U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

MAR 30 2018

Dale McCreary
[redacted]

Re: Whether the Holder of a Recreational Pilot Certificate may Perform Preventive Maintenance on an Aircraft Owned by that Pilot

Dear Mr. McCreary:

This responds to your November 30, 2017 request for an interpretation of 14 C.F.R. § 43.3(g). That regulation, with the exception that the holder of a sport pilot certificate may perform preventive maintenance only on an aircraft that has been issued a special airworthiness certificate in the light-sport category,[1] authorizes the holder of a pilot certificate issued under 14 C.F.R. part 61 to perform preventive maintenance on an aircraft owned or operated by that pilot, so long as the aircraft is not used under 14 C.F.R. parts 121, 129, or 135. You asked whether you, as the holder of a Recreational Pilot Certificate, are authorized by that regulation to perform preventive maintenance on your aircraft. The answer is a qualified yes; however you may not operate your aircraft following your performance of preventive maintenance until a qualified person approves the work for return to service.

Please refer to our November 14, 2017 legal opinion letter to Jake Hefner[2] (enclosed) that addressed a nearly identical question—the difference being that his inquiry involved the holder of a Student Pilot Certificate rather than a Recreational Pilot Certificate. Standing alone, § 43.3(g) authorizes either a student pilot or a recreational pilot to perform preventive maintenance on an aircraft owned or operated by that pilot if it is not operated under parts 121, 129, or 135. However, §91.407(a)(1) prohibits the operation of an aircraft following maintenance, preventive maintenance, rebuilding, or alteration unless it has been approved for return to service by a person authorized under § 43.7. Paragraph (f) of that regulation, which is controlling here, states: "A person holding at least a private pilot certificate may approve an aircraft for return to service after performing preventive maintenance under the provisions of

[1] This authorization is restricted to light-sport aircraft owned or operated by that pilot.

[2] Legal opinion letter dated November 14, 2017, to Jake Hefner from the Assistant Chief Counsel for Regulations, AGC-200, addressing the question: Whether a student pilot may perform preventive maintenance.

§ 43.3(g)." Thus, even though you could legally perform preventive maintenance on your aircraft, because a *recreational pilot certificate* is **not** at least a *private pilot certificate*, you could not legally operate it until an authorized person approved the work performed for return to service. For additional information, please see FAA Advisory Circular No. 43-12A, which we are enclosing for your convenience.

We appreciate your patience, and trust that the above explanation answered your question. Edmund Averman, an attorney in the Regulations Division of the Office of the Chief Counsel, prepared this response. If you need further assistance, please contact my staff on (202) 267-3073.

Sincerely,



Lorelei Peter
Assistant Chief Counsel for Regulations, AGC-200

Enclosures

To: FAA Chief Council
Washington, DC
AGC 200

11-30-17

From: Dale McCreary
[redacted]

Subject: Legal Interpretation
FAR 43.3

My legal interpretation request is:

As a **Certificated Recreational Pilot certified under FAA Part 61.101** can I do preventative maintenance on my owned Aircraft? The FAR is unclear to me on a Recreational Pilot In particular to 43.3 (g) below:

43.3(g) Except for holders of a sport pilot certificate, the holder of a pilot certificate issued under part 61 may perform preventive maintenance on any aircraft owned or operated by that pilot which is not used under part 121, 129, or 135 of this chapter. The holder of a sport pilot certificate may perform preventive maintenance on an aircraft owned or operated by that pilot and issued a special airworthiness certificate in the light-sport category.

FAR 43.3 - Persons Authorized to Perform Maintenance, Preventive Maintenance, rebuilding, and alterations

(a) Except as provided in this section and §43.17, no person may maintain, rebuild, alter, or perform preventive maintenance on an aircraft, airframe, aircraft engine, propeller, appliance, or component part to which this part applies. Those items, the performance of which is a major alteration, a major repair, or preventive maintenance, are listed in appendix A.

