

CHANGE

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

**ORDER
2150.3B
CHG 4**

National Policy

Effective Date

05/01/12

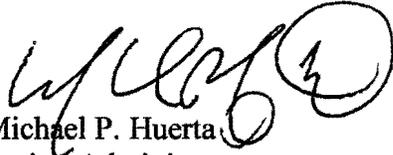
SUBJ: Compliance and Enforcement Bulletin 2012-1: Sanction Guidance for Violations of Federal Aviation Regulations in Laser-Related Interference Cases

1. **Purpose.** This change to FAA Order 2150.3B provides sanction guidance to agency enforcement personnel in initiating and processing laser-related interference with crewmember cases involving violations of 14 C.F.R. §§ 91.11, 121.580, 125.328, and 135.120.
2. **Who this change affects.** The change affects all agency personnel who investigate, report, or process enforcement actions involving laser-related interference with crewmember violations of the Federal Aviation Regulations.
3. **Disposition of Transmittal Paragraph.** Retain this transmittal sheet until the directive is cancelled by a new directive.

PAGE CHANGE CONTROL CHART

Remove Pages	Dated	Insert Pages	Dated
		Appendix H, H-4 thru H-5	05/01/12

4. **Administrative Information.** This Order change is distributed to divisions and branches in Washington headquarters, regions, and centers and to all field offices and facilities.



Michael P. Huerta
Acting Administrator

Compliance and Enforcement Bulletin No. 2012-1

SUBJECT: Sanctions for persons who direct a laser toward an aircraft in violation of 14 C.F.R. §§ 91.11, 121.580, 125.328, or 135.120.

DISCUSSION: Data recently compiled by the FAA reflects a continuing upward trend in the number of reported incidents of lasers being aimed at aircraft. Aiming a laser at an aircraft can seriously impair a pilot's vision and interfere with the flight crew's ability to safely handle its responsibilities. Flight crewmembers exposed to laser light, while operating an aircraft at night, have experienced glare (a temporary disruption in vision caused by the presence of a bright light within an individual's field of vision), flashblindness (the inability to see, caused by bright light entering the eye that persists after the illumination has ceased), and afterimage (an image that remains in the visual field after an exposure to bright light). A sufficiently powerful laser could cause permanent ocular damage, blinding crewmembers and making a successful landing virtually impossible.

On June 1, 2011, the FAA's Assistant Chief Counsel for Regulations issued a memorandum interpreting 14 C.F.R. § 91.11 as being applicable to a person, not on board the aircraft, who aims a laser beam at that aircraft. The memorandum noted that the interpretation applied equally to the similarly worded provisions of 14 C.F.R. §§ 121.580, 125.328, and 135.120. Subsequently, this interpretation was published in the Federal Register to increase public awareness that: (1) directing laser beams towards aircraft operating on the ground or in the air so that it interferes with a crewmember in the performance of the crewmember's duties is a violation of section 91.11; and (2) persons violating section 91.11 are subject to a civil penalty. See 76 Fed. Reg. 76611-76612 (Dec. 8, 2011). Minors found in violation of section 91.11 under this interpretation are subject to enforcement action and sanction.

Because of the continuing high number of laser-related flight crewmember interference occurrences and the high risk to safety they present, the FAA's Acting Administrator has determined that a special emphasis enforcement program is warranted for violations of 14 C.F.R. §§ 91.11, 121.580, 125.328, and 135.120 resulting from such occurrences.

ACTION: Until further notice, the following special emphasis enforcement program is in effect for violations of 14 C.F.R. §§ 91.11, 121.580, 125.328, or 135.120 committed by an individual when he or she aims a laser beam at an aircraft:

1. Informal action (oral or written counseling) and administrative action (warning notices or letters of correction) are not used to address such violations.
2. A single, first-time, inadvertent or non-deliberate violation by an individual generally warrants a civil penalty in the moderate range (\$2,200-\$4,399).¹

¹ An individual who holds an airman certificate should appreciate the potential for danger associated with directing a laser at the crew operating an aircraft. Accordingly, a violator's status as an airman is an aggravating factor that may warrant a civil penalty above the moderate range for a single, first-time, inadvertent or non-deliberate violation.

3. For a deliberate violation by an individual not holding an airman certificate, the FAA may seek a civil penalty up to the statutory maximum of \$11,000 per violation under 49 U.S.C. § 46301(a)(5)(A).
4. For a deliberate violation by an airman certificate holder, regardless of whether the airman was exercising the privileges of his or her certificate at the time of the violation, the appropriate sanction generally is revocation of the airman certificate. A civil penalty in the maximum range may be appropriate in addition to certificate revocation.
5. The FAA's Regional Counsel Offices will coordinate with FAA's Office of Chief Counsel, Enforcement Division, in initiating and processing these legal enforcement actions.