed rule making (14 F. R. 1545) indicating our intention to implement those portions of the Personnel Licensing Standards adopted by the International Civil Aviation Organization (ICAO) deemed suitable for domestic aviation.

The following amendments to Part 43 are those deemed necessary to bring Part 43 into accord with the airman parts of the Civil Air Regulations which have similarly been amended to accomplish such implementation. One amendment adopts definitions of aircraft category, class, and type, copilot, flight time, etc. Another amendment, following the provisions of the Convention on International Civil Aviation, will permit the holder of a pilot certificate issued prior to May 1, 1949, to exercise privileges as currently authorized until May 1, 1953. It will not be necessary, until such date, for such a certificate holder to obtain a type rating for aircraft of over 12,500 lbs. maximum certificated take-off weight provided that his current "type" (amended to "category") and "category" (amended to "class") ratings authorize operation of the aircraft. Conversely, it will be noted that class and category ratings issued after May 1, 1949, will not authorize piloting aircraft of over 12,500 lbs., and that type ratings will be required for any such aircraft for which the holder of the certificate is not currently rated by virtue of his current "type" and "class" ratings. Additional amendments provide for the logging and crediting of pilot in command and copilot flight time in accordance with Annex 1 provisions and provide that a student pilot shall not pilot an aircraft on an international flight.

These amendments shall be effective May 1, 1949. It will be further noted that Annex 1 will become effective on May 1, 1949, and that the United States is obliged by the terms of the Convention on International Civil Aviation to bring its regulations into compliance with Annex 1, in so far as it has not filed notice of differences thereto, by that date. The notice of proposed rule making referred to above fully advised the public of the intended effective date.

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. For the reason above stated, the Board finds that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations (14 CFR, Part 43, as amended) effective May 1, 1949 as follows:

1. By deleting the word "type" from every section in which it appears in this part and inserting the word "category" in lieu thereof.

2. By deleting the word or words "model," "models," "make," or "make and model" from every section in which any or all of these words appear in this part and inserting the word "type" in lieu thereof.

3. By amending § 43.400 to read as follows:

43.400 Pilot certificate. No person shall pilot a civil aircraft within the United States unless he has in his personal possession at all times while piloting aircraft a valid pilot certificate with appropriate ratings issued by the Administrator, or an appropriate and valid foreign pilot certificate and ratings. Such certificate shall be presented for examination to any inspector of the Administration or State or local law enforcement officer upon the request of such inspector or enforcement officer.

4. By amending § 43.404 (d) to read as follows:

(d) dual instruction endorsed by a rated instructor, solo, pilot in command, instrument, and night flying time.

5. By amending § 43.405 (b) to read as follows:

(b) Private and commercial.

(1) Pilot in command. A private or commercial pilot may log flight time as pilot in command that flight time during which he is the sole manipulator of the controls of an aircraft for which he is rated or that flight time during which he is the sole occupant of the aircraft. A flight instructor may log flight time as pilot in command that flight time during which he is serving as a flight instructor. All flight time so logged may be credited toward the total flight time required for a higher pilot rating.

(2) Copilot. A private or commercial pilot may log as copilot time that flight time during which he is performing the duties of a copilot. Such pilot shall be entitled to credit not more than 50% of such flight time toward the total flight time required for a higher grade of pilot rating, but in no event shall a private pilot be entitled to credit more than 50 hours of such flight time.

6. By amending § 43.50 to read as follows:

43.50 General limitations. No student pilot shall pilot an aircraft carrying a passenger, or on an international flight, or for compensation or hire, or in furtherance of a business.

7. By amending § 43.642 to read as follows:

43.642 Endorsement of student pilot certificates. A flight instructor shall endorse the certificate of any student pilot for solo flight or flight in different categories, classes, and types of aircraft only if he has determined that the student is competent to exercise such privileges with safety, and for cross-country flight only if he has additionally determined that the student has an elementary knowledge of aeronautical charts, metecrological data, and the use of a magnetic compass.

8. By amending § 43.63 to read as follows:

43.63 Rating requirements. A private or commercial pilot shall not pilot an aircraft carrying passengers other than an aircraft of the category, class, and type for which he is rated: Provided, That a holder of a pilot certificate with appropriate category and class ratings issued by the Administrator prior to May 1, 1949, shall not, until May 1, 1953, be required to have a type rating to pilot aircraft of over 12,500 lbs. maximum certificated take-off weight for which he has appropriate category and class ratings. 1/ Such pilot may pilot other aircraft without passengers unless limitations placed on his certificate prohibit him from doing so. 2/

9. By amending § 43.680 to read as follows:

43.680 General. No person shall pilot an aircraft carrying passengers unless within the preceding 90 days he has made at least 5 take-offs and landings to a full stop in aircraft of the same category, class, and type of aircraft to be flown.

10. By amending § 43.9 by adding new paragraphs (f), (g), (h), (i), (j), (k), (l), (m), and (n) to read as follows:

1/ Annex 1 to the Convention on International Civil Aviation (Personnel Licensing Standards) requires a pilot to have a type rating for all aircraft of a maximum certificated take-off weight of over 12,500 lbs. However, by the terms of the Convention, a holder of a pilot certificate issued prior to May 1, 1949, may, until May 1, 1953, exercise all of the privileges of such certificate both in the United States and internationally without compliance with the international standards.

2/ Annex 1 in defining the privileges of a commercial pilot restricts such pilot to the piloting in international air transportation of aircraft of 12,500 lbs. or less maximum certificated take-off weight. However, by the terms of the Convention, this restriction is not applicable until May 1, 1953, to certificates issued prior to May 1, 1949.

(f) Category. Category shall indicate a classification of aircraft such as airplane, helicopter, glider, etc.

(g) Class. Class shall indicate a difference in basic design of aircraft within a category, such as single-engine land, multiengine sea, etc.

(h) Copilot. Copilot shall mean a pilot serving in any piloting capacity other than as pilot in command on aircraft requiring two pilots for normal operations, but excluding a pilot who is on board the aircraft for the sole purpose of receiving dual instruction.

(i) Dual instruction time. Dual instruction time shall mean that portion of the flight time during which a person is receiving flight instruction from a rated flight instructor on board the aircraft.

(j) Flight instructor. Flight instructor means a pilot who is qualified to instruct other pilots and who has received a flight instructor rating.

(k) 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. 3/

(l) 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.

(m) Solo flight time. Solo flight time shall mean the flight time during which a pilot is the sole occupant of an aircraft.

(n) Type. Type shall mean all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

(Secs. 205 (a), 601, 602, 52 Stat. 984, 1007, 1008; 49 U.S.C. 425 (a), 551, 552)

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)

3/ For example, a pilot taxies to the warm-up apron and holds there for several minutes before taking off to permit the engine to warm up. Such taxi and warm-up time is not considered flight time. Flight time begins when the aircraft leaves the warm-up apron and ends when the pilot returns to parking apron and turns the switches off.

Part 43 last printed December 1, 1947.