FEDERAL AVIATION AGENCY
FLIGHT STANDARDS SERVICE
Washington 25, D. C.

March 1, 1963

FEDERAL AVIATION REGULATIONS DRAFT RELEASE NO. 63-11

SUBJECT: Possession of Airman and Medical Certificates, and Operations During Physical Deficiency

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The Flight Standards Service of the Federal Aviation Agency has under consideration amendments to Part 61 /New/ of the Federal Aviation Regulations to standardize the requirements for possession of airman and medical certificates, and for operations during a physical deficiency. The reasons therefor are set forth in the explanatory statement of the attached proposal, which was published today in the Federal Register as a notice of proposed rule making.

The Flight Standards Service desires that all persons who will be affected by the requirements of this proposal be fully informed as to its effect upon them and is therefore circulating copies in order to afford interested persons ample opportunity to submit comments as they may desire.

Because of the large number of comments which we anticipate receiving in response to this draft release, we will be unable to acknowledge receipt of each reply. However, you may be assured that all comment will be given careful consideration.

It should be noted that comments should be submitted, preferably in duplicate, to the Docket Section of the Federal Aviation Agency, and in order to insure consideration should be received on or before May 9, 1963.

J. S. Moore

Acting Director,
Flight Standards Service

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FEDERAL AVIATION AGENCY

FLIGHT STANDARDS SERVICE

/14 CFR Part 61 /New/ /

/Regulatory Docket No. 1639 ; Draft Release No. 63-11/

NOTICE OF PROPOSED RULE MAKING

Making Uniform the Regulations Concerning Possession of Airman and Medical Certificates, and Operations During Physical Deficiency

Notice is hereby given that there is under consideration a proposal to amend Part 61 /New/ of the Federal Aviation Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted, preferably in duplicate, to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue, N. W., Washington 25, D. C. All communications received on or before May 9, 1963 , will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

Current regulations relating to personal possession of airman and medical certificates and to operations during physical deficiency do not apply to pilots other than the pilot in command. The objective of the proposed amendments is to apply these rules uniformly to all pilots and flight crewmembers.

The history of regulatory changes involving this subject shows that a number of spot amendments has caused, inadvertently, the requirement to have personal possession of airman and medical certificates when on duty to apply only to the pilot in command and not to the pilot second in command nor to any other pilot. The justification used when the requirement was first adopted in 1947 (that the requirement would facilitate enforcement of Civil Air Regulations without any undue burden on pilots) applies equally to all assigned flight crewmembers.

Section 61.3 requires the pilot in command to present his pilot certificate (but not his medical certificate) for inspection upon the request of certain specified persons. Whereas section 63.3 requires a flight engineer or flight navigator to present his airman certificate or his medical certificate, or both, upon request of the same persons as specified for pilots.

In addition to the above, section 61.3 requires an airline transport pilot or a lighter-than-air pilot to present his pilot certificate upon the request of any passenger. To standardize the requirements, the requirement to show their certificates at the request of any passenger should be applied to all flight crewmembers or dropped as to the airline transport pilot and lighter-than-air pilots. It is proposed to drop the requirement in view of FAA surveillance and the high quality of management controls exercised through the company over all flight crewmembers.

The following actions are proposed to standardize the requirements for possession of airman and medical certificates, and for operations during a physical deficiency:

Section 61.3(a) would be amended to apply to personal possession of a current pilot certificate by any person acting under the provisions of the part. The phrase "(with appropriate ratings)" would be deleted inasmuch as its applicability to a pilot serving as second in command would be ambiguous. Furthermore, the rating requirements are specified elsewhere in the part.

Section 61.3(b) would be amended to include a person serving as second in command or in any other capacity as pilot.

Section 61.3(c) would be amended to include personal possession of a medical certificate for all pilots, retaining the exception for glider pilots piloting gliders.

Section 61.3(d) would be amended by deleting the additional requirements for airline transport pilots and lighter-than-air pilots, and by adding a requirement that the medical certificate must also be presented for inspection to the same persons authorized to inspect pilot certificates.

Section 61.45 (Operations during physical deficiency) would be amended to apply to persons acting as second in command or in any other capacity as pilot.

In consideration of the foregoing, it is proposed to amend Part 61 /New/ of the Federal Aviation Regulations as follows:

1. By amending § 61.3 to read:

61.3 Certificates and ratings required.

(a) Pilot certificate. No person may, within the United States, act as pilot in command, second in command, or in any other capacity as pilot (except a person receiving in-flight instruction from a pilot) of a civil aircraft of United States registry unless he has in his personal possession a current pilot certificate issued to him under this Part.

(b) Pilot certificate; foreign aircraft. No person may, within the United States, act as pilot in command, second in command, or in any other capacity as pilot (except a person receiving in-flight instruction from a pilot) of a civil aircraft of foreign registry that is eligible to operate in the United States, unless he has in his personal possession a current pilot certificate issued to him under this Part or issued to him or validated for him by the country in which the aircraft is registered.

(c) Medical certificate. Except for glider pilots piloting gliders and persons receiving in-flight instruction from a pilot, no person may act as pilot in command, second in command, or in any other capacity as pilot of an aircraft under a certificate issued to him under this Part unless he has in his personal possession an appropriate current medical certificate issued under Part 67 of this chapter. However, in the case of a special purpose pilot certificate, the evidence required by the second sentence of § 61.33(b) may be used in place of a medical certificate.

(d) Inspection of certificate. Each person who holds a pilot certificate or a medical certificate shall present either or both for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any State or local law enforcement officer.

2. By amending § 61.45 to read:

61.45 Operations during physical deficiency. No person may act as pilot in command, second in command, or in any other capacity as pilot of an aircraft when he has a known physical deficiency, or increase of known physical deficiency, that would make him unable to meet the physical requirements for his current medical certificate.

These amendments are proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422).

Acting Director,
Flight Standards Service

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