(b) The holder of a mechanic certificate may perform maintenance, preventive maintenance, and alterations as provided in Part 65 of this chapter.

(c) The holder of a repairman certificate may perform maintenance, preventive maintenance, and alterations as provided in part 65 of this chapter.

(d) A person working under the supervision of a holder of a mechanic or repairman certificate may perform the maintenance, preventive maintenance, and alterations that his supervisor is authorized to perform, if the supervisor personally observes the work being done to the extent necessary to ensure that it is being done properly and if the supervisor is readily available, in person, for consultation. However, this paragraph does not authorize the performance of any inspection required by Part 91 or Part 125 of this chapter or any inspection performed after a major repair or alteration.

(e) The holder of a repair station certificate may perform maintenance, preventive maintenance, and alterations as provided in Part 145 of this chapter.

(f) The holder of an air carrier operating certificate or an operating certificate issued under Part 121 or 135, may perform maintenance, preventive maintenance, and alterations as provided in Part 121 or 135.

(g) Except for holders of a sport pilot certificate, the holder of a pilot certificate issued under part 61 may perform preventive maintenance on any aircraft owned or operated by that pilot which is not used under part 121, 129, or 135 of this chapter. The holder of a sport pilot certificate may perform preventive maintenance on an aircraft owned or operated by that pilot and issued a special airworthiness certificate in the light-sport category.

(h) Notwithstanding the provisions of paragraph (g) of this section, the Administrator may approve a certificate holder under Part 135 of this chapter, operating rotorcraft in a remote area, to allow a pilot to perform specific preventive maintenance items provided—

(1) The items of preventive maintenance are a result of a known or suspected mechanical difficulty or malfunction that occurred en route to or in a remote area;

(2) The pilot has satisfactorily completed an approved training program and is authorized in writing by the certificate holder for each item of preventive maintenance that the pilot is authorized to perform;

(3) There is no certificated mechanic available to perform preventive maintenance;

(4) The certificate holder has procedures to evaluate the accomplishment of a preventive maintenance item that requires a decision concerning the airworthiness of the rotorcraft; and

(5) The items of preventive maintenance authorized by this section are those listed in paragraph (c) of appendix A of this part.

(i) Notwithstanding the provisions of paragraph (g) of this section, in accordance with an approval issued to the holder of a certificate issued under part 135 of this chapter, a pilot of an aircraft type-certificated for 9 or fewer passenger seats, excluding any pilot seat, may perform the removal and reinstallation of approved aircraft cabin seats, approved cabin-mounted stretchers, and when no tools are required, approved cabin-mounted medical oxygen bottles, provided—

(1) The pilot has satisfactorily completed an approved training program and is authorized in writing by the certificate holder to perform each task; and

(2) The certificate holder has written procedures available to the pilot to evaluate the accomplishment of the task.

(j) A manufacturer may—

(1) Rebuild or alter any aircraft, aircraft engine, propeller, or appliance manufactured by him under a type or production certificate;

(2) Rebuild or alter any appliance or part of aircraft, aircraft engines, propellers, or appliances manufactured by him under a Technical Standard Order Authorization, an FAA-Parts Manufacturer Approval, or Product and Process Specification issued by the Administrator; and

(3) Perform any inspection required by Part 91 or Part 125 of this chapter on aircraft it manufacturers, while currently operating under a production certificate or under a currently approved production inspection system for such aircraft.

[Doc. No. 1993, 29 FR 5451, Apr. 23, 1964, as amended by Amdt. 43–4, 31 FR 5249, Apr. 1, 1966; Amdt. 43–23, 47 FR 41084, Sept. 16, 1982; Amdt. 43–25, 51 FR 40702, Nov. 7, 1986; Amdt. 43–36, 61 FR 19501, May 1, 1996; Amdt. 43–37, 66 FR 21066, Apr. 27, 2001; Amdt. 43–39, 69 FR 44863, July 27, 2004]

Thank you for your time and consideration

Sincerely,

Dale McCreary

Dale McCreary
[redacted]