

Federal Aviation Administration, DOT

§ 3.5

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EFFECTIVE DATE NOTE: At 89 FR 92483, Nov. 21, 2024, §1.2 was amended by revising the introductory text, effective Jan. 21, 2025. For the convenience of the user, the revised text is set forth as follows:

§ 1.2 Abbreviations and symbols.

In this chapter:

* * * * *

§ 1.3 Rules of construction.

(a) In Subchapters A through K of this chapter, unless the context requires otherwise:

- (1) Words importing the singular include the plural;
- (2) Words importing the plural include the singular; and
- (3) Words importing the masculine gender include the feminine.

(b) In Subchapters A through K of this chapter, the word:

- (1) *Shall* is used in an imperative sense;
- (2) *May* is used in a permissive sense to state authority or permission to do the act prescribed, and the words “no person may * * *” or “a person may not * * *” mean that no person is required, authorized, or permitted to do the act prescribed; and
- (3) *Includes* means “includes but is not limited to”.

[Doc. No. 1150, 27 FR 4590, May 15, 1962, as amended by Amdt. 1–10, 31 FR 5055, Mar. 29, 1966]

EFFECTIVE DATE NOTE: At 89 FR 92483, Nov. 21, 2024, §1.3 was amended by revising paragraphs (a) introductory text and (b) introductory text, effective Jan. 21, 2025. For the convenience of the user, the revised text is set forth as follows:

§ 1.3 Rules of construction.

(a) In this chapter, unless the context requires otherwise:

* * * * *

(b) In this chapter, the word:

PART 3—GENERAL REQUIREMENTS

Subpart A—General Requirements Concerning Type Certificated Products or Products, Parts, Appliances, or Materials That May Be Used on Type-Certificated Products

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- 3.1 Applicability.
- 3.5 Statements about products, parts, appliances and materials.

Subpart B—Security Threat Disqualification

- 3.200 Effect of Transportation Security Administration notification on a certificate or any part of a certificate held by an individual.
- 3.205 Effect of Transportation Security Administration notification on applications by individuals for a certificate or any part of a certificate.

Subpart C—Designated U.S. Agents for Service

- 3.301 Applicability.
- 3.302 Definitions.
- 3.303 Designation of a U.S. agent for service.

AUTHORITY: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44704, 46111, and 46103.

SOURCE: 70 FR 54832, Sept. 16, 2005, unless otherwise noted.

Subpart A—General Requirements Concerning Type Certificated Products or Products, Parts, Appliances, or Materials That May Be Used on Type-Certificated Products

§ 3.1 Applicability.

- (a) This part applies to any person who makes a record regarding:
 - (1) A type-certificated product, or
 - (2) A product, part, appliance or material that may be used on a type-certificated product.
- (b) Section 3.5(b) does not apply to records made under part 43 of this chapter.

§ 3.5 Statements about products, parts, appliances and materials.

(a) *Definitions.* The following terms will have the stated meanings when used in this section:

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Airworthy means the aircraft conforms to its type design and is in a condition for safe operation.

Product means an aircraft, aircraft engine, or aircraft propeller.

Record means any writing, drawing, map, recording, tape, film, photograph or other documentary material by which information is preserved or conveyed in any format, including, but not limited to, paper, microfilm, identification plates, stamped marks, bar codes or electronic format, and can either be separate from, attached to or inscribed on any product, part, appliance or material.

(b) *Prohibition against fraudulent and intentionally false statements.* When conveying information related to an advertisement or sales transaction, no person may make or cause to be made:

(1) Any fraudulent or intentionally false statement in any record about the airworthiness of a type-certificated product, or the acceptability of any product, part, appliance, or material for installation on a type-certificated product.

(2) Any fraudulent or intentionally false reproduction or alteration of any record about the airworthiness of any type-certificated product, or the acceptability of any product, part, appliance, or material for installation on a type-certificated product.

(c) *Prohibition against intentionally misleading statements.* (1) When conveying information related to an advertisement or sales transaction, no person may make, or cause to be made, a material representation that a type-certificated product is airworthy, or that a product, part, appliance, or material is acceptable for installation on a type-certificated product in any record if that representation is likely to mislead a consumer acting reasonably under the circumstances.

