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

Office of the Chief Counsel

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

Memorandum

Date: November 27, 2024

To: Lawrence Fields, Executive Director, Flight Standards Service, AFX-1

From: Laura Megan-Posch, Assistant Chief Counsel for Regulations, AGC-200

Cc: Lynsey Scott, Manager, AGC-240

Subject: Rescinding the Morris Legal Interpretation (Oct. 7, 2014)

LAURA JANE MEGAN-POSCH
Digitally signed by LAURA JANE MEGAN-POSCH
Date: 2024.12.04 07:26:38 -05'00'

This memorandum memorializes that the Morris Legal Interpretation (Oct. 7, 2014) is rescinded as of December 2, 2024.[1] The purpose of the Morris Legal Interpretation was to explain whether flight instruction in a limited category aircraft is considered operating an aircraft for compensation or hire under § 91.315. The Office of the Chief Counsel is rescinding this Legal Interpretation because it is no longer necessary due to subsequent updates to FAA regulations.[2] Therefore, the Morris Legal Interpretation will no longer be valid and may not be relied upon for any purpose. If you require further assistance, please contact my staff.

[1] See Public Aircraft Logging of Flight Time, Training in Certain Aircraft Holding Special Airworthiness Certificates, and Flight Instructor Privileges Notice of Proposed Rulemaking (NPRM), 88 FR 41194 (June 23, 2023). This NPRM stated that the Morris Legal Interpretation (Oct. 7, 2014) would be rescinded should the NPRM's proposed modifications to part 91 become final. The final rule was published on October 2, 2024, with an effective date of December 2, 2024, 89 FR 80310 (Oct. 2, 2024).

[2] See Public Aircraft Logging of Flight Time, Training in Certain Aircraft Holding Special Airworthiness Certificates, and Flight Instructor Privileges Final Rule, 89 FR 80310 (Oct. 2, 2024).

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OCT - 7 2014

Mr. Gregory Morris
[redacted]

Dear Mr. Morris:

This is in response to your letter requesting a legal interpretation regarding whether flight instruction in a limited category civil aircraft is considered operating an aircraft for compensation or hire under 14 C.F.R. § 91.315.

Section 91.315 of Title 14 of the Code of Federal Regulation (14 CFR) states that, "No person may operate a limited category civil aircraft carrying persons or property for compensation or hire." The term "operate" as applied to aircraft is defined in 14 CFR 1.1 Definitions to mean "use, cause to use or authorize to use aircraft for the purpose (except as provided in § 91.13 of this chapter) of air navigation, including the piloting of aircraft, with or without the right of legal control (as owner, lessee, or otherwise)." Therefore, an instructor who is being paid to provide flight training in a limited category aircraft is operating the aircraft for compensation or hire regardless of whether he or she is acting as pilot in command.[1]

As § 91.315 does not set forth any exceptions for providing flight training for hire in a limited category aircraft, the only way to provide such training is pursuant to an exemption from this section of the regulations. The procedures and requirements for petitioning for an exemption are described in 14 C.F.R. part 11.

We hope this response will be helpful. If you have additional questions, or need further information, please contact my staff at (202) 267-3073. This response was prepared by Neal O'Hara, an Attorney in the International Law, Legislation and Regulations Division of the Office of the Chief Counsel, and was coordinated with the General Aviation and Commercial Division of the Flight Standards Service.

Sincerely,

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

Rescinded

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[1] "Operating" an aircraft for compensation or hire is a broader concept than the pilot limitations in § 61.113 related to acting as pilot in command for compensation or hire. See Letter of Interpretation to Kris Kortokrax, August 22, 2006, which states that a CFI and the person receiving instruction are not passengers to each other under the meaning of § 61.113, which prohibits carrying "passengers or property for compensation or hire."