

### § 125.3

certificates, special flight permits, or experimental certificates;

(3) They are being operated by a part 125 certificate holder without carrying passengers or cargo under part 91 for training, ferrying, positioning, or maintenance purposes;

(4) They are being operated under part 91 by an operator certificated to operate those airplanes under the rules of parts 121, 135, or 137 of this chapter, they are being operated under the applicable rules of part 121 or part 135 of this chapter by an applicant for a certificate under part 119 of this chapter or they are being operated by a foreign air carrier or a foreign person engaged in common carriage solely outside the United States under part 91 of this chapter;

(5) They are being operated under a deviation authority issued under § 125.3;

(6) They are being operated under part 91, subpart K by a fractional owner as defined in § 91.1001 of this chapter; or

(7) They are being operated by a fractional ownership program manager as defined in § 91.1001 of this chapter, for training, ferrying, positioning, maintenance, or demonstration purposes under part 91 of this chapter and without carrying passengers or cargo for compensation or hire except as permitted for demonstration flights under § 91.501(b)(3) of this chapter.

(c) The rules of this part, except § 125.247, do not apply to the operation of airplanes specified in paragraph (a) when they are operated outside the United States by a person who is not a citizen of the United States.

(d) The provisions of this part apply to each person on board an aircraft being operated under this part, unless otherwise specified.

[Doc. No. 19779, 45 FR 67235, Oct. 9, 1980, as amended by Amdt. 125-4, 47 FR 44719, Oct. 12, 1982; Amdt. 125-5, 49 FR 34816, Sept. 4, 1984; Amdt. 125-6, 51 FR 873, Jan. 8, 1986; Amdt. 125-9, 52 FR 20028, May 28, 1987; Amdt. 121-251, 60 FR 65937, Dec. 20, 1995; Amdt. 125-31, 64 FR 1080, Jan. 7, 1999; Amdt. 125-44, 68 FR 54585, Sept. 17, 2003]

#### § 125.3 Deviation authority.

(a) The Administrator may, upon consideration of the circumstances of a particular operation, issue deviation

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authority providing relief from specified sections of part 125. This deviation authority will be issued as a Letter of Deviation Authority.

(b) A Letter of Deviation Authority may be terminated or amended at any time by the Administrator.

(c) A request for deviation authority must be submitted to the nearest Flight Standards District Office, not less than 60 days prior to the date of intended operations. A request for deviation authority must contain a complete statement of the circumstances and justification for the deviation requested.

[Doc. No. 19779, 45 FR 67235, Oct. 9, 1980, as amended by Amdt. 125-13, 54 FR 39294, Sept. 25, 1989]

#### § 125.5 Operating certificate and operations specifications required.

(a) After February 3, 1981, no person may engage in operations governed by this part unless that person holds a certificate and operations specification or appropriate deviation authority.

(b) Applicants who file an application before June 1, 1981 shall continue to operate under the rules applicable to their operations on February 2, 1981 until the application for an operating certificate required by this part has been denied or the operating certificate and operations specifications required by this part have been issued.

(c) The rules of this part which apply to a certificate holder also apply to any person who engages in any operation governed by this part without an appropriate certificate and operations specifications required by this part or a Letter of Deviation Authority issued under § 125.3.

[Doc. No. 19779, 45 FR 67235, Oct. 9, 1980, as amended by Amdt. 125-1A, 46 FR 10903, Feb. 5, 1981]

#### § 125.7 Display of certificate.

(a) The certificate holder must display a true copy of the certificate in each of its aircraft.

(b) Each operator holding a Letter of Deviation Authority issued under this part must carry a true copy in each of its airplanes.