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

NOV 17 2014

J.R. Hofmann
Vexa, Inc.
P.O. Box 1222
Colleyville, TX 76034

Re: Identification Plates Not Produced by an Original Equipment Manufacturer

Dear Mr. Hofmann:

This letter responds to your July 8, 2014, request for a legal interpretation of the Federal Aviation Administration (FAA) regulations governing identification plates. In your letter, you state that "[h]igh quality reproduction aircraft identification plates . . . are being offered for sale on an internet auction site." You then ask how an installer determines whether a reproduction plate is "eligible for installation on a type certificated product." For the reasons described below, an identification plate is only eligible for installation on a type certificated product if the plate is produced by the original equipment manufacturer or otherwise in accordance with FAA-approved procedures. Because your letter provides no indication that these reproductions meet FAA requirements, an installer may not determine that the reproductions are eligible for installation.

FAA regulations restrict who may fabricate and install a replacement identification plate. With respect to fabrication, §§ 21.8 and 21.9 control the production of articles for installation on type-certificated aircraft. Section 21.8 states that any part required to be approved by the Administrator must be approved for production "[u]nder a PMA; . . . [u]nder a TSO; . . . [i]n conjunction with type certification procedures for a product; or . . . [i]n any other manner approved by the FAA." The FAA typically relies on the original manufacturer to produce and install identification plates on its aircraft. By doing so, the manufacturer effectively declares that the aircraft conforms to its type design. If the manufacturer refuses to issue or mark an aircraft with an identification plate, the FAA will assume the aircraft does not conform. An aircraft owner or operator should, therefore, first seek a replacement from the aircraft's original manufacturer.

In the event that an identification plate is lost, stolen, or destroyed, the owner or operator of an aircraft without an identification plate may discover that the aircraft's original manufacturer is no longer in business or is otherwise unable or unwilling to produce a replacement plate for reasons unrelated to the condition of the aircraft. In such cases, paragraph 6(i)(3) of FAA Advisory Circular 45-2D, *Identification and Registration Marking*, provides a means of compliance for an owner or operator to "buy identification plates from an approved source after going through the process" of contacting the local Flight Safety Standards District Office or Manufacturing Inspection District Office for assistance and approval in obtaining a replacement plate.

A reproduction identification plate sold on an online auction website would presumably be produced by neither the manufacturer nor an FAA-approved alternative source (such as a PMA holder for that article), and therefore it could not indicate to the FAA that an aircraft conforms to its type design. An aircraft that does not conform to its type design is ineligible for a standard airworthiness certificate.[1]

This response was prepared by Benjamin Jacobs, an attorney in the International Law, Legislation, and Regulations Division of the Office of the Chief Counsel, and was coordinated with the Aircraft Engineering Division (AIR-100) of the Aircraft Certification Service. If you need further assistance, please contact our office at (202) 267-3073.

Sincerely,

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

[1] Note also § 21.183(d) sets out numerous requirements for obtaining a standard airworthiness certificate for a used aircraft. For example, § 21.183(d)(1) requires any applicant to present "evidence to the FAA that the aircraft conforms to its [approved] type design." Section 21.183(d)(2) requires the aircraft to be inspected and found airworthy by either "[t]he manufacturer . . . ; [t]he holder of a repair station certificate as provided in Part 145 . . . ; [t]he holder of a mechanic certificate as authorized in Part 65 . . .; [or] the holder of a certificate issued under part 121 of this chapter, . . . having a maintenance and inspection organization appropriate to the aircraft type." Finally, § 21.183(d)(3) requires the FAA to find, "after inspection, that the aircraft conforms to [its] type design, and is in a condition for safe operation."