

§ 121.359 Cockpit voice recorders.

- (a) No certificate holder may operate a large turbine engine powered airplane or a large pressurized airplane with four reciprocating engines unless an approved cockpit voice recorder is installed in that airplane and is operated continuously from the start of the use of the checklist (before starting engines for the purpose of flight), to completion of the final checklist at the termination of the flight.
- (b) [Reserved]
- (c) The cockpit voice recorder required by [paragraph \(a\)](#) of this section must meet the following application standards:
 - (1) The requirements of [part 25 of this chapter](#) in affect on August 31, 1977.
 - (2) After September 1, 1980, each recorder container must—
 - (i) Be either bright orange or bright yellow;
 - (ii) Have reflective tape affixed to the external surface to facilitate its location under water; and
 - (iii) Have an approved underwater locating device on or adjacent to the container which is secured in such a manner that they are not likely to be separated during crash impact, unless the cockpit voice recorder, and the flight recorder required by [§ 121.343](#), are installed adjacent to each other in such a manner that they are not likely to be separated during crash impact.
- (d) No person may operate a multiengine, turbine-powered airplane having a passenger seat configuration of 10–19 seats 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); or [§ 25.1457\(a\)\(1\)](#) 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.
- (e) No person may operate a multiengine, turbine-powered airplane having a passenger seat configuration of 20 to 30 seats unless it is equipped with an approved cockpit voice recorder that—
 - (1) Is installed in accordance with the requirements of [§ 23.1457](#) (except paragraphs (a)(6), (d)(1)(ii), (4), and (5)) or [§ 25.1457](#) (except paragraphs (a)(6), (d)(1)(ii), (4), and (5)) 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 30 minutes earlier may be erased or otherwise obliterated.
- (g) For those aircraft equipped to record the uninterrupted audio signals received by a boom or a mask microphone, the flight crewmembers are required to use the boom microphone below 18,000 feet mean sea level. No person may operate a large turbine engine powered airplane or a large pressurized airplane with four reciprocating engines manufactured after October 11, 1991, or on which a cockpit voice recorder has been installed after October 11, 1991, unless it is equipped to record the uninterrupted audio signal received by a boom or mask microphone in accordance with [§ 25.1457\(c\)\(5\) of this chapter](#).
- (h) In the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board under [49 CFR part 830](#) of its regulations, which results in the termination of the flight, the certificate holder 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 investigations under [49 CFR part 830](#). The Administrator does not use the record in any civil penalty or certificate action.
- (i) By April 7, 2012, all turbine engine-powered airplanes subject to this section that are manufactured before April 7, 2010, must have a cockpit voice recorder installed that also—
 - (1) Meets the requirements of [§ 23.1457\(d\)\(6\)](#) or [§ 25.1457\(d\)\(6\) of this chapter](#), as applicable;
 - (2) Retains at least the last 2 hours of recorded information using a recorder that meets the standards of TSO–C123a, or later revision; and
 - (3) Is operated continuously from the use of the checklist before the flight to completion of the final checklist at the end of the flight.
 - (4) If transport category, meets the requirements in [§ 25.1457\(a\)\(3\)](#), (a)(4), and (a)(5) of this chapter.
- (j) All turbine engine-powered airplanes subject to this section 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 paragraph (a)(6) or [§ 25.1457](#) (except for paragraph (a)(6)) of this chapter, as applicable;

- (2) Retains at least the last 2 hours of recorded information using a recorder that meets the standards of TSO-C123a, or later revision; and
- (3) Is operated continuously from the use of the checklist before the flight to completion of the final checklist at the end of the flight.
- (4) For all airplanes manufactured on or after December 6, 2010, also meets the requirements of [§ 23.1457\(a\)\(6\)](#) or [§ 25.1457\(a\)\(6\)](#) of [this chapter](#), as applicable.
- (k) All airplanes required by this part to have a cockpit voice recorder and a flight data recorder, that install datalink communication equipment on or after December 6, 2010, must record all datalink messages as required by the certification rule applicable to the airplane.

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EDITORIAL NOTE

. REGISTER citations affecting [§ 121.359](#), see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.
