

MS-158

FEDERAL AVIATION AGENCY  
FLIGHT STANDARDS SERVICE  
Washington 25, D. C.

December 22, 1962

CIVIL AIR REGULATIONS DRAFT RELEASE NO. 62-55

SUBJECT: Effectiveness of Airworthiness Certificates

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The Flight Standards Service of the Federal Aviation Agency has under consideration a revision to the airworthiness certificate and corresponding amendments to Parts 1 and 43 of the Civil Air Regulations. The reasons therefor are set forth in the explanatory statement of the attached proposal which was published today in the Federal Register as a notice of proposed rule making.

The Flight Standards Service desires that all persons who will be affected by the requirements of this proposal be fully informed as to its effect upon them and is therefore circulating copies in order to afford interested persons ample opportunity to submit comments as they may desire.

Because of the large number of comments which we anticipate receiving in response to this draft release, we will be unable to acknowledge receipt of each reply. However, you may be assured that all comment will be given careful consideration.

It should be noted that comments should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, and in order to insure consideration, should be received on or before February 25, 1963.

  
Acting Director,  
Flight Standards Service

## FEDERAL AVIATION AGENCY

[ 14 CFR Parts 1, 43 ]

[Reg. Docket No. 1528; Draft Release No. 62-55]

### EFFECTIVENESS OF AIRWORTHINESS CERTIFICATES

#### Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator (§ 11.45, 27 F.R. 9585), notice is hereby given that there is under consideration a proposal to amend Parts 1 and 43 of the Civil Air Regulations. These proposed rules would clarify the conditions under which airworthiness certificates remain effective and specify the information to be included on revised certificates consistent with the provisions of the Federal Aviation Act of 1958 and the Chicago Convention on International Civil Aviation.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room A-103, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before February 25, 1963, will be considered by the Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of the comments received. All comments submitted will be available in the Docket Section for examination by interested persons at any time.

Under Article 33 of the Convention on International Civil Aviation, a certificate of airworthiness issued by the contracting State in which the aircraft is registered is recognized as valid by other contracting States if the requirements under which such certificate was issued are equal to or above the minimum standards established pursuant to the Convention. Paragraph 2.2 of Part II of Annex 8 to the Convention establishes such minimum standards by providing, among other things, that an aircraft must comply with a comprehensive and detailed national airworthiness code established by the State of Registry, if the contracting State intends to claim recognition under Article 33.<sup>1</sup>

Article 39 of the Convention further provides that any aircraft with respect to which there exists an international standard of airworthiness, which failed to satisfy that standard at the time of certification, shall have endorsed or attached to its airworthiness certificate a

complete enumeration of the details in respect of which it so failed.

The format of the current airworthiness certificate issued by the Federal Aviation Agency specifies the aircraft airworthiness classification of the aircraft identified thereon; i.e., standard, limited, restricted, experimental. However, it does not expressly state that such aircraft meets the requirements of our comprehensive and detailed airworthiness code prescribed in the Civil Air Regulations. Moreover, aircraft certificated under the comprehensive and detailed airworthiness code set forth in the Civil Air Regulations are, in some instances, granted exemptions from one or more of the requirements contained in such code.

In order to comply fully with our obligations under ICAO, the airworthiness certificate should be revised to specifically provide for the enumeration of any exceptions to full compliance with the requirements of a comprehensive and detailed airworthiness code (i.e. Part 3, 4b, 6, 7, etc.).

In addition to the foregoing, the following changes to the airworthiness certificate requirements are also proposed:

1. Section 1.64 now provides that an airworthiness certificate shall remain in effect as long as the maintenance requirements of Part 43 are complied with. A similar provision also appears on the current airworthiness certificate form. In this respect, the provisions of § 43.20 require, among other things, that maintenance must be performed in accordance with Part 18. However, the definition of maintenance<sup>2</sup> does not include alterations. Nevertheless, the continued validity of an airworthiness certificate is also dependent upon the proper performance of alterations to the aircraft. For this reason, it is proposed to amend §§ 1.64 and 43.20 to expressly require alterations as well as maintenance to be accomplished in accordance with the applicable Civil Air Regulations. In addition, the proposed amendment to § 1.64 specifically provides that an airworthiness certificate remains in effect as long as all inspections are performed in accordance with Parts 18 and 43.

