U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

July 24, 2009

Mr. Tim Kern
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P.O. Box 30
Anderson, Indiana 46015-0030

Dear Mr. Kern:

In an e-mail dated March 31, 2009 you asked whether "flight training provided in an airplane by a Sport Pilot instructor, that has resulted in a Sport pilot certificate, [can] be transferred to meet the dual instruction requirements of FAR 61.107 and 61.109 for a Private Pilot certificate with an airplane category rating." You further asked whether instruction provided by a Sport Pilot instructor can satisfy the requirements for a Private Pilot certificate "since the SPI is not 'qualified' to give dual for a Private."

The regulations establishing the requirements applicable to the sport pilot certificate and the flight instructor certificate with a sport pilot rating were enacted in the final rule, "Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft" (69 FR 44772; July 27, 2004). In that rule the FAA set forth the privileges and limitations of a flight instructor with a sport pilot rating in §§ 61.413 and 61.415 of Title 14, Code of Federal Regulations (14 CFR) respectively.

Section 61.413 states that if you hold a flight instructor certificate with a sport pilot rating

> you are authorized, within the limits of your certificate and rating, to provide training and logbook endorsements for—
> (a) A student pilot seeking a sport pilot certificate;
> (b) A sport pilot certificate;
> (c) A flight instructor certificate with a sport pilot rating;
> (d) A powered parachute or weight-shift-control aircraft rating;
> (e) Sport pilot privileges;
> (f) A flight review or operating privilege for a sport pilot;
> (g) A practical test for a sport pilot certificate, a private pilot certificate with a powered parachute or weight-shift-control aircraft rating or a flight instructor certificate with a sport pilot rating;

(h) A knowledge test for a sport pilot certificate, a private pilot certificate with a powered parachute or weight-shift-control aircraft rating or a flight instructor certificate with a sport pilot rating; and
(i) A proficiency check for an additional category, class, or make and model privilege for a sport pilot certificate or a flight instructor certificate with a sport pilot rating.

The applicable limitations for a flight instructor with a sport pilot rating are set forth in § 61.415. Paragraph (a)(1) of that section requires an instructor who provides training to hold at least a sport pilot certificate with applicable category and class (and make and model) privileges. Paragraph (a)(2) requires the instructor to hold applicable category and class privileges for his or her flight instructor certificate in order to provide that training. If the instructor is providing training for a private pilot certificate with either a powered parachute or weight-shift-control aircraft rating, paragraph (b)(1) requires the instructor to hold at least a private pilot certificate with applicable category and class ratings. Paragraph (b)(2) requires the instructor to hold applicable category and class privileges for his or her flight instructor certificate. Additional limitations addressing the maximum amount of training time that can be provided, the provision of endorsements, required make and model experience, training for specific privileges, and minimum aircraft requirements are also contained in § 61.415.

In certain circumstances § 61.413 permits a flight instructor with a sport pilot rating to provide training leading to the issuance a private pilot certificate. Section 61.413(d) permits a flight instructor with a sport pilot rating to provide training for a powered parachute or weight-shift-control aircraft rating. These ratings currently are only issued at the private pilot certificate level (Sport pilots receive category and class privileges through endorsements and are not specifically issued certificates with "ratings"). A flight instructor with a sport pilot rating and powered parachute or weight-shift-control aircraft privileges for that certificate may, therefore, provide training to persons seeking a private pilot certificate to operate these categories and classes of aircraft. To provide this training the instructor must also hold at least a private pilot certificate with a powered parachute or weight-shift-control aircraft rating. Since a flight instructor with a sport pilot rating is not permitted to provide training for a certificate with ratings other than powered parachute or weight-shift-control aircraft, that instructor may not provide training for the issuance of a private pilot certificate with an airplane, rotorcraft, glider, or lighter-than-air category rating and any class rating associated with those categories.

The FAA recognizes that many of the areas of operation on which an applicant for a sport pilot certificate is required to receive training are identical to those on which an applicant for a private pilot certificate is also required to receive training. Permitting a sport pilot to use flight training provided by a flight instructor with a sport pilot rating and airplane, rotorcraft, glider, or lighter-than-air privileges to meet the aeronautical experience requirements for the issuance of a private pilot certificate however, would be the functional equivalent of permitting that instructor to provide flight training for the issuance of the private pilot certificate with those ratings. Such action is clearly neither permitted by the regulations nor the intent of the 2004 final rule.

