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

Office of the Chief Counsel

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

February 25, 2011

Mr. Timothy John Gilbert
[redacted]

Dear Mr. Gilbert:

This responds to your letter dated October 16, 2010, in which you request clarification of the limitation specified in Title 14, Code of Federal Regulations (14 CFR) § 61.315(c)(3). This regulation prohibits a person exercising the privileges of a sport pilot certificate from acting as pilot in command of a light-sport aircraft in furtherance of a business. The specific circumstances pertaining to your request are outlined below.

You indicate that you are a state government employee in the juvenile justice field and that your job requires you to visit youth placed in homes out of the county in which you work and in rehabilitation facilities located outside of your state. You specify that these visits are completed during a normal workday and that you are paid a salary by the state government during the time you travel and conduct these visits. You ask whether using a light-sport airplane which you rent would be considered to be operated in furtherance of a business if you used the aircraft as transportation to visit these youth. You state that your conduct of the flight "would be solely a means of personal transportation for a work-related meeting/client visit during normal work hours." You emphasize that you would not receive any reimbursement or salary adjustment for the operation of the aircraft and that the cost of the flight would be borne solely by you, or split with a passenger or fellow pilot in accordance with § 61.315(b). You also indicate that use of an aircraft is not necessary for the completion of your visits, as state vehicles are also available.

The privileges and limits of a person holding a sport pilot certificate were established in the Final Rule, *Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft* (69 FR 44772; July 27, 2004). In the preamble to that rule, the FAA noted that § 61.315(c)(3) was added to better describe "those types of operations it intended to restrict when it proposed that a sport pilot would be limited to sport and recreational flying only" (69 FR 44839).

Although the flights described in your letter appear to be incidental to your employment and the business being conducted, you indicate that the flights will be undertaken not only for sport and recreation but also to provide transportation for a business purpose. Under the provisions of § 61.315(c)(3), such flights, even if incidental to your employment or the business you intend to conduct, and not required by your business or employment would be considered in "furtherance of a business." Accordingly, you may not conduct the flights you describe when exercising the privileges of a sport pilot certificate.[1]

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 Regulatory Support Division 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

[1] The FAA recognizes that similar restrictions prohibiting a person from acting as pilot in command of an aircraft in furtherance of a business are also found in §§ 61.89(a)(4) and 61.101(e)(5) which apply to the holders of student pilot and recreational pilot certificates respectively. The scope of this interpretation is limited to the activity you describe when seeking to exercise the privileges of a sport pilot certificate.