



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

Office of the Chief Counsel

800 Independence Ave., SW.
Washington, DC 20591

AUG 28 2015

Mr. B. Dan Crowe Jr.
President
Palm Beach Helicopters
2615 Lantana Rd.
Lantana, FL 33462

Re: Request for Clarification of Interpretation on Whether an End-of-the-course test under 14 C.F.R. Part 141 Appendix B is Considered a Practical Test

Dear Mr. Crowe:

This letter responds to your June 18, 2015, request for clarification a legal interpretation on whether an end-of-the-course test administered by a school with examining authority under 14 Code of Federal Regulations (CFR) part 141 Appendix B is considered a practical test for the purposes of requiring a medical certificate as a prerequisite for that test. The short answer to your question is yes, an end-of-the-course test under part 141 administered by a school with examining authority is a practical test and therefore a medical certificate is required as a prerequisite to the test.

Part 61.1 defines a practical test as follows:

Practical test means a test on the areas of operations for an airman certificate, rating, or authorization that is conducted by having the applicant respond to questions and demonstrate maneuvers in flight, in a flight simulator, or in a flight training device.

Under §141.67(a), a pilot school that holds examining authority may recommend the issuance of a certificate or rating to a person “who does not take the FAA knowledge or practical test” if certain requirements are met. Among those requirements, the tests given by the school “must be approved by the Administrator and be at least equal in scope, depth, and difficulty to the comparable knowledge and practical tests prescribed by the Administrator under part 61[.]” 14 C.F.R. § 141.67(c).

Part 141 repeatedly refers to an end-of-the-course test administered by a school with examining authority as a “practical test.”¹ For example, in § 141.67, it states:

(d) A pilot school that holds examining authority may not use its knowledge or practical tests if the school: (1) [k]nows, or has reason to believe, the test has been

¹ The FAA also previously interpreted end-of-the-course tests administered by a school with examining authority to be practical tests for the purpose of renewing a pilot school certificate. *See* Legal Interpretation to Mr. Jared Testa from Rebecca MacPherson, Assistant Chief Counsel for Regulations (July 1, 2011).

compromised; or (2) [i]s notified by an FAA Flight Standards District Office that there is reason to believe or it is known that the test has been compromised.

[...]

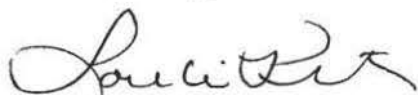
(f) Except for pilot schools that have an airman certification representative, when a student passes the knowledge test or practical test, the pilot school that holds examining authority must submit that student's airman application file and training record to the FAA for processing for the issuance of a permanent airman certificate.

An end-of-course test under part 141 is a test on the areas of operations for an airman certificate, rating, or authorization that is conducted by having the applicant respond to questions and demonstrate maneuvers in flight, in a flight simulator, or in a flight training device. In addition, an end-of-course test administered by a school with examining authority under part 141 may result in the issuance of an airman certificate or rating by the FAA without further testing. Therefore, an end-of-the-course test under part 141 is a practical test when administered by a school with examining authority.

Section 61.39 lists the prerequisites to be eligible for a practical test. Paragraph (a)(4) requires that an applicant hold at least a third-class medical certificate as a prerequisite to taking the practical test. As explained above, an end-of-of-course test administered by a school with examining authority under part 141 is a practical test and therefore an applicant must hold at least a third-class medical certificate as a prerequisite to taking that end-of-the-course test.

This response was prepared by Benjamin Borelli, an attorney in the Regulations Division of the Office of the Chief Counsel, and was coordinated with the Airman Certification and Training Branch (AFS-810) of the Flight Standards Service. If you need further assistance, please contact our office at (202) 267-3073.

Sincerely,



Lorelei Peter
Acting Assistant Chief Counsel for Regulations