

**49 USC 44702: Issuance of certificates**

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**From Title 49-TRANSPORTATION**

SUBTITLE VII-AVIATION PROGRAMS  
 PART A-AIR COMMERCE AND SAFETY  
 subpart iii-safety  
 CHAPTER 447-SAFETY REGULATION

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**§44702. Issuance of certificates**

(a) General Authority and Applications.-The Administrator of the Federal Aviation Administration may issue airman certificates, design organization certificates, type certificates, production certificates, airworthiness certificates, air carrier operating certificates, airport operating certificates, air agency certificates, and air navigation facility certificates under this chapter. An application for a certificate must-

- (1) be under oath when the Administrator requires; and
- (2) be in the form, contain information, and be filed and served in the way the Administrator prescribes.

(b) Considerations.-When issuing a certificate under this chapter, the Administrator shall-

- (1) consider-
  - (A) the duty of an air carrier to provide service with the highest possible degree of safety in the public interest; and
  - (B) differences between air transportation and other air commerce; and

- (2) classify a certificate according to the differences between air transportation and other air commerce.

(c) Prior Certification.-The Administrator may authorize an aircraft, aircraft engine, propeller, or appliance for which a certificate has been issued authorizing the use of the aircraft, aircraft engine, propeller, or appliance in air transportation to be used in air commerce without another certificate being issued.

(d) Delegation.- (1) Subject to regulations, supervision, and review the Administrator may prescribe, the Administrator may delegate to a qualified private person, or to an employee under the supervision of that person, a matter related to-

- (A) the examination, testing, and inspection necessary to issue a certificate under this chapter; and
- (B) issuing the certificate.

(2) The Administrator may rescind a delegation under this subsection at any time for any reason the Administrator considers appropriate.

(3) A person affected by an action of a private person under this subsection may apply for reconsideration of the action by the Administrator. On the Administrator's own initiative, the Administrator may reconsider the action of a private person at any time. If the Administrator decides on reconsideration that the action is unreasonable or unwarranted, the Administrator shall change, modify, or reverse the action. If the Administrator decides the action is warranted, the Administrator shall affirm the action.

( Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1186 ; Pub. L. 108-176, title II, §227(a), Dec. 12, 2003, 117 Stat. 2531 . )

## Historical and Revision Notes

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44702(a)	49 App.:1422(a) (1st-10th words).	Aug. 23, 1958, Pub. L. 85-726, §§314 (less (a) (last sentence related to fees)), 601(b) (1st sentence related to issuing certificates, 2d sentence), 602(a) (1st-8th words), 603 (a)(1), (b), (c) (as §603(a)(1), (b), (c) relate to issuing certificates), 604(a) (related to issuing certificates), 606 (last sentence),

		607 (last sentence), 608, 72 Stat. 754 , 775, 776, 777, 778, 779.
	49 App.:1423(a)(1), (b), (c) (as 49 App.:1423(a)(1), (b), (c) relate to issuing certificates).	
	49 App.:1424(a) (related to issuing certificates).	
	49 App.:1426 (last sentence).	
	49 App.:1427 (last sentence).	
	49 App.:1428.	
	49 App.:1432(a) (related to issuing certificates).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731 , §612(a) (related to issuing certificates); added May 21, 1970, Pub. L. 91–258, §51 (b)(1), 84 Stat. 234 ; restated Sept. 3, 1982, Pub. L. 97–248, §525(a), 96 Stat. 697 .
	49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89–670, §6(c)(1), 80 Stat. 938 ; Jan. 12, 1983, Pub. L. 97–449, §7(b), 96 Stat. 2444 .
44702(b)	49 App.:1421(b) (1st sentence related to issuing certificates).	
	49 App.:1655(c)(1).	
44702(c)	49 App.:1421(b) (2d sentence).	
	49 App.:1655(c)(1).	
44702(d)	49 App.:1355 (less (a) (last sentence related to fees)).	
	49 App.:1655(c)(1).	

In this section, the word "Administrator" in sections 601(b), 602(a), 603(a)(1), 604(a), 606 (last sentence), 607 (last sentence), and 608 of the Federal Aviation Act of 1958 (Public Law 85–726, 72 Stat. 775, 776, 778, 779) is retained on authority of 49:106(g).

In subsection (a), the reference to a type certificate and production certificate is added for clarity.

In subsection (b)(1), before subclause (A), the word "full" is omitted as surplus. In clause (1)(A), the word "provide" is substituted for "perform" for consistency in the revised title.

In subsection (d)(1), before clause (A), the words "In exercising the powers and duties vested in him by this chapter" and "properly" are omitted as surplus. The words "or employees" are omitted because of 1:1. The word "matter" is substituted for "work, business, or function" to eliminate unnecessary words. In clause (B), the words "in accordance with standards established by him" are omitted as surplus.

In subsection (d)(2), the words "made by him" are omitted as surplus.

In subsection (d)(3), the words "exercising delegated authority" and "with respect to the authority granted under subsection (a) of this section" are omitted as surplus. The words "at any time" are substituted for "either before or after it has become effective", and the words "If the Administrator decides on reconsideration that the action is unreasonable or unwarranted" are substituted for "If, upon reconsideration by the Secretary of Transportation, it shall appear that the action in question is in any respect unjust or unwarranted", to eliminate unnecessary words. The words "the action" are substituted for "the same accordingly", and the words "If the Administrator decides the action is warranted, the Administrator shall affirm the action" are substituted for "otherwise, such action shall be affirmed", for clarity. The text of 49 App.:1355(b) (proviso) is omitted as unnecessary because of 5:559 (last sentence).

## AMENDMENTS

**2003-Subsec. (a).** Pub. L. 108–176 inserted "design organization certificates," after "airman certificates," in introductory provisions.

## EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–176, title II, §227(a), Dec. 12, 2003, 117 Stat. 2531 , provided that the amendment

made by section 227(a) is effective on the last day of the 7-year period beginning on Dec. 12, 2003.

#### **DEVELOPMENT OF ANALYTICAL TOOLS AND CERTIFICATION METHODS**

Pub. L. 108–176, title VII, §706, Dec. 12, 2003, 117 Stat. 2582 , provided that: "The Federal Aviation Administration shall conduct research to promote the development of analytical tools to improve existing certification methods and to reduce the overall costs for the certification of new products."