

**CHAPTER 6****Safety Regulation of Civil Aeronautics****SECTIONS**

- § 601. General safety powers and duties.**
- § 602. Airman and aircraft certificates.**
- § 603. Air carrier operating certificates.**
- § 604. Maintenance of equipment in air transportation.**
- § 605. Air navigation facility rating.**
- § 606. Air agency rating.**
- § 607. Form of applications.**
- § 608. Amendment, suspension, and revocation of certificates.**
- § 609. Prohibitions.**

**§ 601. General safety powers and duties.**

(1) *Minimum standards; rules and regulations.* The Secretary is empowered and it shall be his duty to promote safety of flight of civil aircraft in air commerce by prescribing and revising from time to time:

(a) Such minimum standards governing the design, materials, workmanship, construction, and performance of aircraft, aircraft engines, and propellers as may be required in the interest of safety;

(b) Such minimum standards governing appliances as may be required in the interest of safety;

(c) Reasonable rules and regulations and minimum standards governing, in the interest of safety,

(i) the inspection, servicing, and overhaul of aircraft, aircraft engines, propellers, and appliances;

(ii) the equipment and facilities for such inspection, servicing, and overhaul; and

(iii) in the discretion of the Secretary, the periods for, and the manner in which, such inspection, servicing, and overhaul shall be made, including provision for examinations and reports by properly qualified private persons whose examinations or reports the Secretary may accept in lieu of those made by its officers and employees;

(d) Reasonable rules and regulations governing the reserve supply of aircraft, aircraft engines, propellers, appliances, and aircraft fuel and oil, required in the interest of safety, including the reserve supply of aircraft fuel and oil that shall be carried in flight;

(e) Reasonable rules and regulations governing, in the interest of safety, the maximum hours or

periods of service of airmen, and other employees, of air carriers; and

(f) Such reasonable rules and regulations, or minimum standards, governing other practices, methods, and procedure, as the Secretary may find necessary to provide adequately for national security and safety in air commerce.

(2) *International Civil Aviation Organization.* In prescribing rules, regulations, and minimum standards, and in issuing certificates under this title, the Secretary shall do so consistently with the provisions of the Convention on International Civil Aviation, its Annexes, and all relevant standards issued by the International Civil Aviation Organization (ICAO).

**Source:** PL 9-138 § 41.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Administrative Procedure are found in title 17 of this code.

### **§ 602. Airman and aircraft certificates.**

(1) *Power to issue certificate.* The Secretary is empowered to issue airman certificates specifying the capacity in which the holders thereof are authorized to serve as airmen in connection with aircraft.

(2) *Issuance of certificate.* Any person may file with the Secretary an application for an airman certificate. If the Secretary finds, after investigation, that such person possesses proper qualifications for, and is physically able to perform duties pertaining to, the position for which the airman certificate is sought, he shall issue such certificate, containing such terms, conditions, and limitations as to duration thereof, periodic or special examinations, tests of physical fitness, and other matters as the Secretary may determine to be necessary to assure safety in air commerce.

(3) *Airworthiness certificate.* The registered owner of any aircraft may file with the Secretary an application for an airworthiness certificate for such aircraft. If the Secretary finds that the aircraft conforms to the type certificate therefor, and, after inspection, that the aircraft is in condition for safe operation, he shall issue an airworthiness certificate. The Secretary may prescribe in such certificate the duration of such certificate, the type of service for which the aircraft may be used, and such other terms, conditions, and limitations as are required in the interest of safety. Each such certificate shall be registered by the Secretary and shall set forth such information as the Secretary may deem advisable. The certificate number, or such other individual designation as may be required by the Secretary, shall be displayed upon each aircraft in accordance with regulations prescribed by the Secretary.

**Source:** PL 9-138 § 42.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Administrative Procedure are found in title 17 of this code.

### **§ 603. Air carrier operating certificates.**

(1) *Power to use.* The Secretary is empowered to issue air carrier operating certificates and to establish

minimum safety standards for the operation of the air carrier to whom any such certificate is issued.

(2) *Issuance.* Any person desiring to operate as an air carrier may file with the Secretary an application for an air carrier operating certificate. If the Secretary finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this title and the rules, regulations, and standards prescribed thereunder, he shall issue an air carrier operating certificate to such person. Each air carrier operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in air transportation, and shall specify the points to and from which, and the National airways over which, such person is authorized to operate as an air carrier under an air carrier operating certificate.

**Source:** PL 9-138 § 43.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code.

#### **§ 604. Maintenance of equipment in air transportation.**

(1) *Duty of carriers and airmen.* It shall be the duty of each air carrier to make, or cause to be made, such inspection, maintenance, overhaul, and repair of all equipment used in air transportation as may be required by this title, or the orders, rules, and regulations of the Secretary issued thereunder. And it shall be the duty of every person engaged in operating, inspecting, maintaining, or overhauling equipment to observe and comply with the requirements of this title relating thereto, and the orders, rules, and regulations issued thereunder.

(2) *Inspection.* The Secretary shall employ inspectors who shall be charged with the duties of:

(a) making such inspections of aircraft, aircraft engines, propellers, and appliances designed for use in air transportation, during manufacture, and while used by an air carrier in air transportation, as may be necessary to enable the Secretary to determine that such aircraft, aircraft engines, propellers, and appliances are in safe condition and are properly maintained for operation in air transportation; and

(b) advising and cooperating with each air carrier in the inspection and maintenance thereof by the air carrier.