(2) When conveying information related to an advertisement or sales transaction, no person may make, or cause to be made, through the omission of material information, a representation that a type-certificated product is airworthy, or that a product, part, appliance, or material is acceptable for installation on a type-certificated product in any record if that representation is likely to mislead a consumer

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acting reasonably under the circumstances.

(d) The provisions of §3.5(b) and §3.5(c) shall not apply if a person can show that the product is airworthy or that the product, part, appliance or material is acceptable for installation on a type-certificated product.

Subpart B—Security Threat Disqualification

SOURCE: 84 FR 42803, Aug. 19, 2019, FAA-2018-0656; Amendment No. 3-2, unless otherwise noted.

§ 3.200 Effect of Transportation Security Administration notification on a certificate or any part of a certificate held by an individual.

When the Transportation Security Administration (TSA) notifies the FAA that an individual holding a certificate or part of a certificate issued by the FAA poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety, the FAA will issue an order amending, modifying, suspending, or revoking any certificate or part of a certificate issued by the FAA.

§ 3.205 Effect of Transportation Security Administration notification on applications by individuals for a certificate or any part of a certificate.

(a) When the TSA notifies the FAA that an individual who has applied for a certificate or any part of a certificate issued by the FAA poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety, the FAA will hold the individual's certificate applications in abeyance pending further notification from the TSA.

(b) When the TSA notifies the FAA that the TSA has made a final security threat determination regarding an individual, the FAA will deny all the individual's certificate applications. Alternatively, if the TSA notifies the FAA that it has withdrawn its security threat determination, the FAA will continue processing the individual's applications.

Subpart C—Designated U.S. Agents for Service

SOURCE: 89 FR 81312, Oct. 8, 2024, unless otherwise noted.

§ 3.301 Applicability.

This subpart applies to individuals who:

- (a) Do not have a U.S. physical address of record on file with the FAA;
- (b) Have a foreign address of record on file with the FAA; and
- (c) Hold or apply for certificates, ratings, or authorizations under part 47, 61, 63, 65, 67, or 107 of this chapter.

§ 3.302 Definitions.

U.S. agent address is an address in the States of the United States, the District of Columbia, or any U.S. territory or possession. If the U.S. agent is an entity, the address must be the U.S. agent's office address. If the U.S. agent is an individual, the address must be the U.S. agent's usual place of residence or, if applicable, the individual's U.S. military office address. If the U.S. agent is serving as a U.S. agent in their official capacity with the military, the address may be a military office address. A U.S. agent address may not be a post office box, military post office box, or a mail drop box.

U.S. agent for service (U.S. agent) is an entity or an adult (individual who is 18 or older) with a U.S. address who a certificate, rating, or authorization holder or applicant designates to receive FAA service on their behalf.

U.S. physical address is an address in the States of the United States, the District of Columbia, or any U.S. territory or possession, but excludes post office boxes, military post office boxes, mail drop boxes, and commercial addresses that are not also residential addresses.

§ 3.303 Designation of a U.S. agent for service.

(a) Individuals must designate a U.S. agent for service within the U.S. in writing to the FAA in a form and manner prescribed by the Administrator. Individuals designating a U.S. agent must ensure that the U.S. agent understands the requirements for receiving FAA service on behalf of the individual

and is competent to perform that responsibility.

(b) The designation must include the U.S. agent's full name, U.S. agent address, email address, and certification by the individual that the U.S. agent has accepted responsibility for receiving FAA service on behalf of the individual. It may also include the U.S. agent's fax number and phone number.

(c) Individuals must notify the FAA in a form and manner prescribed by the Administrator of any change to their U.S. agent designation or the U.S. agent's contact information within 30 days of the change.

(d) Individuals must comply with the requirements listed in this subpart no later than:

(1) July 7, 2025, for holders of any certificate, rating, or authorization issued under part 47, 61, 63, 65, 67, or 107. These individuals who fail to timely designate a U.S. agent for service and comply with the requirements under this subpart may not exercise the privileges of any certificate, rating, or authorization issued under part 47, 61, 63, 65, 67, or 107, and an individual aircraft owner's aircraft registration certificate will be considered ineffective; and

(2) January 6, 2025, for applicants of any certificate, rating, or authorization issued under part 47, 61, 63, 65, 67, or 107. An applicant who fails to designate a U.S. agent for service and comply with the requirements under this subpart shall not be issued a certificate, rating, or authorization under part 47, 61, 63, 65, 67, or 107.

