U. S. DEPARTMENT OF COMMERCE

DANIEL C. ROPER, Secretary

BUREAU OF AIR COMMERCE

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CIVIL AIR REGULATIONS

92.—HEARINGS UPON CERTIFICATES

(ISSUED, RENEWED, DENIED SUSPENDED, OR REVOKED)

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made, prescribed, and issued by the Secretary of Commerce pursuant to the authority first above stated are hereby repealed.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 92.—HEARINGS UPON CERTIFICATES (ISSUED, RENEWED, DENIED, SUSPENDED, OR REVOKED)

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92.0 Provision for issuance. Pursuant to the provisions of the Air Commerce Act authorizing or requiring the Secretary of Commerce to hold hearings in connection with action in issuing, denying, renewing, suspending or revoking any certificates pertaining to his functions under the said Act, the following regulations are hereby prescribed.

92.1 Hearing before issuance of certificate.

92.10 Provision for advance hearing. After application duly made and filed for the issuance of any certificate required or authorized to be issued by the Secretary, and before issuance or denial of the certificate, the Secretary, if he deems further inquiry to be necessary in order to assist in making a proper decision upon the application, may direct that an advance hearing take place for such purpose, and may designate an officer or employee of the Department of Commerce to conduct the hearing and to report the evidence taken with recommendations.

92.11 Time and place. The time and place of any hearing will be such as the Secretary may direct, having due regard to the reasonable convenience of the applicant and the nature of the certificate applied for.

92.12 Public nature. Any hearing so directed may be open to the public, in the Secretary's discretion.

92.13 Notice.

92.130 (*a*) The Secretary will give to the applicant at least 10 days' notice of the time and place designated for the hearing, unless the applicant consents to an earlier time.

92.131 (*b*) The notice will specify, as the Secretary may deem necessary, the particular points in the application on which information is sought.

92.132 (c) Notice will also be sent to any other person deemed likely by the Secretary to be able to give information as to the subject of the application or to have an interest therein.

92.133 (d) Notice will be served personally or sent by registered mail. In the latter case deposit in the United States mails will be deemed proof of service.

92.14 Record. All evidence taken at the hearing will be recorded and promptly forwarded to the Secretary.

92.2 Hearing before revocation of certificate.

92.20 Notice. On receipt of information from a duly authorized inspector of the Bureau of Air Commerce, or from other source deemed satisfactory by the Secretary, a notice will be sent by the Secretary or his duly authorized representative by registered mail to the person concerned, setting forth the matters furnishing ground for revocation, ordering that, unless satisfactory showing is made, the certificate will be thereby revoked, and notifying him of his statutory right to a hearing as provided for in § 92.3.

92.21 Airmen. In the case of a person holding any airman rating or certificate (such as pilot, mechanic, instructor, dispatcher, airport control tower operator, etc.), the order may postpone the taking effect of a revocation of the certificate or any rating thereon until a date named. If before that date a written request is received by the Bureau from the airman for an advance hearing on the question of revocation, the Director of the Bureau may by order make further postponement of the effective date and arrange for a hearing in such manner as he may deem suitable, but with due regard for the provisions of § 92.3201.

92.22 Airlines. In the case of an airline, the procedure of § 92.21 regarding an advance hearing prior to revocation shall also be applicable to an airline competency certificate and letters, but in such case the request must be made by an authorized representative of the airline.

92.23 Decision. At the conclusion of such advance hearing, and after the evidence taken and the recommendations thereon have been forwarded to the Secretary, a decision will be made as provided in §§ 92.3260 and 92.3261.

92.3 Public hearing upon denial, suspension or revocation.

92.30 Certificate order. Any action taken by the Secretary with respect to the denial of an application for a certificate or of an application for its renewal, or the suspension or the revocation of any certificate issued, will be recorded in writing, together with the grounds therefor, in the office of the Bureau and a copy thereof (by way of notice) will be served personally or sent by registered mail to the applicant for or holder of the certificate.

92.31 Request for public hearing. Within 20 days after receiving a copy of the order provided for in § 92.30, the applicant for or holder of the certificate involved, who desires a public hearing with reference to such order, may file a written request therefor with the Secretary.

92.32 Proceedings.

92.320 Time and place.

92.3200 (*a*) The Secretary, after receiving written request for a public hearing as provided in § 92.31, will forthwith designate a date for such hearing, such date to be within 20 days after receipt by the Secretary of such request.

92.3201 (*b*) The Secretary will designate for such public hearing a place deemed by him to be most practicable and convenient in consideration of the place of residence of the applicant or holder and the place where evidence bearing upon the action taken is most readily obtainable.

92.321 Notice.

92.3210 (*a*) The Secretary will give to the applicant or holder at least 10 days' notice of the time and place designated for the hearing, unless the applicant or holder consents to an earlier time.

92.3211 (*b*) Notice of the hearing will be served personally or sent by registered mail. In the latter case deposit in the United States mails will be deemed proof of service.

92.322 Public nature. Any hearing conducted pursuant to the request provided for in § 92.31 will be open to the public.

92.323 Conduct of hearing. The Secretary, or some officer or employee of the Department of Commerce designated by him in writing for the purpose, will conduct the hearing.

92.324 Witnesses, subpenas, etc. The provisions of Part 93 will be applicable.

92.325 Record. All evidence taken at any hearing conducted upon a certificate will be recorded and promptly forwarded to the Secretary.

92.326 Decision following hearing.

92.3260 (*a*) A decision upon the subject matter of the certificate involved in the hearing will be rendered by the Secretary.

92.3261 (*b*) The decision of the Secretary will be rendered not later than 10 days after the completion of the hearing.

92.3262 (*c*) The decision of the Secretary, if in accordance with law, will be final.

92.33 Validity of order or action taken thereon. The denial, suspension or revocation by the Secretary of any certificate will be invalid unless opportunity for hearing is afforded, notice served or sent and decision rendered within the respective times prescribed in § 92.3.

92.34 Surrender of certificate. Upon receipt of any final order of the Secretary of suspension or of revocation of a certificate, the person holding the certificate shall immediately surrender it by forwarding it to the Secretary as directed by him. In case of revocation, notwithstanding any failure or refusal to surrender a certificate, it shall be deemed canceled and of no further force or effect.

92.35 Costs in hearings. Where the decision in such hearing is adverse to the applicant for hearing, such applicant shall pay to the Secretary, to be covered into the Treasury as miscellaneous receipts, an amount equal to such portion of the costs of the hearing as the Secretary may designate; and in any case, the applicant may be required by the Secretary to furnish bond, on a form and with such surety as he may approve, to cover all such costs before the matter is heard.