MS-110

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TITLE 14 - AERONAUTICS AND SPACE

CHAPTER I - FEDERAL AVIATION AGENCY

[Regulatory Docket No. 832 ; Amendment No. 43- 147]

PART 43 - GENERAL OPERATION RULES

Use of Private Pilots in Charity Airlifts

Section 43.60 of the Civil Air Regulations provides that a private pilot shall not pilot aircraft for compensation or hire. However, this regulation also provides that a private pilot may pilot aircraft in connection with a business if the flight is merely incidental thereto; and that an aircraft salesman holding a private pilot certificate may demonstrate aircraft in flight to a prospective purchaser if he has logged 200 hours of pilot flight time.

For many years charitable organizations used the "Charity Airlift" as a means of raising funds. In such an airlift, the charitable organization offered an airplane ride in exchange for a personal donation. Many of the rides were given in aircraft furnished and operated by private pilots who provided their services without compensation. The money donated by the passengers was retained by the charitable organization, and no payment for the service rendered was made to the pilot or aircraft owner; however, in some cases the organization paid for or supplied the fuel and oil consumed during the flights.

Shortly before the Federal Aviation Agency was established, Civil Aeronautics Board Examiners rendered several opinions on violation cases involving private pilots who had donated their services for fund-raising

flights. The Examiners concluded that § 43.60 required pilots engaging in such flights to hold commercial pilot certificates. For some time thereafter, the Federal Aviation Agency permitted the operation of charity airlifts using private pilots, by issuing an individual exemption to the sponsor of each airlift. These exemptions specified safety requirements believed necessary for the particular airlift being conducted. This procedure was discontinued in June 1960 on the premise that passengers who receive rides because of charitable donations are entitled to fly with pilots who meet commercial pilot standards.

In May of 1961, the National Foundation (March of Dimes) petitioned the Federal Aviation Agency to reconsider the matter of charity airlifts involving private pilot participation. The Foundation pointed out that the prohibition against the use of private pilots for such airlifts had adversely affected fund-raising efforts and that the practical effect had been to reduce pilot participation in the 1961 March of Dimes airlifts by nearly 75 percent. They suggested an amendment to the regulations, with the incorporation of special provisions as necessary, which would permit private pilots to participate in charity airlifts.

Consideration has been given to their petition. We have determined that (1) the use of private pilots operating under reasonable restrictions and with adequate supervision should provide a level of safety comparable to that expected of a commercial operation; (2) the heavy administrative burden formerly associated with the issuance of specific exemptions would be eliminated by an appropriate amendment to Part 43 of the Civil Air

Regulations; and (3) private pilot participation in charity airlifts, with suitable safety provisions, is in the public interest.

Since this amendment relieves a restriction and delay in extending such relief would impose an unnecessary burden on certain persons, the Administrator for good cause finds that notice and public procedure hereon would be contrary to the public interest and may be omitted, and that this amendment may be made effective on less than 30 days' Notice.

In consideration of the foregoing, § 43.60 of Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) is hereby amended to read as follows, effective August 9, 1961 :

43.60 Private pilot. A private pilot shall not pilot aircraft for compensation or hire, except as provided in paragraphs (a) through (c) of this section.

(a) A private pilot may pilot aircraft in connection with any business or employment, if the flight is merely incidental thereto and does not involve the carriage of persons or property for compensation or hire.

(b) An aircraft salesman holding a private pilot certificate may demonstrate aircraft in flight to a prospective purchaser if he has at least 200 hours of flight time credited in accordance with the provisions of Part 20 of the Civil Air Regulations.

(c) Subject to the provisions of subparagraphs (1) through (6) of this paragraph, a private pilot may pilot an aircraft used in a passenger-carrying airlift sponsored by a charitable organization, where the passengers make a donation to the organization for such carriage.

NOTE: For the purpose of this regulation, charitable organizations are those listed in Publication No. 78 of the U. S. Treasury Department entitled "Cumulative List, Organizations Described in Section 170(c) of the Internal Revenue Code of 1954," and additions thereto. This list is compiled by the Internal Revenue Service and is issued by the Superintendent of Documents, Government Printing Office, Washington 25, D. C., and is available for reference at District Offices of the Internal Revenue Service.

(1) The sponsor of the airlift shall notify the FAA General Aviation District Office having jurisdiction over the area concerned, at least 7 days in advance, and shall furnish that office with any essential information regarding the airlift, on request.

(2) All flights shall be conducted from public airports adequate for the aircraft used, or from other airports that have been approved for the operation by an FAA inspector.

(3) Each participating private pilot shall have logged at least 200 hours of flight time credited in accordance with the provisions of Part 20 of the Civil Air Regulations.

(4) No acrobatic or formation flights shall be conducted.

(5) Each aircraft used shall be certificated in the standard category, and shall comply with the 100-hour inspection requirement of § 43.22.

(6) All flights shall be conducted in conformity with visual flight rules and during daylight hours.

(Secs. 313(a), 601, 72 Stat. 752, 775, 49 U.S.C. 1354, 1421)

Administrator

Issued in Washington, D. C., on August 1, 1961.

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