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

Office of the Chief Counsel

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

May 25, 2012

Mr. Clifford C. Allen
Vice President of Sales
Terrafugia Inc.
23 Rainin Road
Woburn, Massachusetts 01801

Dear Mr. Allen:

This responds to your letter dated January 26, 2012, to Rebecca MacPherson, Assistant Chief Counsel for Regulations in which you requested a definition of the term "furtherance of [a] business" as it appears in § 61.315(c)(3) Title 14, Code of Federal Regulations.

Section 61.315 sets forth the privileges and limitations of a sport pilot certificate. That section was originally promulgated as part of the Final Rule "Certification of Aircraft and Airmen for the Operation of Light-Sport Aircraft (69 FR 44772; July 27, 2004). In the Notice of Proposed Rulemaking (NPRM) for that rule (67 FR 5368; February 5, 2002), the FAA proposed to limit sport pilots to "sport and recreational flying only." This language was contained in section 73 of proposed SFAR No. 89 (which was later designated as § 61.315). In the final rule (69 FR 44839) the FAA noted that:

> [A] sport pilot would be limited to sport and recreational flying only. Sport and recreational flying, however, was not specifically defined in the NPRM. That limitation is removed in the final rule and replaced with prohibitions against acting as pilot in command of a light-sport aircraft when carrying a passenger or property for compensation or hire, for compensation or hire, or in the furtherance of business. This change better describes those types of operations it intended to restrict when it proposed that a sport pilot would be limited to sport and recreational flying only.

In making this change, the FAA intended to better clarify its original intent and align the privileges and limitations of a sport pilot certificate with those of a recreational pilot certificate found in § 61.101(e)(3) through (5). Section 61.101, which lists the privileges and limitations of a recreational pilot, specifically states in paragraph (e)(5) that a recreational pilot may not act as pilot in command of an aircraft "in furtherance of a business." Similar provisions are also found in § 61.89(a)(4) for student pilots.

Additionally, the agency sought to distinguish the privileges and limitations of sport and recreational pilots from those of private pilots under § 61.113(b). In accordance with that section, a private pilot may act as pilot in command of an aircraft for compensation or hire in connection with any business or employment if the flight is only incidental to that business or employment and the aircraft does not carry passengers or property for compensation or hire. Flights typically permitted to be carried out by a private pilot under the provisions of § 61.113(b) would not be permitted to be in engaged in by a person exercising sport pilot privileges.

The FAA specifically addressed the limitation found in § 61.315(c)(3) in its February 25, 2011 interpretation to Mr. Timothy John Gilbert (copy attached). In that interpretation the FAA noted that flights in which transportation is provided for a business purpose, "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." A flight would therefore be considered to be in furtherance of a business if it were conducted for a business purpose, even if the flight is only incidental to that business purpose. The FAA also notes that the restriction on the use of a light-sport aircraft in furtherance of a business is not based on the certification of the aircraft being used but rather on the certification of the airman operating the aircraft.

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 Regulatory Support Division (AFS-600) 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

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