U.S. Department
of Transportation
Federal Aviation Administration

NOV 17 2014

Juan Jimenez
[redacted]

Re: Knee Defender

Dear Mr. Jimenez:

This letter responds to your September 8, 2014, request for a legal interpretation regarding use of the Knee Defender, a device designed to allow a passenger on board a commercial aircraft to prevent the seat in front of him or her from reclining. In your letter, you ask (1) whether it is illegal to interfere with "certified components of an aircraft"; (2) whether it would violate FAA regulations to "attach a device to an aircraft seat that interferes with [the seat's] ability to function as designed"; and (3) whether the knee defender "is a safety issue," and as such should be banned immediately. For the reasons described below, use of the Knee Defender does not violate FAA regulations, unless an individual uses the device against the express instructions of the flight crew.

While many aircraft seats are approved under a Technical Standard Order Authorization, the installation of all seats in transport-category aircraft must be approved in accordance with part 25 of Title 14 of the Code of Federal Regulations (14 CFR). While we have considered how the Knee Defender is used, we have not identified a safety issue associated with inhibiting an aircraft seat's reclining function.[1] Furthermore, there is no regulation specifically prohibiting a passenger from interfering with an aircraft seat's reclining function—unlike, for example, § 121.317(g), which prohibits "tamper[ing] with, disabl[ing], or destroy[ing] any smoke detector installed in any airplane lavatory." For these reasons, preventing a commercial airline seat from reclining is not a *per se* violation of FAA regulations.

This is not to say that a commercial aircraft passenger may use the Knee Defender, or a similar product, in all instances. In particular, § 91.11 and related regulations (e.g., § 121.580) strictly prohibit any person from, among other things, "interfer[ing] with a crewmember in the performance of the crewmember's duties aboard an aircraft . . . ." In the event that, for purposes of maintaining the safety of the aircraft environment, either an air carrier or an individual crewmember directs that a passenger refrain from using the Knee Defender, any passenger who disregards the air carrier's or crewmember's instructions will be in violation of the FAA's prohibition on interfering with a crewmember. For example, in the event of an emergency, or during taxi, takeoff, and landing, a crewmember may ask a passenger using the Knee Defender to remove the device and stow his or her tray table. In

[1] Indeed, not all aircraft are equipped with reclining seats. Furthermore, the FAA's certification testing only analyzes aircraft seats (reclining or otherwise) in an upright position.

such a case, the passenger's refusal to comply would constitute a violation of our regulations.

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, the Air Transportation Division (AFS-200) of the Flight Standards Service, and the Department of Transportation's Office of Aviation Enforcement and Proceedings. 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