

HISTORICAL AND REVISION NOTES—CONTINUED

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|--|
| 44710(b)(1) .. | 49 App.:1429(c)(1) (1st sentence). | |
| 44710(b)(2) .. | 49 App.:1429(c)(2) (1st sentence). | |
| 44710(b)(3) .. | 49 App.:1429(c)(1) (last sentence). | |
| 44710(c) | 49 App.:1429(c)(3) (1st sentence). | Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 609(c)(3); added Oct. 19, 1984, Pub. L. 98-499, § 2(a), 98 Stat. 2312; Aug. 26, 1992, Pub. L. 102-345, § 3(b), 106 Stat. 926. |
| 44710(d) | 49 App.:1429(c)(3) (2d-last sentences). | |
| 44710(e)(1) .. | 49 App.:1429(c)(2) (last sentence). | |
| 44710(e)(2) .. | 49 App.:1422(b)(2)(C). | Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 602(b)(2)(C); added Oct. 19, 1984, Pub. L. 98-499, § 3, 98 Stat. 2313. |
| 44710(f) | 49 App.:1429(c)(5). | Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, § 609(c)(5); added Nov. 18, 1988, Pub. L. 100-690, § 7204(b), 102 Stat. 4425. |

In subsection (b)(1) and (2), before each clause (A), the words “of any person” are omitted as surplus. The words “issued . . . under section 44703 of this title” are added for clarity.

In subsection (b)(1), the word “offense” is substituted for “crime” for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(2)(C), the words “in connection with carrying out, or facilitating the carrying out of, the activity” are substituted for “in connection with such activity or the facilitation of such activity” for consistency with the source provisions restated in paragraph (1)(B) of this subsection.

In subsection (d)(1), the word “Administrator” is substituted for “Federal Aviation Administration” because of 49:106(b) and (g).

In subsection (e)(1), the words “on appeal” and “contained” are omitted as surplus.

In subsection (e)(2)(B)(i), the word “contained” is omitted as surplus.

In subsection (e)(2)(B)(ii), the words “judgment of” are omitted as surplus.

AMENDMENTS

2012—Subsec. (d)(1). Pub. L. 112-153 struck out “but shall be bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law” after “findings of fact of the Administrator”.

§ 44711. Prohibitions and exemption

(a) PROHIBITIONS.—A person may not—

(1) operate a civil aircraft in air commerce without an airworthiness certificate in effect or in violation of a term of the certificate;

(2) serve in any capacity as an airman with respect to a civil aircraft, aircraft engine, propeller, or appliance used, or intended for use, in air commerce—

(A) without an airman certificate authorizing the airman to serve in the capacity for which the certificate was issued; or

(B) in violation of a term of the certificate or a regulation prescribed or order issued under section 44701(a) or (b) or any of sections 44702–44716 of this title;

(3) employ for service related to civil aircraft used in air commerce an airman who does not have an airman certificate authorizing

ing the airman to serve in the capacity for which the airman is employed;

(4) operate as an air carrier without an air carrier operating certificate or in violation of a term of the certificate;

(5) operate aircraft in air commerce in violation of a regulation prescribed or certificate issued under section 44701(a) or (b) or any of sections 44702–44716 of this title;

(6) operate a seaplane or other aircraft of United States registry on the high seas in violation of a regulation under section 3 of the International Navigational Rules Act of 1977 (33 U.S.C. 1602);

(7) violate a term of an air agency, design organization certificate, or production certificate or a regulation prescribed or order issued under section 44701(a) or (b) or any of sections 44702–44716 of this title related to the holder of the certificate;

(8) operate an airport without an airport operating certificate required under section 44706 of this title or in violation of a term of the certificate;

(9) manufacture, deliver, sell, or offer for sale any aviation fuel or additive in violation of a regulation prescribed under section 44714 of this title; or

(10) violate section 44732 or any regulation issued thereunder.

(b) EXEMPTION.—On terms the Administrator of the Federal Aviation Administration prescribes as being in the public interest, the Administrator may exempt a foreign aircraft and airman serving on the aircraft from subsection (a) of this section. However, an exemption from observing air traffic regulations may not be granted.

(c) PROHIBITION ON EMPLOYMENT OF CONVICTED COUNTERFEIT PART TRAFFICKERS.—No person subject to this chapter may knowingly employ anyone to perform a function related to the procurement, sale, production, or repair of a part or material, or the installation of a part into a civil aircraft, who has been convicted in a court of law of a violation of any Federal law relating to the installation, production, repair, or sale of a counterfeit or fraudulently-represented aviation part or material.

