

In subsection (a)(5) and (7), the words “prescribed . . . issued” are added for consistency in the revised title and with other titles of the Code.

In subsection (a)(5), the words “of the Secretary of Transportation” are omitted as surplus.

In subsection (a)(6), the words “proclaimed by the President” are omitted as surplus. The words “section 3 of the International Navigational Rules Act of 1977 (33 U.S.C. 1602)” are substituted for “section 143 of title 33” because the section was part of the Act of October 11, 1951 (ch. 495, 65 Stat. 406), that was repealed by section 3 of the Act of September 24, 1963 (Public Law 88-131, 77 Stat. 194), and replaced by 33:ch. 21. Chapter 21 was repealed by section 10 of the International Navigational Rules Act of 1977 (Public Law 95-75, 91 Stat. 311) and replaced by 33:1601-1608.

In subsection (a)(7), the words “holding . . . such certificate” are omitted because of the restatement.

In subsection (a)(8), the words “by the Administrator” are omitted as surplus.

In subsection (b), the word “Administrator” in section 610(b) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 780) is retained on authority of 49:106(g). The words “to the extent, and . . . and conditions” and “by such airmen” are omitted as surplus.

PUB. L. 103-429

This amends 49:44711(a)(2)(B), (5), and (7) and 46310(b) to correct erroneous cross-references.

Editorial Notes

AMENDMENTS

2020—Subsec. (d). Pub. L. 116-260 amended subsec. (d) generally. Prior to amendment, subsec. (d) related to postemployment restrictions for flight standards inspectors.

2012—Subsec. (a)(10). Pub. L. 112-95, §307(b), added par. (10).

Subsec. (d). Pub. L. 112-95, §342(a), added subsec. (d).

2003—Subsec. (a)(7). Pub. L. 108-176 substituted “agency, design organization certificate,” for “agency”.

2000—Subsec. (c). Pub. L. 106-181 added subsec. (c).

1994—Subsec. (a)(2)(B), (5), (7). Pub. L. 103-429 inserted “any of sections” before “44702-44716”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-95, title III, §342(b), Feb. 14, 2012, 126 Stat. 80, provided that: “The amendment made by subsection (a) [amending this section] shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act [Feb. 14, 2012].”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-176 applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

§ 44712. Emergency locator transmitters

(a) **INSTALLATION.**—An emergency locator transmitter must be installed on a fixed-wing powered civil aircraft for use in air commerce.

(b) **NONAPPLICATION.**—Prior to January 1, 2002, subsection (a) does not apply to—

(1) turbojet-powered aircraft;

(2) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

(3) aircraft when used in training operations conducted entirely within a 50 mile radius of the airport from which the training operations begin;

(4) aircraft when used in flight operations related to design and testing, the manufacture, preparation, and delivery of the aircraft, or the aerial application of a substance for an agricultural purpose;

(5) aircraft holding certificates from the Administrator of the Federal Aviation Administration for research and development;

(6) aircraft when used for showing compliance with regulations, crew training, exhibition, air racing, or market surveys; and

(7) aircraft equipped to carry only one individual.

(c) **NONAPPLICATION BEGINNING ON JANUARY 1, 2002.**—

(1) **IN GENERAL.**—Subject to paragraph (2), on and after January 1, 2002, subsection (a) does not apply to—

(A) aircraft when used in scheduled flights by scheduled air carriers holding certificates issued by the Secretary of Transportation under subpart II of this part;

(B) aircraft when used in training operations conducted entirely within a 50-mile radius of the airport from which the training operations begin;

(C) aircraft when used in flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft;

(D) aircraft when used in research and development if the aircraft holds a certificate from the Administrator of the Federal Aviation Administration to carry out such research and development;

(E) aircraft when used in showing compliance with regulations, crew training, exhibition, air racing, or market surveys;

(F) aircraft when used in the aerial application of a substance for an agricultural purpose;

(G) aircraft with a maximum payload capacity of more than 18,000 pounds when used in air transportation; or

(H) aircraft equipped to carry only one individual.

(2) **DELAY IN IMPLEMENTATION.**—The Administrator of the Federal Aviation Administration may continue to implement subsection (b) rather than subsection (c) for a period not to exceed 2 years after January 1, 2002, if the Administrator finds such action is necessary to promote—

(A) a safe and orderly transition to the operation of civil aircraft equipped with an emergency locator; or

(B) other safety objectives.

(d) **COMPLIANCE.**—An aircraft meets the requirement of subsection (a) if it is equipped with an emergency locator transmitter that transmits on the 121.5/243 megahertz frequency or the 406 megahertz frequency or with other equip-

ment approved by the Secretary for meeting the requirement of subsection (a).

