



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**  
JUN 21 2017

Office of the Chief Counsel

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

Francis De Joseph  


Re: Request for Legal Interpretation Concerning Aircraft Operations with  
Inoperative Equipment under § 91.405(a) and (c) and § 91.213(d)(2)

Dear Mr. De Joseph:

This letter responds to your February 15, 2017 request for an interpretation of 14 C.F.R. § 91.405 (a) and (c) and § 91.213(d)(2) as they apply to an aircraft with inoperative instruments and equipment operated under 14 C.F.R. part 91. Your fundamental question is whether it is the intent of those regulations to allow an aircraft operated under part 91 to operate indefinitely with inoperative equipment installed. The answer is no.

You note that the requirement in § 91.405(a) to have discrepancies repaired between required inspections contains an exception set forth in paragraph (c). Paragraph (c) provides that owners or operators must have “any inoperative instruments or item of equipment, permitted to be inoperative by § 91.213(d)(2) of this part, repaired, replaced, removed, or inspected at the next required inspection.” You ask specifically whether § 91.213(d)(2), as referenced in § 91.405(c), is a “standalone subparagraph which ignores the introduction of FAR 91.213(d)(1) which identity’s [sic] the aircraft?”

Section 91.213(d)(2) is not a “standalone paragraph”—it must be read in the context of the entire paragraph (d) of the regulation. The introductory paragraph of § 91.213(d) states, in pertinent part, that “a person may takeoff an aircraft in operations conducted under this part [14 C.F.R. part 91] with inoperative instruments and equipment without an approved Minimum Equipment List provided—,” followed by paragraphs (d)(1), which lists the types of aircraft for which paragraph (d) applies, and (d)(2), which places bounds on the types of instruments and equipment that may be inoperative on those aircraft in accordance with paragraph (d). It does so by specifying broad categories of items to which the exception does not apply, thereby excepting only those categories of instruments and equipment that are not included the paragraph (d)(2) references.

You also ask: “[D]oes FAR 91.405(c) exception mean that the aircraft in FAR 91.213(d)(2) do not apply?” As explained above, paragraph (d)(2) of § 91.213 sets forth the kinds of instruments and equipment that are not excepted from the minimum equipment list requirements, whereas paragraph (d)(1) sets forth the types of aircraft governed by this regulation. The exceptions

provided by § 91.213(d)(2) are not aircraft-specific, other than through the aircraft applicability requirements set forth in paragraph (d)(1) of the regulation.

As to your final question: “[I]s it truly the intent of these provisions of the regulations to allow a 14 CFR Part 91 aircraft to operate indefinitely with inoperative equipment installed,” as stated above, the answer is no. Section 91.405(c), which specifically references the § 91.213(d)(2) exceptions, states that the aircraft owner or operator must have those items “repaired, replaced, removed, or inspected at the next required inspection.”

This response was prepared by Edmund Averman and Taria Barron, attorneys in the Regulations Division in the Office of the Chief Counsel, and coordinated with the Aircraft Maintenance Division (AFS-300) of the FAA’s Flight Standards Service. If you have additional questions regarding this matter, please contact us at your convenience at (202) 267-3147.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lorelei Peter".

Lorelei Peter  
Assistant Chief Counsel for Regulations

3/1/17

2/15/17

Lorelei Peter  
Assistant Chief Counsel for Regulation  
Regulation Division  
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915T

Dear Ms. Peter;

This request for an interpretation is in regards to FAR part 91.405 (a) &(c) and FAR 91.213. (d) (2).

FAR 91.405 (a) has an exception for having discrepancies repairs in FAR 91.405 (c). Paragraph (c) refers you FAR 91.213) d) (2). This paragraph refers to inoperative instruments and equipment

Is FAR 91.213 (d) (2), as per FAR 91.405 (c) (2), a standalone subparagraph which ignores the introduction of FAR 91.213 (d) (1) which identity's the aircraft?

Also does FAR 91.405 (c) exception mean that the aircraft in FAR 91.213 (d) (2) do not apply.

In other words, is it truly the intent of these provisions of the regulations to allow a 14 CFR Part 91 aircraft to operate indefinitely with inoperative equipment installed?

*Francis De Joseph*  
Francis De Joseph