2. Under the provisions of the Civil Air Regulations, airworthiness certificates are issued only for U.S. registered aircraft. Therefore, the airworthiness certificate for an aircraft ceases to be effective after the transfer of ownership of such aircraft to a person who is not a citizen of the United States or the registration of the aircraft under the laws of a foreign country. It is proposed to clearly state this condition in an amendment to § 1.64 and by a revision to the certificate.

3. The provisions of § 43.10(a) prohibit the operation of an aircraft unless an "appropriate and valid airworthiness certificate or special flight permit \* \* \*" is carried in the aircraft. However, the Federal Aviation Act refers to an "airworthiness certificate" and makes no provision for the issuance of other types of airworthiness permits for the operation of the aircraft. Therefore, the reference in section 43.10(a) to either an "appropriate airworthiness certificate or special flight permit" is misleading. Since a special flight permit is a form of an airworthiness certificate it is proposed to correct the language of that section to indicate that an airworthiness certificate includes a special flight permit. In addition, since the Act requires a "currently effective" airworthiness certificate, it is proposed to change the provisions of § 43.10(a) to include such language.

4. Finally, the provisions of § 43.10(b) prohibit the operation of an aircraft except in accordance with the operating limitations for such aircraft prescribed by the certifying authority of the country of registry. For aircraft of United States registry, such operating limitations are set forth in the Aircraft Flight Manual or on placards, listings, instrument markings or in any combination thereof. Since the operation of an aircraft beyond certain of the approved operating limitations under which it is certificated can affect the airworthiness of such aircraft, it is proposed to amend § 43.20 to expressly require an inspection after such an opera-

<sup>1</sup> Paragraph 3.3 provides as follows: "A Contracting State shall not issue or render valid a Certificate of Airworthiness for which it intends to claim recognition pursuant to Article 33 of the Convention on International Civil Aviation, unless the aircraft complies with a comprehensive and detailed national airworthiness code established for that class of aircraft by the State of Registry or by any other Contracting State. This national code shall be such that compliance with it will ensure compliance with:

"(a) the Standards of Part II of this Annex; and

"(b) where applicable, with the Standards of Part III of this Annex.

"Where the design features of a particular aircraft render any of the standards in Part III inapplicable or inadequate, variations therefrom that are considered by the State of Registry to give at least an equivalent level of safety, may be made."

<sup>2</sup> Maintenance is defined in Parts 18 and 43 to mean "the inspection, overhaul, repair, upkeep, and preservation of airplanes, powerplants, propellers and appliances, including the replacement of parts."

tion prior to the next takeoff. The type of inspection which would be necessary under this provision depends upon the particular operating limitation exceeded and the extent to which such limitation is exceeded. As the rule states, however, the inspection must be sufficient to determine that the aircraft is in a condition for safe operation.

Upon adoption of these amendments it is proposed to issue the revised certificates to provide for the various changes required by the rules. It is planned to issue such revised certificates for all aircraft certificated subsequent to the date that the revised certificates become available. The present airworthiness certificates for other aircraft would be replaced with the revised certificates at periodic inspections, or whenever renewing or reissuing certificates.

This proposal is subject to the FAA Recodification Program. The final rules, if adopted, may be in a recodified form; however, the recodification itself will not alter the substantive contents proposed herein.

In consideration of the foregoing, it is proposed to amend Parts 1 and 43 of the Civil Air Regulations as follows:

1. By amending § 1.64 of Part 1 to read as follows:

**§ 1.64 Duration and reinspection.**

(a) *Duration.* An airworthiness certificate for an aircraft shall remain in effect as long as the aircraft for which it is issued is in a condition for safe operation and all maintenance, alterations and inspections are accomplished in accordance with Parts 18 and 43 of this subchapter (Civil Air Regulations). However, it shall not be in effect:

(1) After its surrender or revocation, or during the period of its suspension;

(2) After the expiration date specified thereon, in the case of a special flight permit or experimental certificate; or

(3) After the transfer of the ownership of the aircraft to a person who is not a citizen of the United States, or the registration of the aircraft under the laws of a foreign country.

