

118TH CONGRESS
1ST SESSION

S. 888

To amend title 49, United States Code, to add definitions for the terms “common carrier” and “personal operator”, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2023

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to add definitions for the terms “common carrier” and “personal operator”, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Aviation Empower-
5 ment Act”.

6 **SEC. 2. DEFINITIONS.**

7 Section 40102(a) of title 49, United States Code, is
8 amended by adding at the end the following:

9 “(48) ‘common carrier’ means a service pro-
10 vided by a person that meets the following elements:

- 1 “(A) holding out of a willingness to;
2 “(B) transport persons or property;
3 “(C) from place to place;
4 “(D) for compensation; and
5 “(E) without refusal unless authorized by
6 law.

7 In applying subparagraph (D), the term ‘compensa-
8 tion’ requires the intent to pursue monetary profit
9 but does not include flights in which the pilot and
10 passengers share aircraft operating expenses or the
11 pilot receives any benefit.

12 “(49) ‘personal operator’ means a person pro-
13 viding air transportation of persons or property for
14 compensation or hire in aircraft that have eight or
15 fewer seats, provided that the person holds a private
16 pilot certificate pursuant to subpart E of section 61
17 of title 14, Code of Federal Regulations (or any suc-
18 cessor regulation). A personal operator or a flight
19 operated by a personal operator does not constitute
20 a common carrier, as defined in paragraph (48), a
21 commercial operation requiring a certificate under
22 part 119 or 135 of title 14, Code of Federal Regula-
23 tions (or any successor regulation), or a commercial
24 operator, as defined in section 1.1 of title 14, Code

1 of Federal Regulations (or any successor regula-
2 tion).”.

3 **SEC. 3. REGULATIONS.**

4 Not later than 60 days after the date of enactment
5 of this Act, the Secretary of Transportation shall issue or
6 revise regulations to comply with this Act and to ensure
7 the following:

8 (1) That a person who holds a pilot certificate
9 may communicate with the public, in any manner
10 the person determines appropriate, to facilitate an
11 aircraft flight for which the pilot and passengers
12 share aircraft operating expenses in accordance with
13 section 61.113(c) of title 14, Code of Federal Regu-
14 lations (or any successor regulation) and that such
15 flight-sharing operations under section 61.113(c) of
16 title 14, Code of Federal Regulations (or any suc-
17 cessor regulation) shall not be deemed a common
18 carrier, as defined in paragraph (48) of section
19 40102(a) of title 49, United States Code, or a com-
20 mercial operation requiring a certificate under part
21 119 or 135 of title 14, Code of Federal Regulations
22 (or any successor regulation).

23 (2) That a personal operator, as defined in
24 paragraph (49) of section 40102(a) of title 49,
25 United States Code, as added by section 2, operating

1 under part 91 of title 14 Code of Federal Regula-
2 tions (or any successor regulation) shall not be sub-
3 ject to the requirements set forth in part 121, 125,
4 or 135 of title 14, Code of Federal Regulations (or
5 any successor regulation).

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