

Interpretation 1990-14

FAD Digest of Interpretations:

FAR 91.14(a)(3)

As long as approved safety belts are carried aboard the aircraft for all occupants and the structural strength requirements for the seats are not exceeded, the seating of two persons whose combined weight does not exceed 170 pounds under one safety belt does not violate the regulations for an operation under Part 91.

Source of Interpretation: Letter to Assistant Chief Counsel, AEA-7, from Donald P. Byrne, Acting Assistant Chief Counsel, Regulations and Enforcement Division, AGC-200, dated June 5, 1990.

This is in reference to your interpretation dated February 1, 1989, to Mr. Edward A. Davis, Flight Department Manager, Ferranti International Signal, Inc. In this interpretation, you determined that under § 91.14(a)(3), children age two and older cannot sit two in one seat even if they are properly belted.

We are unable to concur with your interpretation, since we have located an interpretation issued by the Acting Associate General Counsel of the Regulations and Codification Division which provides as follows:

. . . [A]s long as approved safety belts are carried aboard the aircraft for all occupants, and the structural strength requirements for the seats are not exceeded, the seating of two persons whose combined weights does not exceed 170 pounds under one safety belt where the belt can be properly secured around both persons would not be a violation of the regulations for an operation under Part 91.

The interpretation from which we quote is dated May 8, 1972, and is attached for your information. The regulatory language at issue has not been amended in the interim.

As noted in this interpretation, the preamble to the final rule enacting § 91.14 contains the following statement:

Many of the comments objecting to the proposed safety belt requirement erroneously supposed that the "separate use" provisions for Parts 121 and 127 operations applied to Part 91 operations. It is not intended that separate seats nor separate safety belts be required for operations conducted under Part 91. The amendment requires separate seats and safety belts only for those operations that must comply with either Part 121 or Part 127. Part 91 requires only that each person on board occupy a seat or berth with a safety belt properly secured about him. 36 F.R. 12511 (1971).

If you have any questions regarding this matter, please don't hesitate to contact us.