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

Civil Air Regulations Amendment 45-1
Effective: January 27, 1958
Adopted: December 23, 1957

COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

CLARIFICATION OF PROVISO TO SECTION 45.2

Section 45.2 requires persons subject to Part 45, as provided in Section 45.1, to obtain a certificate from the Administrator before they operate, in air commerce, aircraft of more than 12,500 pounds maximum certificated take-off weight (large aircraft). Holders of air carrier operating certificates are relieved from this requirement, and made ineligible for such additional certification, for the reason that their air-carrier operating certificate is deemed to authorize operations also outside of air transportation, with an exception relating to Part 42 operators and frequent intrastate operation. It has been brought to the Board's attention that Section 45.2 in its present form may be read as preventing the issuance of a certificate for operation of large aircraft to air taxi operators although their air-carrier operating certificate authorizes operation of small aircraft only, thus preventing them from operating large aircraft outside the air taxi business, unless they fall within the exception relating to frequent intrastate operations.

Such a result was not intended by the Board. The proviso is intended to relate only to holders of air-carrier operating certificates which authorize the operation of large aircraft. In view of the foregoing, the Board is amending the proviso to clarify its meaning.

Since this amendment only clarifies the existing rule and grants relief to a certain category of persons, and delay in extending such relief would impose an unnecessary hardship, the Board for good cause finds that notice and public procedure hereon would be contrary to the public interest and may be omitted.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 45 of the Civil Air Regulations (14 CFR Part 45, as amended), effective January 27, 1958, by inserting in the proviso to Section 45.2 the words "authorizing him to operate such aircraft," so that the proviso will read:

> Provided, That no person holding an air-carrier operating certificate authorizing him to operate such aircraft shall be required [remainder of text unchanged]

(Sec. 205 (a), 52 Stat. 984; 49 U.S.C. 425 (a). Interpret or apply secs. 601, 604, 607, 610, 52 Stat. 1007, 1010, 1011, 1012, as amended; 49 U.S.C. 551, 554, 557, 560).

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)

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