(b) *Return of certificate.* If an airworthiness certificate is suspended, revoked, or otherwise terminated, the owner, operator, or bailee of the aircraft shall, upon request, return the certificate to an authorized representative of the Administrator.

(c) *Reinspection.* The owner, operator, or bailee of an aircraft shall, upon request of an authorized representative of the Administrator, make the aircraft or any part thereof available for such reinspection as the representative finds necessary to determine that it is in a condition for safe operation.

2. By amending § 1.67 by adding a note at the end thereof to read as follows:

**§ 1.67 Airworthiness certificates for normal, utility, acrobatic, and transport category aircraft; requirement for issuance.**

\* \* \* \* \*

NOTE: If an aircraft does not meet any of the airworthiness requirements of this subchapter, and the Administrator has granted an exemption from such requirements, the airworthiness certificate for the aircraft will identify the exemption.

3. By amending § 43.10(a) of Part 43 to read as follows:

**§ 43.10 Aircraft requirements.**

(a) No aircraft shall be operated unless a currently effective airworthiness certificate (which includes a special flight permit) and a registration certificate are issued for, and are carried in the aircraft.

4. By amending § 43.20 to read as follows:

**§ 43.20 General.**

No person shall operate an aircraft unless it is in a condition for safe operation. All maintenance and alterations shall be accomplished in accordance with Part 18 of this subchapter. Whenever an aircraft is operated in a manner which causes it to exceed any of the approved operating limitations governing the airworthiness of the aircraft, it shall, prior to the next takeoff, be inspected and found in a condition for safe operation by a person authorized under Part 18 to approve maintenance.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354, 1421, 1423).

Issued in Washington, D.C., on December 17, 1962.

G. S. MOORE,  
Acting Director,

Flight Standards Service.

[F.R. Doc. 62-12630; Filed, Dec. 21, 1962; 8:45 a.m.]

UNITED STATES OF AMERICA  
FEDERAL AVIATION AGENCY

A I R W O R T H I N E S S   C E R T I F I C A T E

1. IDENTIFICATION MARKINGS  
N

2. MANUFACTURER AND MODEL

3. AIRCRAFT SERIAL NO.

4. CATEGORY/CLASSIFICATION

5. AUTHORITY AND BASIS FOR ISSUANCE

This airworthiness certificate is issued pursuant to the Federal Aviation Act of 1958 and certifies that, as of the date of issuance, the aircraft to which issued has been inspected and found to conform to the type certificate therefor, to be in a condition for safe operation, and

has been shown to meet the requirements of the applicable comprehensive and detailed airworthiness code as provided by Annex 8 to the Convention on International Civil Aviation, except as noted herein

has not been shown to meet the requirements of the applicable comprehensive and detailed airworthiness code as provided by Annex 8 to the Convention on International Civil Aviation

Exceptions:

6. TERMS AND CONDITIONS

Unless sooner surrendered, suspended, revoked, or otherwise terminated, this airworthiness certificate shall remain in effect so long as the aircraft remains under U. S. registry, and remains in a condition for safe operation which includes the accomplishment of maintenance, alterations, and inspections in accordance with applicable Civil Air Regulations.

DATE OF ISSUANCE

FAA REPRESENTATIVE

DESIGNATION NUMBER

See reverse side of this certificate.

(Proposed revision Form FAA-1362)

Any alteration, reproduction, or misuse of this certificate is punishable by a fine not exceeding \$1,000, or imprisonment not exceeding three (3) years, or both. THIS CERTIFICATE MUST BE DISPLAYED IN THE AIRCRAFT IN ACCORDANCE WITH APPLICABLE CIVIL AIR REGULATIONS.