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

Office of the Chief Counsel

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

MAY - 7 2013

David Voyles
Lane Powell PC
[redacted]

Dear Mr. Voyles:

This letter responds to your request, on behalf of an unnamed client, for a legal interpretation dated November 28, 2012. You presented a fact scenario and inquired whether your client would be violating the limitations of a private pilot certificate under 14 C.F.R. § 61.113. The facts presented are as follows.

A private pilot certificate holder (Pilot) works for a company that manufactures aircraft components and pilot supplies (Company). Pilot has outfitted her aircraft with some of Company's products and occasionally uses Company's products. Pilot provides feedback to Company on the in-flight experience of Company's products and suggests improvements. Pilot is not compensated for providing feedback and does not receive reimbursement for aircraft operating expenses. Company's product development is not reliant on (but benefits from) the feedback, and Company does not direct Pilot to conduct operations or provide feedback.

For the purposes of this interpretation, we assume that the facts presented are true. We also assume that Company manufactures avionics that are installed in Pilot's aircraft at no charge. Finally, we assume that the installation of any avionics on the aircraft complies with applicable regulations.

Subject to some specific exceptions (none of which likely apply to these facts), § 61.113(a) states that "no person who holds a private pilot certificate may act as pilot in command of an aircraft that is carrying passengers or property for compensation or hire; nor may that person, for compensation or hire, act as pilot in command of an aircraft."

From the facts presented, it does not appear that Pilot is carrying passengers or property. Company's products are avionics and pilot supplies used during the flight. Without more detail of the pilot supplies, we must assume that they do not contain commercial advertising

or logos that present a commercial display. *See* Legal Interpretation to Karen Torres (Mar. 17, 2011). However, Pilot is acting as pilot in command of the aircraft. From the facts presented, it appears that Pilot is conducting the flights for a purpose other than to test the products (i.e., for recreational flights), and that Company is not directing either the flights or testing of the products. It also appears that Company is not compensating or reimbursing Pilot for the operations. Based on these assumptions, there may be no compensation involved, and therefore no implication of the general prohibition in § 61.113(a). However, the FAA broadly defines compensation, which includes reimbursement of expenses and accumulation of flight time. Legal Interpretation to John W. Harrington (Oct. 23, 1997); *see also* Legal Interpretation to Ronald L. Lamb (Mar. 1, 2010); Legal Interpretation to Robin Johnson (Sept. 13, 2010). If the purpose of the flight was to test Company's products, then any compensation would be prohibited under § 61.113(a).

This response was prepared by Robert Hawks, an Attorney in the International Law, Legislation, and Regulations Division of the Office of Chief Counsel, and coordinated with the General Aviation and Commercial Division of Flight Standards Service. We hope this response has been helpful to you. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3073.

Sincerely,

Mark W. Bury
Acting Assistant Chief Counsel for
International Law, Legislation and Regulations (AGC-200)