EFFECTIVE DATE NOTES: 1. At 89 FR 81312, Oct. 8, 2024, § 3.303 was amended by revising paragraph (d) and adding paragraph (e), effective Jan. 6, 2025. For the convenience of the user, the added and revised text is set forth as follows:

§ 3.303 Designation of a U.S. agent for service.

* * * * *

(d) Individuals holding any certificate, rating, or authorization issued under part 47, 61, 63, 65, 67, or 107 must comply with the requirements listed in this subpart no later than July 7, 2025. These individuals who fail to timely designate a U.S. agent for service and comply with the requirements under this subpart may not exercise the privileges of

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any certificate, rating, or authorization issued under part 47, 61, 63, 65, 67, or 107, and an individual aircraft owner’s aircraft registration certificate will be considered ineffective.

(e) No individual shall be issued a certificate, rating, or authorization under parts 47, 61, 63, 65, 67, or 107 of this chapter unless the individual has designated a U.S. agent as required under this subpart.

2. At 89 FR 81312, Oct. 8, 2024, §3.303 was amended by revising paragraph (d), effective July 7, 2025. For the convenience of the user, the revised text is set forth as follows:

§3.303 Designation of a U.S. agent for service.

* * * * *

(d) No individual shall exercise the privileges of any certificate, rating, or authorization issued under part 47, 61, 63, 65, 67, or 107 of this chapter unless the individual has designated a U.S. agent as required under this subpart. Aircraft registration certificates issued to individuals who fail to designate a U.S. agent as required under this subpart will be ineffective.

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PART 5—SAFETY MANAGEMENT SYSTEMS

Subpart A—General

Sec.

- 5.1 Applicability.
- 5.3 Definitions.
- 5.5 General requirements.
- 5.7 Requirements for domestic, flag, and supplemental operations.
- 5.9 Requirements for commuter and on-demand operations or passenger-carrying flights for compensation or hire.
- 5.11 Requirements for production certificate holders that are holders or licensees of a type certificate for the same product.
- 5.13 Requirements for type certificate holders or licensees applying for a production certificate for the same product.
- 5.15 Requirements for type certificate holders that allow another person to use the type certificate to obtain a production certificate for the same product.
- 5.17 Organizational system description.
- 5.19 Implementation plan.

Subpart B—Safety Policy

- 5.21 Safety policy.
- 5.23 Safety accountability and authority.
- 5.25 Designation and responsibilities of required safety management personnel.

- 5.27 Coordination of emergency response planning.

Subpart C—Safety Risk Management

- 5.51 Applicability.
- 5.53 System analysis and hazard identification.
- 5.55 Safety risk assessment and control.
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Subpart D—Safety Assurance

- 5.71 Safety performance monitoring and measurement.
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Subpart E—Safety Promotion

- 5.91 Competencies and training.
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Subpart F—SMS Documentation and Recordkeeping

- 5.95 SMS documentation.
- 5.97 SMS records.

AUTHORITY: 49 U.S.C. 106(f), 106(g), 40101, 40113, 40119, 41706, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 46105; Sec. 102, Pub. L. 116–260, 134 Stat. 2309; Sec 215, Pub. L. 111–216, 124 Stat. 2366.

SOURCE: Doc. No. FAA–2009–0671, Amdt. 5–1, 80 FR 1326, Jan. 8, 2015, unless otherwise noted.

Subpart A—General

SOURCE: Docket No. FAA–2021–0419; Amdt. 5–2, 89 FR 33104, Apr. 26, 2024, unless otherwise noted.

§ 5.1 Applicability.

This part applies to all of the following:

- (a) Any person that holds or applies for a certificate issued under part 119 of this chapter authorizing the person to conduct operations under part 121 of this chapter.
- (b) Any person that holds or applies for a certificate issued under part 119 of this chapter authorizing the person to conduct operations under part 135 of this chapter.
- (c) Any person that holds or applies for a Letter of Authorization issued under §91.147 of this chapter.
- (d) Any person that holds both a type certificate and a production certificate