

# Major Glitch for Sport Pilot Instructors, Matriculating Students

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Who knew? There's an unforeseen problem written into the rules, that could become important for pilots who are training for a Sport Pilot rating, or for those who have already earned one.

The way the rules are written and have been interpreted inside the FAA pose a danger for the certificates of pilots who matriculate from Sport Pilot to Recreational, Private -- or beyond.

Here's what the problem involves:

**FAR Sec. 61.109** ("Aeronautical Experience") states, in part,

(a) For an airplane single-engine rating. Except as provided in paragraph (k) of this section [that part pertains to sim training -- TK], a person who applies for a private pilot certificate with an airplane category and single-engine class rating must log at least 40 hours of flight time that includes at least 20 hours of flight training from an authorized instructor and 10 hours of solo flight training in the areas of operation listed in Sec. 61.107(b)(1) of this part,...

[Note: this section pertains to "airplane." Most other requirements are the same (so I'm citing only the "airplane" parts here), but I'm told and believe that there are not many PPC or weight-shift students who are taking their flight training in these machines, with the ambition to ultimately get their Private or higher ratings.]

At any rate, what this amounts to in plain English is that a Sport Pilot who received his or her dual instruction from a Sport Pilot Instructor (Subpart K) may not transfer that dual time to the Private (or higher) ticket.

While this sounds like a huge "gotcha" for any number of Sport Pilots, in some bureaucratic minds it makes sense. One could argue, since the PTS (Practical Test Standards) are the same in both cases (Sport and Private), that it shouldn't make any difference who teaches the skills. An extreme analogy might be constructed: suppose I decide to teach the proper operating room procedures for performing a tonsillectomy. I could learn to make a presentation exactly the same as a certified surgeon's (which I am most assuredly not!), and use exactly the same words, procedures, and terminology.

My presentation, in other words, would be exactly the same as if a certified surgeon had presented it. Would the "Medical Board" certify this as "acceptable instruction?" No -- and neither will the actions of an "uncertified" instructor satisfy the requirements for a more-advanced Pilot rating. So, even though the *skills* would be identical, and identically-presented, these specific skills are not the issue -- *it's about the certification*.

Asked another way, "Can you get a corporate job without a high school diploma, even if you have all the skills?" It's like that.

Here's another part of the glitch:

**FAR Sec. 61.107** - Flight proficiency.

(a) General. A person who applies for a private pilot certificate must receive and log ground and flight training from an authorized instructor on the areas of operation of this section that apply to the aircraft category and class rating sought.

See how the instructor providing the instruction must be authorized for "the class rating sought?" A Sport Pilot (only) instructor cannot teach any other rating -- including Private.

## What's likely to happen, now?

So far, this author is unaware of anyone who has had his or her time disqualified, as he or she moved from Sport Pilot to Private ratings. [If you are such a pilot, please email me: [info@timkern.com](mailto:info@timkern.com)]

In the background talks I've held with FAA personnel and flight instructors, the general thought is that "nobody's going to realize it, or care." That is not the official position of the FAA, however. The most-recent communication I've received said (official, but without attribution), "In FAR Part 61.413, a Sport pilot instructor can train sport pilots Sub Part J and sport Instructors Sub Part K. Sport pilot training cannot be counted toward a private pilot certificate.

"This is the same with private training counting toward a commercial certificate. The regulation requires training in each sub part for each certificate."

## What's next:

Our cadre of loyal, hard-working and competent Sport Pilot instructors are clearly slammed for now.

If you're already a pilot, ticketed as Recreational or higher, lobby to get this fixed. Are you a member of EAA?

That organization spearheaded the Sport Pilot movement, and it should have some good contacts to fix the missed opportunity.

If you are a Sport Pilot (only) instructor, you should work to close (expand?) the loophole; you may also want to pursue a CFI rating.

If you are a CFI, you can do one of two things: support a change to include Sport Pilot instruction, or exploit your advantage by trying to tell as many prospective students as possible about this regulatory problem.

No matter what the outcome, this industry has a problem on its hands, and the sooner it gets resolved, the better – for all of us.