(e) REMOVAL.—The Administrator shall prescribe regulations specifying the conditions under which an aircraft subject to subsection (a) of this section may operate when its emergency locator transmitter has been removed for inspection, repair, alteration, or replacement.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1194; Pub. L. 106–181, title V, §501(a), Apr. 5, 2000, 114 Stat. 131.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44712(a)	49 App.:1421(d)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §601(d)(1); added Dec. 29, 1970, Pub. L. 91–596, §31, 84 Stat. 1619; restated Jan. 2, 1974, Pub. L. 93–239, §4, 87 Stat. 1048; Nov. 9, 1977, Pub. L. 95–163, §15(a)(1), 91 Stat. 1283.
44712(b)	49 App.:1421(d)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §601(d)(2); added Dec. 29, 1970, Pub. L. 91–596, §31, 84 Stat. 1619; restated Jan. 2, 1974, Pub. L. 93–239, §4, 87 Stat. 1048.
	49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98–443, §3(e), 98 Stat. 1704.
44712(c)	49 App.:1421(d)(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §601(d)(3); added Nov. 9, 1977, Pub. L. 95–163, §15(a)(2), 91 Stat. 1283.

In subsection (a), the words “Except with respect to aircraft described in paragraph (2) of this subsection and except as provided in paragraph (3) of this subsection” are omitted as surplus. The words “minimum standards pursuant to this section shall include a requirement that”, the text of 49 App.:1421(d)(1)(A), and the words “after three years and six months following such date” are omitted as executed.

In subsection (b), the word “used” is substituted for “engaged” for consistency. In clause (3), the word “training” is substituted for “local flight” for consistency. In clause (4), the words “chemicals and other” are omitted as surplus. In clause (5), the word “purposes” is omitted as surplus.

In subsection (c), the words “prescribe regulations” are substituted for “shall issue regulations . . . as he prescribes in such regulations” to eliminate unnecessary words. The words “such limitations and” and “from such aircraft” are omitted as surplus.

Editorial Notes

AMENDMENTS

2000—Subsec. (b). Pub. L. 106–181, §501(a)(1), substituted “Prior to January 1, 2002, subsection (a)” for “Subsection (a) of this section” in introductory provisions.

Subsecs. (c) to (e). Pub. L. 106–181, §501(a)(2), (3), added subsecs. (c) and (d) and redesignated former subsec. (c) as (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106–181, set out as a note under section 106 of this title.

REGULATIONS

Pub. L. 106–181, title V, §501(b), Apr. 5, 2000, 114 Stat. 132, provided that: “The Secretary [of Transportation]

shall issue regulations to carry out section 44712(c) of title 49, United States Code, as amended by this section, not later than January 1, 2001.”

EMERGENCY LOCATOR TRANSMITTERS ON GENERAL AVIATION AIRCRAFT

Pub. L. 112–95, title III, §347, Feb. 14, 2012, 126 Stat. 82, provided that:

“(a) INSPECTION.—As part of the annual inspection of general aviation aircraft, the Administrator of the Federal Aviation Administration shall require a detailed inspection of each emergency locator transmitter (in this section referred to as an ‘ELT’) installed in general aviation aircraft operating in the United States to ensure that the ELT is mounted and retained in accordance with the manufacturer’s specifications.

“(b) MOUNTING AND RETENTION.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Feb. 14, 2012], the Administrator shall determine if the ELT mounting requirements and retention tests specified by Technical Standard Orders C91a and C126 are adequate to assess retention capabilities in ELT designs.

“(2) REVISION.—Based on the determination under paragraph (1), the Administrator shall make any necessary revisions to the requirements and retention tests referred to in paragraph (1) to ensure that ELTs are properly retained in the event of an aircraft accident.

“(c) REPORT.—Upon the completion of any revisions under subsection (b)(2), the Administrator shall submit a report on the implementation of this section to—

“(1) the Committee on Commerce, Science, and Transportation of the Senate; and

“(2) the Committee on Transportation and Infrastructure of the House of Representatives.”

§ 44713. Inspection and maintenance

(a) GENERAL EQUIPMENT REQUIREMENTS.—An air carrier shall make, or cause to be made, any inspection, repair, or maintenance of equipment used in air transportation as required by this part or regulations prescribed or orders issued by the Administrator of the Federal Aviation Administration under this part. A person operating, inspecting, repairing, or maintaining the equipment shall comply with those requirements, regulations, and orders.

(b) DUTIES OF INSPECTORS.—The Administrator of the Federal Aviation Administration shall employ inspectors who shall—

(1) inspect aircraft, aircraft engines, propellers, and appliances designed for use in air transportation, during manufacture and when in use by an air carrier in air transportation, to enable the Administrator to decide whether the aircraft, aircraft engines, propellers, or appliances are in safe condition and maintained properly; and

(2) advise and cooperate with the air carrier during that inspection and maintenance.

(c) UNSAFE AIRCRAFT, ENGINES, PROPELLERS, AND APPLIANCES.—When an inspector decides that an aircraft, aircraft engine, propeller, or appliance is not in condition for safe operation, the inspector shall notify the air carrier in the form and way prescribed by the Administrator of the Federal Aviation Administration. For 5 days after the carrier is notified, the aircraft, engine, propeller, or appliance may not be used in air transportation or in a way that endangers air transportation unless the Administrator or the inspector decides the aircraft, engine, propeller, or appliance is in condition for safe operation.