The minimum required aeronautical knowledge, flight proficiency, and aeronautical experience for flight instructors certificated under subpart K of part 61, while appropriate for the exercise of the privileges granted by those flight instructor certificates, is significantly less than that required for flight instructors certificated under subpart H of part 61 who are authorized to provide training for the private pilot certificate in categories other than powered parachute or a weight-shift-control aircraft. In implementing the 2004 final rule the agency intended to facilitate the certification of pilots capable of exercising sport pilot privileges in light-sport aircraft. It did not intend to decrease the minimum experience requirements for flight instructors who provide training for the issuance of private pilot certificates in existing aircraft categories.

Section 61.109 sets forth the aeronautical experience requirements for the issuance of a private pilot certificate. That section specifies that the flight training required to be logged by an applicant for a private pilot certificate must be obtained from an "authorized instructor." As a flight instructor with a sport pilot rating is not permitted to provide training for a private pilot certificate with airplane, rotorcraft, glider, or lighter-than-air category ratings, the FAA would not consider such an instructor to be an "authorized instructor" for the purpose of providing flight training necessary to meet the aeronautical experience requirements for the issuance of a private pilot certificate. The FAA therefore does not permit flight training provided by such an instructor to be used to meet the flight training requirements specified in § 61.109(a)-(h).

The FAA also notes that a significant amount of flight training provided to persons seeking a sport pilot certificate (or privileges) is provided by flight instructors certificated under subpart H of part 61. These instructors are authorized to provide training not only for a sport pilot certificate, but also for a private pilot certificate in those categories and classes of aircraft for which they are rated. A flight instructor certificated under subpart H of part 61, for example, who is authorized to provide flight training to a person seeking a private pilot certificate with airplane single-engine land category and class ratings is also authorized to provide flight training to a person seeking a sport pilot certificate with airplane category privileges. As that flight instructor is considered an authorized instructor for the purpose of providing flight training to a person seeking a private pilot certificate with airplane single-engine land category and class ratings, the FAA would permit flight training provided by that instructor to an applicant seeking (or issued) a sport pilot certificate with corresponding privileges to be credited toward the flight training requirements for a corresponding private pilot certificate, provided the instructor has met all applicable requirements necessary to provide that instruction at the private pilot level.

Although flight training provided by a flight instructor with a sport pilot rating and airplane, rotorcraft, glider, or lighter-than-air category aircraft privileges can not be credited toward the flight training requirements for a private pilot certificate, the FAA notes that solo flight training obtained in pursuit of the sport pilot certificate may be credited toward the solo flight training requirements for the private pilot certificate, provided any requirements for that flight time to be obtained in a specific category and class of aircraft are met. Additionally, flight time obtained in a certificated aircraft prior to the issuance of a private

pilot certificate, regardless of whether that flight time was obtained prior to, or after, the issuance of a sport pilot certificate may be credited toward the flight time requirements for the issuance of the private pilot certificate.

The FAA notes that the crediting of flight training to meet the aeronautical experience requirements for the issuance of a private pilot certificate, as set forth in this interpretation, differs from the crediting of flight training to meet the aeronautical experience requirements for a higher level certificate. This difference results from the fact that an applicant for a private pilot certificate is not required to possess a sport pilot certificate as a prerequisite for the issuance of a private pilot certificate. The applicant may possess a student, recreational, or sport pilot certificate. In contrast, an applicant for a commercial pilot certificate is required by § 61.123(h) to hold at least a private pilot certificate (or meet the special rules for military pilots or former military pilots set forth in § 61.73) as a prerequisite for the issuance of that certificate.

An applicant for a private pilot certificate may therefore use flight training provided in accordance with this interpretation to meet the applicable aeronautical experience requirements specified in § 61.109 for the issuance of a private pilot certificate.

This interpretation was prepared by Paul Greer, an attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the General Aviation and Commercial Division (AFS-800) and the Light Sport Aviation Branch (AFS-610) of the Flight Standards Service. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel, Regulations Division (AGC-200)
Office of the Chief Counsel