

PUBLICATION

FAA To Investigate Operators Who Have Not Complied With the Pilot Records Database Requirements

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The Federal Aviation Administration (FAA) announced that it has found a significant number of operators who are not in compliance with the new pilot records database (PRD) regulations and will be immediately instituting a surveillance regime to seek out and investigate noncompliant operators.

The PRD regulations, codified in 14 CFR Part 111, went into effect on August 9, 2021. The new rule covers Part 91 operators with at least two airplanes that require a type rating or at least two turbine-powered helicopters, fractional program managers, commercial air tour operators (collectively, "Covered Part 91 Operators"), and operators under Parts 121, 125, 135.

By this point, all Covered Part 91 Operators should: (a) have completed the process to register for access to the PRD, (b) be retaining all records relating to currency, adverse training events (including comments from the check pilot or examiner), and disciplinary records, including termination of employment that could implicate an individual's performance as a pilot for a period of five years, (c) be uploading any records relating to the termination of a pilot due to professional disqualification or pilot performance to the PRD within 30 days, and (d) be uploading all of the records referenced in (b) above to the PRD within 14 days of receiving a request from another operator covered by the PRD regulations.

The FAA has determined after an initial investigation that compliance with the PRD regulations has been spotty, particularly with regard to Covered Part 91 Operators.

The FAA will conduct further investigations by systematically reviewing and gathering data on operators subject to the PRD regulations. The FAA anticipates concluding its initial data collection on the following dates:

- March 31, 2023 – Parts 121 and 135 Operators
- June 30, 2023 – Parts 125 and 91K Operators
- August 31, 2023 – Covered Part 91 Operators (excluding 91K operators)

While the FAA's initial data collection will only cover 25 percent of Covered Part 91 Operators (excluding fractional program managers, who will be handled separately), if the FAA finds that five percent or more of those surveyed are not in compliance, they will expand their investigation beyond the 25 percent survey sample. The initial 25 percent will be selected for investigation at random, however, the FAA does intend to focus on those who are known to not be in compliance with Part 111, have high pilot turnover rates, are not associated with some type of carrier Operating Certificate, and those who have had accidents or incidents within the last five years.

The culpability of the operator will determine the outcome for each instance of noncompliance. If an Operator's noncompliance is the result of a simple mistake or a flaw in their procedures, and the Operator is willing and able to comply with Part 111, the FAA will generally resolve the matter with a letter of correction that outlines how the Operator will comply moving forward without issuing further penalties. However, if the noncompliance

is found to be intentional or reckless, the FAA will take legal enforcement action that generally results in a monetary penalty.

This alert provides a brief overview of the FAA's notice regarding the investigation. Please note there are additional, complex aspects of the PRD regulations, and the summary above is not intended to be comprehensive. If you or your company have any questions about compliance with the PRD regulations please contact [James Janaitis](#), [Alexander T. Marriott](#), or one of Baker Donelson's aviation attorneys.