U. S. DEPARTMENT OF COMMERCE

DANIEL C. ROPER, Secretary

BUREAU OF AIR COMMERCE

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CIVIL AIR REGULATIONS

91.—AIRCRAFT ACCIDENT INVESTIGATIONS

As Amended to May 31, 1938

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CIVIL AIR REGULATIONS

Pursuant to the authority contained in the Air Commerce Act of 1926 (44 Stat. 568) as amended by the Act of February 28, 1929 (45 Stat. 1404), the Act of June 19, 1934 (48 Stat. 1113), the Act of June 19, 1934 (48 Stat. 1116), and Sections 11 and 12 of the Act of June 12, 1934 (48 Stat. 933, 937), the following Civil Air Regulations are hereby made, prescribed, and issued to be known as—

Part 00. Aircraft Registration Certificate.
Part 01. Aircraft Certificates.
Part 02. Aircraft Identification Mark.
Part 03. Aircraft Title Transfer.
Part 04. Airplane Airworthiness.
Part 13. Aircraft Engine Airworthiness.
Part 14. Aircraft Propeller Airworthiness.
Part 15. Aircraft Equipment Airworthiness.
Part 18. Repair and Alteration of Aircraft.
Part 20. Pilot Rating.
Part 21. Airline Pilot Rating.
Part 23. Ground Instructor Rating.
Part 24. Mechanic Rating.
Part 25. Parachute Rigger Rating.
Part 26. Airport Control Tower Operator Rating.
Part 27. Airline Dispatcher Rating.
Part 40. Scheduled Airline Certification (Interstate and Intra-Territorial).
Part 50. Flying School Rating.
Part 52. Aircraft Repair Station Rating.
Part 60. Air Traffic Rules.
Part 61. Scheduled Airline Rules (Interstate).
Part 90. Air Mail.
Part 91. Aircraft Accident Investigations.
Part 92. Hearings Upon Certificates (Issued, Renewed, Denied, Suspended or Revoked).
Part 93. Evidence.
Part 94. Penalties.
Part 95. Imposition, Remission and Mitigation of Penalties.
Part 96. Authorization to Act for the Secretary.
Part 98. Definitions.
Part 99. Mode of Citation of Regulations.

Any and all rules and regulations heretofore made, prescribed, and issued by the Secretary of Commerce pursuant to the authority first above stated are hereby repealed.

Approved May 31, 1938.

[SEAL]

DANIEL C. ROPER,
Secretary of Commerce.

PART 91.—AIRCRAFT ACCIDENT INVESTIGATIONS

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91.0 Provision for issuance. Pursuant to the provisions of the Air Commerce Act requiring the Secretary of Commerce to foster air commerce and study the possibilities for the development of the same, to investigate accidents in civil navigation and to hold hearings for such purpose, and to make such regulations as are necessary to execute the functions vested in the Secretary by the Act, the following regulations are hereby prescribed.

91.1 Immediate report by pilot and owner.

91.10 Injury to person or property. When in the operation of civil aircraft death or serious injury to person or to property results, a report shall be made immediately by the pilot and by the registered owner to the Secretary, or to the nearest known inspector of the Bureau of Air Commerce, by telegraph or by telephone stating the registered number of the aircraft and the time and the place of the accident.

91.11 Injury to aircraft. All accidents in the operation of civil aircraft which cause injury to the aircraft shall be reported without delay by the registered owner or by the pilot to the Secretary through a Bureau inspector on the form provided for the purpose, and furnished by the Secretary or a Bureau inspector upon request.

91.12 Glider accidents. §§ 91.11 and 91.12 shall apply to accidents to gliders only when death or serious injury to a person has resulted.

Note.—For the regulations forbidding flight of a damaged aircraft until repaired, see § 01.71.

91.13 Notification to public officers. An inspector of the Bureau upon receiving information of an accident at a place within his jurisdiction will notify the appropriate State officers charged with the regulation of aeronautics and the law enforcement officers of the vicinity in which the accident occurs and will request their aid in securing assistance to injured persons, policing the place of the accident and in determining the cause thereof.

91.14 Interference by bystanders with material. No person, except the Secretary or other person authorized by him, or the head public

officer of those described in § 91.13, shall remove from the place of the accident any material pertaining thereto, nor shall enter upon the place except for the purpose of giving assistance to injured persons.

91.2 Accident investigation board.

91.20 Appointment. For the purpose of investigating accidents in civil air navigation, the Secretary will, from time to time, appoint an Accident Investigation Board consisting of 3 officers or employees of the Department of Commerce together with 2 disinterested persons, as advisory members only, who are experienced in aeronautics and not officers or employees of the Department of Commerce or of any company or other person directly concerned in the particular accident, *provided*, that where the circumstances of the accident do not, in the opinion of the Secretary, require the services of so many persons, then any 3 such persons only may be designated for the purpose.

91.21 Duties. The Accident Investigation Board, or as many members as can be reasonably assembled, will proceed promptly to the place of the accident, and will there inspect the visible circumstances, provide for the preservation of evidential material pertaining to the accident, and may hear testimony given orally or by depositions or by affidavits, and will record such testimony.

91.3 Hearings.

91.30 Chairman of board. At any hearing, the officer or employee of the Department of Commerce designated by the Secretary will act as Chairman of the Board and will conduct the hearing, administer oaths, examine witnesses, issue subpenas for the attendance and testimony of witnesses or the productions of books, papers, documents, exhibits and other evidence, or the taking of depositions before any designated individual competent to administer oaths as provided in § 93.1.

91.300 Members of board. At any investigation or hearing, the officers or employees of the Department of Commerce designated by the Secretary as members of such Board, other than the Chairman thereof, may administer oaths, examine witnesses, issue subpenas for the attendance and testimony of witnesses, or the production of books, papers, documents, exhibits and other evidence, or the taking of depositions before any designated individual competent to administer oaths as provided in § 93.1, as occasion or circumstances in the conduct of such investigation or hearing may require. The advisory members of the Board shall not have the power to administer oaths, issue subpenas or examine witnesses.

91.31 Time and place. The time and place of any hearing of testimony will be such as the Chairman of the Board may direct.

91.32 Public nature. Any hearing of testimony will be open to the public.

91.33 Witnesses, subpenas, etc. At any hearing the provisions of Part 93 will be applicable.

91.34 Report. At the conclusion of an investigation, or as soon thereafter as circumstances permit, the Board will forward its findings, with the testimony and other evidence received at a hearing, to the Secretary.

91.35 Disclosure. The Secretary, if he deems it to be in the public interest, will make public a statement of the probable cause or causes

of the accident; *except* that when the accident has resulted in serious or fatal injury, the statement will in every case be made public.

91.36 Report or statement as evidence. No report or statement resulting from an investigation or hearing conducted by the Board upon an accident in civil air navigation, or any part thereof, will be admitted as evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in any such statement, investigation, hearing, or report thereof; *except* in case of criminal or other proceedings instituted by or in behalf of the Secretary or any other duly authorized public officer under the provisions of the Air Commerce Act or of the regulations duly issued thereunder.

91.37 Testimony of investigators. No member of the Board, or other official or employee of the Department of Commerce, shall testify to any facts ascertained in, or information gained by reason of, his official capacity as an expert witness or otherwise, in any suit, action, or proceeding growing out of any matter referred to in any investigation or hearing conducted upon an accident in civil air navigation; *except* in case of criminal or other proceedings instituted by or in behalf of the Secretary or any other duly authorized public officer under the provisions of the Air Commerce Act or of the regulations duly issued thereunder.

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