

§ 91.609 Flight data recorders and cockpit voice recorders.

- (a) No holder of an air carrier operating certificate or an operating certificate may conduct any operation under this part with an aircraft listed in the holder's operations specifications or current list of aircraft used in air transportation unless that aircraft complies with any applicable flight recorder and cockpit voice recorder requirements of the part under which its certificate is issued except that the operator may—
- (1) Ferry an aircraft with an inoperative flight recorder or cockpit voice recorder from a place where repair or replacement cannot be made to a place where they can be made;
 - (2) Continue a flight as originally planned, if the flight recorder or cockpit voice recorder becomes inoperative after the aircraft has taken off;
 - (3) Conduct an airworthiness flight test during which the flight recorder or cockpit voice recorder is turned off to test it or to test any communications or electrical equipment installed in the aircraft; or
 - (4) Ferry a newly acquired aircraft from the place where possession of it is taken to a place where the flight recorder or cockpit voice recorder is to be installed.
- (b) Notwithstanding paragraphs (c) and (e) of this section, an operator other than the holder of an air carrier or a commercial operator certificate may—
- (1) Ferry an aircraft with an inoperative flight recorder or cockpit voice recorder from a place where repair or replacement cannot be made to a place where they can be made;
 - (2) Continue a flight as originally planned if the flight recorder or cockpit voice recorder becomes inoperative after the aircraft has taken off;
 - (3) Conduct an airworthiness flight test during which the flight recorder or cockpit voice recorder is turned off to test it or to test any communications or electrical equipment installed in the aircraft;
 - (4) Ferry a newly acquired aircraft from a place where possession of it was taken to a place where the flight recorder or cockpit voice recorder is to be installed; or
 - (5) Operate an aircraft:
 - (i) For not more than 15 days while the flight recorder and/or cockpit voice recorder is inoperative and/or removed for repair provided that the aircraft maintenance records contain an entry that indicates the date of failure, and a placard is located in view of the pilot to show that the flight recorder or cockpit voice recorder is inoperative.
 - (ii) For not more than an additional 15 days, provided that the requirements in paragraph (b)(5)(i) are met and that a certificated pilot, or a certificated person authorized to return an aircraft to service under § 43.7 of this chapter, certifies in the aircraft maintenance records that additional time is required to complete repairs or obtain a replacement unit.
- (c)
- (1) No person may operate a U.S. civil registered, multiengine, turbine-powered airplane or rotorcraft having a passenger seating configuration, excluding any pilot seats of 10 or more that has been manufactured after October 11, 1991, unless it is equipped with one or more approved flight recorders that utilize a digital method of recording and storing data and a method of readily retrieving that data from the storage medium, that are capable of recording the data specified in

appendix E to this part, for an airplane, or appendix F to this part, for a rotorcraft, of this part within the range, accuracy, and recording interval specified, and that are capable of retaining no less than 8 hours of aircraft operation.

- (2) All airplanes subject to [paragraph \(c\)\(1\)](#) of this section that are manufactured before April 7, 2010, by April 7, 2012, must meet the requirements of [§ 23.1459\(a\)\(7\)](#) or [§ 25.1459\(a\)\(8\)](#) of this chapter, as applicable.
- (3) All airplanes and rotorcraft subject to [paragraph \(c\)\(1\)](#) of this section that are manufactured on or after April 7, 2010, must meet the flight data recorder requirements of [§ 23.1459](#), [§ 25.1459](#), [§ 27.1459](#), or [§ 29.1459](#) of this chapter, as applicable, and retain at least the last 25 hours of recorded information using a recorder that meets the standards of TSO–C124a, or later revision.
- (d) Whenever a flight recorder, required by this section, is installed, it must be operated continuously from the instant the airplane begins the takeoff roll or the rotorcraft begins lift-off until the airplane has completed the landing roll or the rotorcraft has landed at its destination.
- (e) Unless otherwise authorized by the Administrator, after October 11, 1991, no person may operate a U.S. civil registered multiengine, turbine-powered airplane or rotorcraft having a passenger seating configuration of six passengers or more and for which two pilots are required by type certification or operating rule unless it is equipped with an approved cockpit voice recorder that:
 - (1) Is installed in compliance with [§ 23.1457\(a\)\(1\)](#) and (2), (b), (c), (d)(1)(i), (2) and (3), (e), (f), and (g); [§ 25.1457\(a\)\(1\)](#) and (2), (b), (c), (d)(1)(i), (2) and (3), (e), (f), and (g); [§ 27.1457\(a\)\(1\)](#) and (2), (b), (c), (d)(1)(i), (2) and (3), (e), (f), and (g); or [§ 29.1457\(a\)\(1\)](#) and (2), (b), (c), (d)(1)(i), (2) and (3), (e), (f), and (g) of this chapter, as applicable; and
 - (2) Is operated continuously from the use of the checklist before the flight to completion of the final checklist at the end of the flight.
- (f) In complying with this section, an approved cockpit voice recorder having an erasure feature may be used, so that at any time during the operation of the recorder, information recorded more than 15 minutes earlier may be erased or otherwise obliterated.
- (g) In the event of an accident or occurrence requiring immediate notification to the National Transportation Safety Board under [49 CFR part 830](#) of its regulations that results in the termination of the flight, any operator who has installed approved flight recorders and approved cockpit voice recorders shall keep the recorded information for at least 60 days or, if requested by the Administrator or the Board, for a longer period. Information obtained from the record is used to assist in determining the cause of accidents or occurrences in connection with the investigation under [49 CFR part 830](#). The Administrator does not use the cockpit voice recorder record in any civil penalty or certificate action.
- (h) All airplanes required by this section to have a cockpit voice recorder and a flight data recorder, that are manufactured before April 7, 2010, must by April 7, 2012, have a cockpit voice recorder that also—
 - (1) Meets the requirements of [§ 23.1457\(d\)\(6\)](#) or [§ 25.1457\(d\)\(6\)](#) of this chapter, as applicable; and
 - (2) If transport category, meets the requirements of [§ 25.1457\(a\)\(3\)](#), (a)(4), and (a)(5) of this chapter.
- (i) All airplanes or rotorcraft required by this section to have a cockpit voice recorder and flight data recorder, that are manufactured on or after April 7, 2010, must have a cockpit voice recorder installed that also—
 - (1) Is installed in accordance with the requirements of [§ 23.1457](#) (except for paragraphs (a)(6) and (d)(5)); [§ 25.1457](#) (except for paragraphs (a)(6) and (d)(5)); [§ 27.1457](#) (except for paragraphs (a)(6) and (d)(5)); or [§ 29.1457](#) (except for paragraphs (a)(6) and (d)(5)) of this chapter, as applicable; and

- (2) Retains at least the last 2 hours of recorded information using a recorder that meets the standards of TSO–C123a, or later revision.
- (3) For all airplanes or rotorcraft manufactured on or after April 6, 2012, also meets the requirements of § 23.1457(a)(6) and (d)(5); § 25.1457(a)(6) and (d)(5); § 27.1457(a)(6) and (d)(5); or § 29.1457(a)(6) and (d)(5) of this chapter, as applicable.
- (j) All airplanes or rotorcraft required by this section to have a cockpit voice recorder and a flight data recorder, that install datalink communication equipment on or after April 6, 2012, must record all datalink messages as required by the certification rule applicable to the aircraft.
- (k) An aircraft operated under this part under deviation authority from [part 125 of this chapter](#) must comply with all of the applicable flight data recorder requirements of part 125 applicable to the aircraft, notwithstanding such deviation authority.

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