(d) POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement that permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 2-year period—

(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and

(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter

before the Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1193; Pub. L. 103-429, §6(56), Oct. 31, 1994, 108 Stat. 4385; Pub. L. 106-181, title V, §505(b), Apr. 5, 2000, 114 Stat. 136; Pub. L. 108-176, title II, §227(d), Dec. 12, 2003, 117 Stat. 2532; Pub. L. 112-95, title III, §§307(b), 342(a), Feb. 14, 2012, 126 Stat. 61, 79.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|--|
| 44711(a)(1) .. | 49 App.:1430(a)(1). | Aug. 23, 1958, Pub. L. 85-726, §610(a)(1)-(5), (b), 72 Stat. 780. |
| 44711(a)(2) .. | 49 App.:1430(a)(2). | Aug. 23, 1958, Pub. L. 85-726, §610(a)(6), 72 Stat. 780; May 21, 1970, Pub. L. 91-258, §51(b)(3)(A), 84 Stat. 235. |
| 44711(a)(3) .. | 49 App.:1430(a)(3). | |
| 44711(a)(4) .. | 49 App.:1430(a)(4). | |
| 44711(a)(5) .. | 49 App.:1430(a)(5). | |
| 44711(a)(6) .. | 49 App.:1430(a)(6). | |
| 44711(a)(7) .. | 49 App.:1430(a)(7). | |
| 44711(a)(8) .. | 49 App.:1430(a)(8). | Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §610(a)(8); added May 21, 1970, Pub. L. 91-258, §51(b)(3)(C), 84 Stat. 235; Dec. 31, 1970, Pub. L. 91-604, §11(b)(2), 84 Stat. 1705; restated Sept. 3, 1982, Pub. L. 97-248, §525(d), 96 Stat. 697. |
| 44711(a)(9) .. | 49 App.:1430(a)(9). | Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §610(a)(9); added Dec. 31, 1970, Pub. L. 91-604, §11(b)(2), 84 Stat. 1705; Nov. 9, 1977, Pub. L. 95-163, §15(b)(2), 91 Stat. 1283. |
| 44711(b) | 49 App.:1430(b). 49 App.:1655(c)(1). | Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444. |

In subsection (a)(1) and (7), the words “condition, or limitation” are omitted as being included in “term”.

In subsection (a)(1), the words “without . . . in effect” are substituted for “for which there is not currently in effect an” to eliminate unnecessary words.

In subsection (a)(2), (5), and (7), the word “rule” is omitted as being synonymous with “regulations”.

In subsection (a)(2)(B), the word “prescribed” is added for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(5) and (7), the words “prescribed . . . issued” are added for consistency in the revised title and with other titles of the Code.

In subsection (a)(5), the words “of the Secretary of Transportation” are omitted as surplus.

In subsection (a)(6), the words “proclaimed by the President” are omitted as surplus. The words “section 3 of the International Navigational Rules Act of 1977 (33 U.S.C. 1602)” are substituted for “section 143 of title 33” because the section was part of the Act of October 11, 1951 (ch. 495, 65 Stat. 406), that was repealed by section 3 of the Act of September 24, 1963 (Public Law 88-131, 77 Stat. 194), and replaced by 33:ch. 21. Chapter 21 was repealed by section 10 of the International Navigational

Rules Act of 1977 (Public Law 95-75, 91 Stat. 311) and replaced by 33:1601-1608.

In subsection (a)(7), the words “holding . . . such certificate” are omitted because of the restatement.

In subsection (a)(8), the words “by the Administrator” are omitted as surplus.

In subsection (b), the word “Administrator” in section 610(b) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 780) is retained on authority of 49:106(g). The words “to the extent, and . . . and conditions” and “by such airmen” are omitted as surplus.

PUB. L. 103-429

This amends 49:44711(a)(2)(B), (5), and (7) and 46310(b) to correct erroneous cross-references.

AMENDMENTS

2012—Subsec. (a)(10). Pub. L. 112-95, §307(b), added par. (10).

Subsec. (d). Pub. L. 112-95, §342(a), added subsec. (d). 2003—Subsec. (a)(7). Pub. L. 108-176 substituted “agency, design organization certificate,” for “agency”.

2000—Subsec. (c). Pub. L. 106-181 added subsec. (c).

1994—Subsec. (a)(2)(B), (5), (7). Pub. L. 103-429 inserted “any of sections” before “44702-44716”.

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-95, title III, §342(b), Feb. 14, 2012, 126 Stat. 80, provided that: “The amendment made by subsection (a) [amending this section] shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act [Feb. 14, 2012].”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

§ 44712. Emergency locator transmitters

(a) INSTALLATION.—An emergency locator transmitter must be installed on a fixed-wing powered civil aircraft for use in air commerce.

(b) NONAPPLICATION.—Prior to January 1, 2002, subsection (a) does not apply to—

- (1) turbojet-powered aircraft;
- (2) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;
- (3) aircraft when used in training operations conducted entirely within a 50 mile radius of the airport from which the training operations begin;
- (4) aircraft when used in flight operations related to design and testing, the manufacture, preparation, and delivery of the aircraft, or the aerial application of a substance for an agricultural purpose;
- (5) aircraft holding certificates from the Administrator of the Federal Aviation Administration for research and development;
- (6) aircraft when used for showing compliance with regulations, crew training, exhibition, air racing, or market surveys; and