Labor

U. S. DEPARTMENT OF COMMERCE

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BUREAU OF AIR COMMERCE

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CIVIL AIR REGULATIONS

94.—PENALTIES

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made, prescribed, and issued by the Secretary of Commerce pursuant to the authority first above stated are hereby repealed.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 94.—PENALTIES

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94.0 Provision for issuance. Pursuant to the provisions of the Air Commerce Act authorizing the Secretary of Commerce to make such regulations as are necessary to execute the functions vested in him by the Act, the following are republished as the penal offenses enumerated in the Act.

94.1 Navigation offenses. (Air Commerce Act, Section 11) It shall be unlawful, except to the extent authorized or exempt under Section 6 of the Air Commerce Act of 1926, as amended:

94.10 Airspace reservation. To navigate any aircraft within any airspace reservation otherwise than in conformity with the Executive Orders regulating such reservation;

NOTE.—For such reservations, see Part 60.

94.11 Unregistered aircraft. To navigate any aircraft, other than a foreign aircraft, in interstate or foreign air commerce unless such aircraft is registered as an aircraft of the United States;

NOTE.—For registration, see Part 00.

94.12 Foreign aircraft. To navigate any foreign aircraft in the United States;

NOTE.—For foreign aircraft, see Parts 65 and 66.

94.13 Uncertificated aircraft. To navigate any aircraft registered as an aircraft of the United States, or any foreign aircraft, without an aircraft certificate or in violation of the terms of any such certificate;

NOTE.—For certificates of aircraft, see Part 01 for United States aircraft and Part 65 for foreign aircraft.

94.14 Uncertificated airline. To operate any airline in interstate or foreign air commerce without an airline certificate or in violation of the terms of any such certificate;

NOTE.—For certificates of airlines, see Part 40 for United States airlines and Part 66 for foreign airlines.

94.15 Uncertificated airman. To serve as an airman in connection with any aircraft registered as an aircraft of the United States, or any foreign aircraft, without an airman certificate or in violation of the terms of any such certificate;

NOTE.—For certificates of airmen, see Parts 20, 21, 23, 24, 25, 26 and 27 for United States airmen and Part 65 for foreign airmen.

94.16 Air commerce regulations. To navigate any aircraft otherwise than in conformity with the air traffic rules, or to operate any aircraft registered as an aircraft of the United States otherwise than in conformity with the regulations of the Secretary of Commerce pertaining thereto;

NOTE.—For air traffic rules, see Part 60.

94.17 Entry and clearance regulations. To violate any entry or clearance regulation of the Secretary of Commerce; (See Part 77.)

94.18 Immigration regulations. To violate any immigration regulation of the Secretary of Labor; (See Part 77.)

94.19 Customs and public health regulations. To violate any customs or public health regulation of the Secretary of the Treasury. (See Part 77.)

94.2 Penalties. (Air Commerce Act, Section 11)

94.20 Personal penalty. Any person who violates any of the provisions of § 94.10 through § 94.19 shall be subject to a civil penalty of $500.

94.21 Aircraft seizure. Any person who violates any provision of § 94.19.

94.210 (*a*) shall be liable to a civil penalty of $500 and, in addition,

94.211 (*b*) any aircraft used in connection with any such violation shall be subject to seizure and forfeiture as provided for in such customs or public health laws.

94.3 Proceedings in rem. (Air Commerce Act, Section 11)

94.30 In personam or in rem. Any civil penalty imposed, as provided for in §§ 94.1 and 94.2, may be collected by proceedings in personam against the person subject to the penalty; but also, or in lieu thereof, by proceedings in rem against the aircraft.

94.31 Proceedings in rem. Proceedings in rem shall conform as nearly as may be to suits in admiralty; ***except***

94.310 (*a*) that either party may demand a trial by jury of any issue of fact, if the value in controversy exceeds $20; and

94.311 (*b*) that facts so tried shall not be re-examined other than in accordance with the rules of the common law; and

94.312 (*c*) that the fact that the seizure in rem is made at a place not upon the high seas or in navigable waters of the United States shall not be held in any way to limit the requirement of conformity.

94.32 Seizure.

94.320 Summary seizure. Any aircraft subject to a lien for any civil penalty imposed, as provided for in §§ 94.1 and 94.2, may be summarily seized by and placed in the custody of any duly authorized inspector of the Bureau in the manner prescribed in Part 77.

94.321 Report of seizure. A report of the case shall be thereupon transmitted to the United States Attorney for the Federal judicial district in which the seizure is made.

94.33 Proceedings by the United States Attorney. The United States Attorney shall promptly institute proceedings for the enforcement of the lien, or notify the Secretary of his failure so to act.

94.34 Release of the aircraft. The aircraft shall be released from custody

94.340 (*a*) upon payment of the penalty, or of so much thereof as is not remitted or mitigated; or

94.341 (*b*) upon seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien; or

94.342 (*c*) upon notification by the United States Attorney of failure to institute such proceedings; or

94.343 (*d*) upon deposit of a bond in such amount and with such sureties as the Secretary may prescribe, conditioned upon the payment of the penalty or so much thereof as is not remitted or mitigated.

94.4 Certificate offenses. (Air Commerce Act, Section 11)

94.40 Forging, etc. Any person who fraudulently forges, counterfeits, alters, or falsely makes any certificate authorized under the Air Commerce Act; or

94.41 False use. Any person who knowingly uses or attempts to use any such fraudulent certificate:

94.42 Penalty. Shall be punishable by a fine not exceeding $1,000, or by imprisonment not exceeding three years, or by both such fine and imprisonment.

94.5 Lights and signals offenses. (Air Commerce Act, Section 11)

94.50 Penalties. Any person shall be guilty of an offense punishable by a fine not exceeding $5,000, or by imprisonment not exceeding five years, or by both such fine and imprisonment

94.500 (*a*) who, with intent to interfere with air navigation in the navigable airspace or waters of the United States, exhibits within the United States any false light or signal at such place or in such manner that it is likely to be mistaken for a true light or signal required by regulation under the Air Commerce Act, or for a true light or signal in connection with an airport or other air navigation facility, or

94.501 (*b*) who, after due warning from the Secretary of Commerce continues to maintain any false light or signal, or

94.502 (*c*) who knowingly removes, extinguishes, or interferes with the operation of any such true light or signal, or

94.503 (*d*) who without lawful authority knowingly exhibits any such true light or signal.

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