



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

800 Independence Ave., SW.  
Washington, DC 20591

April 24, 2017

Mr. Stephens J. Williams  
12 September Road  
Storrs, CT 06268-2806

Dear Mr. Williams,

This letter responds to your request for legal interpretation from the Federal Aviation Administration (FAA) Office of Chief Counsel received on November 16, 2016. In your letter, you asked specific questions pertaining to Sport Pilot proficiency checks and flight reviews. An additional letter, dated March 27, 2017, was also received by the FAA Office of Chief Counsel in which you asked a specific question concerning the status of an authorized instructor during a Sport Pilot proficiency check. The Chief Counsel's office has determined that your questions require a policy determination rather than a legal interpretation. As such, your inquiry was referred to the FAA's General Aviation and Commercial Division (AFS-800) as the responsible policy office.

In your letters you have asked the following questions:

**Does the proficiency check required by § 61.321(b) for a Sport Pilot or higher certificated pilot also meet the proficiency check or practical test requirement for the § 61.56(d) flight review exemption requirement?**

An airman who has passed the pilot proficiency check required by Title 14 of the Code of Federal Regulations (14 CFR) § 61.321(b) need not accomplish a flight review within the preceding twenty four calendar months, as prescribed in § 61.56(d)(1).

**May the § 61.321 proficiency check and § 61.56 flight review be conducted simultaneously?**

An airman who has passed the pilot proficiency check required by § 61.321(b) need not accomplish a flight review within the preceding twenty four calendar months, as prescribed in § 61.56(d)(1).

**What is the status of the authorized instructor while conducting the Sport Pilot proficiency check with respect to 14 CFR § 61.47?**

In accordance with § 61.413(a)(9), a flight instructor with a sport pilot rating has the authority to conduct proficiency checks for additional category and class privileges to an airman's sport pilot certificate. 14 CFR § 61.1 states, in pertinent part, that an examiner is a person who is authorized by the Administrator to conduct pilot proficiency tests. The sport pilot flight instructor

conducting a proficiency check would be acting in the capacity of an examiner and would not be the PIC during the flight.

If you have any further questions please contact the General Aviation and Commercial Division at (202) 267-1100.

Sincerely,

**BRADLEY J PALMER** Digitally signed by BRADLEY J PALMER  
Date: 2017.04.24 09:51:23 -04'00'

for James A. Viola  
Manager, General Aviation and Commercial Division  
Flight Standards Service