(3) *Finding of unsafe condition.* Whenever any inspector shall, in the performance of his duty, find that any aircraft, aircraft engine, propeller, or appliance, used or intended to be used by any air carrier in air transportation, is not in condition for safe operation, he shall so notify the carrier in such form and manner as the Secretary may prescribe; and, for a period of five days thereafter, such aircraft, aircraft engine, propeller, or appliance shall not be used, unless found by the Secretary or his inspector to be in condition for safe operation.

**Source:** PL 9-138 § 44.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Administrative Procedure are found in title 17 of this code.

#### **§ 605. Air navigation facility rating.**

The Secretary is empowered to inspect, classify, and rate any air navigation facility available for the use of civil aircraft, as to its suitability for such use. The Secretary is empowered to issue a certificate for any such air navigation facility.

**Source:** PL 9-138 § 45.

#### **§ 606. Air agency rating.**

- (1) The Secretary is empowered to provide for the examination and rating of:
  - (a) civilian schools giving instruction in flying or in the repair, alteration, maintenance, and overhaul of aircraft, aircraft engines, propellers, and appliances, as to the adequacy of the course of instruction, the suitability and airworthiness of the equipment, and the competency of the instructors;
  - (b) repair stations or shops for the repair, alteration, maintenance, and overhaul of aircraft, aircraft engines, propellers, or appliances, as to the adequacy and suitability of the equipment, facilities, and materials for and methods of, repair, alteration, maintenance, and overhaul of aircraft, aircraft engines, propellers, and appliances, and the competency of those engaged in the work or giving any instruction therein; and
  - (c) such other air agencies as may, in his opinion, be necessary in the interest of the public.
- (2) The Secretary is empowered to issue certificates for such schools, repair stations, and other agencies.

**Source:** PL 9-138 § 46.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code.

#### **§ 607. Form of applications.**

Applications for certificates under this title shall be in such form, contain such information, and be filed and served in such manner as the Secretary may prescribe.

**Source:** PL 9-138 § 47.

#### **§ 608. Amendment, suspension, and revocation of certificates.**

The Secretary may, from time to time, reinspect any civil aircraft, engine, propeller, appliance, air navigation facility, or air agency, or may reexamine any civil airman. If as a result of any such reinspection or reexamination, or if, as a result of any other investigation made by the Secretary, he determines that aviation safety requires, the Secretary may issue an order amending, modifying, suspending, or revoking, in whole or in part, any type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facility certificate

(including airport operating certificate), or air agency certificate. Prior to amending, modifying, suspending, or revoking any of the foregoing certificates, the Secretary shall advise the holder thereof as to any charges or other reasons relied upon by the Secretary for his proposed action and, except in cases of emergency, shall provide the holder of such a certificate an opportunity to answer any charges and be heard as to why such certificate should not be amended, modified, suspended, or revoked. Any person substantially affected by the Secretary's order may obtain judicial review of said order under the laws of the Federated States of Micronesia, and the Secretary shall be made a party to the proceeding.

**Source:** PL 9-138 § 48.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code.

The website of the FSM National Government contains announcements, press releases, news, forms, and other information on the National Government at <http://fsmgov.org>.

The FSM Supreme Court website contains court decisions, rules, calendar, and other information of the court, the Constitution, the code of the Federated States of Micronesia, and other legal resource information at <http://www.fsmsupremecourt.org/>.

The official website of the Congress of the Federated States of Micronesia contains the public laws enacted by the Congress, sessions, committee hearings, rules, and other Congressional information at <http://www.fsmcongress.fm/>.

## **§ 609. Prohibitions.**

(1) *Violations of title.* It shall be unlawful:

(a) For any person to operate in air commerce any civil aircraft for which there is not currently in effect an airworthiness certificate, or in violation of the terms of any such certificate.

(b) For any person to serve in any capacity as an airman in connection with any civil aircraft, aircraft engine, propeller or appliance used or intended for use, in air commerce without an airman certificate authorizing him to serve in such capacity, or in violation of any term, condition, or limitation thereof, or in violation of any order, rule, or regulation issued under this title;

(c) For any person to employ for service in connection with any civil aircraft used in air commerce an airman who does not have an airman certificate authorizing him to serve in the capacity for which he is employed;

(d) For any person to operate as an air carrier without an air carrier operating certificate, or in violation of the terms of any such certificate;

(e) For any person to operate aircraft in air commerce in violation of any other rule, regulation, or certificate issued by the Secretary under this title;

(f) For any person holding an air agency or production certificate, to violate any term, condition, or limitation thereof, or to violate any order, rule, or regulation under this title relating to the holder of such certificate; and

(g) For any person to operate an airport without an airport operating certificate required by the Secretary pursuant to section 701 of this title, or in violation of the terms of any such certificate.

(2) *Exemption of aircraft and airmen of other countries.* Aircraft and airmen of other countries serving in connection therewith may, except with respect to the observance by such airmen of the air traffic rules, be exempted from the provisions of subsection (1) of this section, to the extent, and upon such terms and conditions, as may be prescribed by the Secretary.

**Source:** PL 9-138 § 49.

**Cross-reference:** The statutory provisions on the President and the Executive are found in title 2 of this code.