



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

Office of the Chief Counsel

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

007 = 7 2014

Mr. Gregory Morris  
43W514 US Hwy 30  
Sugar Grove, IL 60554

Dear Mr. Morris:

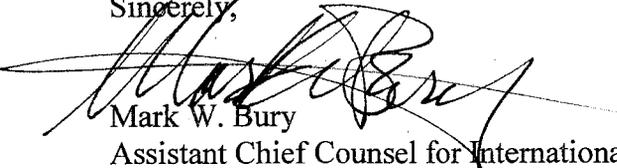
This is in response to your letter requesting a legal interpretation regarding whether flight instruction in a limited category civil aircraft is considered operating an aircraft for compensation or hire under 14 C.F.R. § 91.315.

Section 91.315 of Title 14 of the Code of Federal Regulation (14 CFR) states that, "No person may operate a limited category civil aircraft carrying persons or property for compensation or hire." The term "operate" as applied to aircraft is defined in 14 CFR 1.1 Definitions to mean "use, cause to use or authorize to use aircraft, for the purpose (except as provided in § 91.13 of this chapter) of air navigation, including the piloting of aircraft, with or without the right of legal control (as owner, lessee, or otherwise)." Therefore, an instructor who is being paid to provide flight training in a limited category aircraft is operating the aircraft for compensation or hire regardless of whether he or she is acting as pilot in command.<sup>1</sup>

As § 91.315 does not set forth any exceptions for providing flight training for hire in a limited category aircraft, the only way to provide such training is pursuant to an exemption from this section of the regulations. The procedures and requirements for petitioning for an exemption are described in 14 C.F.R. part 11.

We hope this response has been helpful. If you have additional questions, or need further information, please contact my staff at (202) 267-3073. This response was prepared by Neal O'Hara, an Attorney in the International Law, Legislation and Regulations Division of the Office of the Chief Counsel, and was coordinated with the General Aviation and Commercial Division of the Flight Standards Service.

Sincerely,



Mark W. Bury  
Assistant Chief Counsel for International Law,  
Legislation and Regulations, AGC-200

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<sup>1</sup> "Operating" an aircraft for compensation or hire is a broader concept than the pilot limitations in § 61.113 related to acting as pilot in command for compensation or hire. See Letter of Interpretation to Kris Kortokrax, August 22, 2006, which states that a CFI and the person receiving instruction are not passengers to each other under the meaning of § 61.113, which prohibits carrying "passengers or property for compensation or hire."