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

Civil Air Regulations Amendment 43-9
Effective: October 24, 1958
Adopted: September 19, 1958

GENERAL OPERATION RULES

PILOT CERTIFICATE REQUIREMENTS FOR THE OPERATION OF UNITED STATES AND FOREIGN REGISTERED AIRCRAFT

Section 43.40 of Part 43 of the Civil Air Regulations requires in effect that no person shall pilot a civil aircraft within the United States unless he has in his personal possession a valid U. S. airman certificate or valid foreign pilot certificate. The language of this section, however, does not clearly distinguish between the pilot certificate required for the operation of U. S. registed aircraft as against that required for the operation of foreign registered aircraft. As a result, numerous requests have been made for individual interpretations of this section.

Section 602 (a) of the Civil Aeronautics Act of 1938, as amended, empowers the Authority (Administrator) "to issue airman certificates specifying the capacity in which the holders thereof are authorized to serve as airmen in connection with aircraft."

Section 610 (b) authorizes the Civil Aeronautics Board to exempt foreign aircraft and airmen serving in connection therewith from the certificate requirements of Section 610 (a) provided the exemption is considered to be in the public interest.

Section 1102 provides "In exercising and performing its powers and duties under this Act, the Authority shall do so consistently with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and any foreign country or foreign countries ...."

Article 32 of the Chicago Convention provides "(a) The pilot of every aircraft and other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered."

Consistent with these provisions, § 43.40 of Part 43 of the Civil Air Regulations has always been interpreted as prohibiting a person from operating a United States registered aircraft unless he has a valid United States pilot certificate; and as prohibiting a person holding

only a foreign pilot certificate from operating aircraft in the United States unless the pilot certificate was issued or rendered valid by the country in which the foreign aircraft is registered. While the application of § 43.40 to holders of United States pilot certificates apparently is understood, the provisions of this section have been susceptible to the erroneous interpretation that a holder of only a foreign pilot certificate may operate, within the United States, an aircraft of United States registry or of a registry other than of the country which issued the pilot certificate. In view of this difficulty with the present language in § 43.40, and in order to eliminate the need for individual interpretations, the Board considers it advisable to revise this section to clearly define the pilot certificate requirements for operation of both United States and foreign registered aircraft in the United States.

Since the changes effected by this amendment are clarifying in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

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 October 24, 1958.

By amending § 43.40 to read as follows:

43.40 Pilot certificate. No person shall pilot within the United States a civil aircraft registered in the United States, unless he has in his personal possession while piloting such aircraft, a valid pilot certificate with appropriate ratings issued by the Administrator; or pilot within the United States a civil aircraft registered in a foreign country and eligible for operation in the United States, unless he has in his personal possession while piloting such aircraft a valid pilot certificate with appropriate ratings issued or rendered valid by the country of registry of the aircraft, or a valid United States pilot certificate issued by the Administrator. Such certificate shall be presented for examination to any inspector of the Administrator or State or local law enforcement officer upon the request of such inspector or enforcement officer.

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a). Interpret or apply secs. 601, 602, 610, 1102, 52 Stat. 1007, 1008, 1012, 1026, as amended; 49 U.S.C. 551, 552, 560, 672). Air Commerce Act, 1926, sec. 6; 49 U.S.C. 176, as amended by 67 Stat. 489.

By the Civil Aeronautics Board:

/s/ Mabel McCart

Mabel McCart
Acting Secretary

(SEAL)

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