

(c) The following information must be included in reports filed pursuant to this section—

(1) For operations conducted between the contiguous United States and the State of Hawaii—

(i) The number of Stage 2 airplanes used to conduct such operations as of November 5, 1990;

(ii) Any change to that number during the calendar year being reported, including the date of such change;

(2) For air carriers that conduct inter-island turnaround service in the State of Hawaii—

(i) The number of Stage 2 airplanes used to conduct such operations as of November 5, 1990;

(ii) Any change to that number during the calendar year being reported, including the date of such change;

(iii) For an air carrier that provided inter-island turnaround service within the state of Hawaii on November 5, 1990, the number reported under paragraph (c)(2)(i) of this section may include all Stage 2 airplanes with a maximum certificated takeoff weight of more than 75,000 pounds that were owned or leased by the air carrier on November 5, 1990, regardless of whether such airplanes were operated by that air carrier or foreign air carrier on that date.

(3) For operations conducted between the State of Hawaii and a point outside the contiguous United States—

(i) The number of Stage 2 airplanes used to conduct such operations as of November 5, 1990; and

(ii) Any change to that number during the calendar year being reported, including the date of such change.

(d) Reports or amended reports for years predating this regulation are required to be filed concurrently with the next annual report.

[Doc. No. 28213, 61 FR 66185, Dec. 16, 1996]

§§ 91.879–91.899 [Reserved]

**Subpart J—Waivers**

§ 91.901 [Reserved]

§ 91.903 **Policy and procedures.**

(a) The Administrator may issue a certificate of waiver authorizing the operation of aircraft in deviation from

any rule listed in this subpart if the Administrator finds that the proposed operation can be safely conducted under the terms of that certificate of waiver.

(b) An application for a certificate of waiver under this part is made on a form and in a manner prescribed by the Administrator and may be submitted to any FAA office.

(c) A certificate of waiver is effective as specified in that certificate of waiver.

[Doc. No. 18334, 54 FR 34325, Aug. 18, 1989]

§ 91.905 **List of rules subject to waivers.**

- Sec.
- 91.107 Use of safety belts.
  - 91.111 Operating near other aircraft.
  - 91.113 Right-of-way rules: Except water operations.
  - 91.115 Right-of-way rules: Water operations.
  - 91.117 Aircraft speed.
  - 91.119 Minimum safe altitudes: General.
  - 91.121 Altimeter settings.
  - 91.123 Compliance with ATC clearances and instructions.
  - 91.125 ATC light signals.
  - 91.126 Operating on or in the vicinity of an airport in Class G airspace.
  - 91.127 Operating on or in the vicinity of an airport in Class E airspace.
  - 91.129 Operations in Class D airspace.
  - 91.130 Operations in Class C airspace.
  - 91.131 Operations in Class B airspace.
  - 91.133 Restricted and prohibited areas.
  - 91.135 Operations in Class A airspace.
  - 91.137 Temporary flight restrictions.
  - 91.141 Flight restrictions in the proximity of the Presidential and other parties.
  - 91.143 Flight limitation in the proximity of space flight operations.
  - 91.153 VFR flight plan: Information required.
  - 91.155 Basic VFR weather minimums
  - 91.157 Special VFR weather minimums.
  - 91.159 VFR cruising altitude or flight level.
  - 91.169 IFR flight plan: Information required.
  - 91.173 ATC clearance and flight plan required.
  - 91.175 Takeoff and landing under IFR.
  - 91.177 Minimum altitudes for IFR operations.
  - 91.179 IFR cruising altitude or flight level.
  - 91.181 Course to be flown.
  - 91.183 IFR radio communications.
  - 91.185 IFR operations: Two-way radio communications failure.
  - 91.187 Operation under IFR in controlled airspace: Malfunction reports.
  - 91.209 Aircraft lights.
  - 91.303 Aerobatic flights.
  - 91.305 Flight test areas.

- 91.311 Towing: Other than under §91.309.
- 91.313(e) Restricted category civil aircraft: Operating limitations.
- 91.515 Flight altitude rules.
- 91.705 Operations within the North Atlantic Minimum Navigation Performance Specifications Airspace.
- 91.707 Flights between Mexico or Canada and the United States.
- 91.713 Operation of civil aircraft of Cuban registry.

[Doc. No. 18334, 54 FR 34325, Aug. 18, 1989, as amended by Amdt. 91-227, 56 FR 65661, Dec. 17, 1991]

§§ 91.907-91.999 [Reserved]

**Subpart K—Fractional Ownership Operations**

SOURCE: Docket No. FAA-2001-10047, 68 FR 54561, Sept. 17, 2003, unless otherwise noted.

**§91.1001 Applicability.**

(a) This subpart prescribes rules, in addition to those prescribed in other subparts of this part, that apply to fractional owners and fractional ownership program managers governing—

(1) The provision of program management services in a fractional ownership program;

(2) The operation of a fractional ownership program aircraft in a fractional ownership program; and

(3) The operation of a program aircraft included in a fractional ownership program managed by an affiliate of the manager of the program to which the owner belongs.

(b) As used in this part—

(1) *Affiliate of a program manager* means a manager that, directly, or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, another program manager. The holding of at least forty percent (40 percent) of the equity and forty percent (40 percent) of the voting power of an entity will be presumed to constitute control for purposes of determining an affiliation under this subpart.

(2) A *dry-lease aircraft exchange* means an arrangement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

(3) A *fractional owner or owner* means an individual or entity that possesses a minimum fractional ownership interest in a program aircraft and that has entered into the applicable program agreements; provided, however, that in the case of the flight operations described in paragraph (b)(6)(ii) of this section, and solely for purposes of requirements pertaining to those flight operations, the fractional owner operating the aircraft will be deemed to be a fractional owner in the program managed by the affiliate.

(4) A *fractional ownership interest* means the ownership of an interest or holding of a multi-year leasehold interest and/or a multi-year leasehold interest that is convertible into an ownership interest in a program aircraft.

(5) A *fractional ownership program or program* means any system of aircraft ownership and exchange that consists of all of the following elements:

(i) The provision for fractional ownership program management services by a single fractional ownership program manager on behalf of the fractional owners.

(ii) Two or more airworthy aircraft.

(iii) One or more fractional owners per program aircraft, with at least one program aircraft having more than one owner.

(iv) Possession of at least a minimum fractional ownership interest in one or more program aircraft by each fractional owner.

(v) A dry-lease aircraft exchange arrangement among all of the fractional owners.

(vi) Multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

(6) A *fractional ownership program aircraft or program aircraft* means:

(i) An aircraft in which a fractional owner has a minimal fractional ownership interest and that has been included in the dry-lease aircraft exchange pursuant to the program agreements, or

(ii) In the case of a fractional owner from one program operating an aircraft in a different fractional ownership program managed by an affiliate of the operating owner's program manager, the