



ALERTS

FAA Extends And Adds To NBAA Small Aircraft Exemptions

August 13, 2020

Highlights

FAA extended the NBAA Small Aircraft Exemption until March 31, 2022, with additional requirements

NBAA Small Aircraft Exemption still applies to operators of certain U.S. registered aircraft

FAA now requires operators using the exemption to file a Notice of Joinder to FAA Exemption Number 7897K

The Federal Aviation Administration (FAA) has had a long-standing exemption allowing National Business Aviation Association (NBAA) members operating smaller aircrafts to conduct operations that would otherwise be limited to large aircrafts under [FAR Part 91 501\(b\)](#).

Smaller aircraft include helicopters and general aircraft with a gross takeoff weight of less than 12,000 pounds. Permitted operations include time sharing agreements, interchange agreements and joint ownership agreements.

The FAA has [extended](#) the [NBAA Small Aircraft Exemption](#) to March 31, 2022.

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In addition, effective Sept. 27, 2020, aircraft being operated under the NBAA exemption must also file a [“Notice of Joinder to FAA Exemptions No. 7897k”](#) electronically to the FAA by following the online instructions for submitting documents accordingly.

Also, under the exemption, companies are allowed to qualify for the so-called FAA Affiliated Group exemption where a parent or subsidiary can charge for the use of an aircraft up to the total cost of owning and operating the aircraft.

All those identified in the Notices of Joinder to FAA exemption No. 7897k will be included in the list of NBAA members authorized to exercise the privilege under the NBAA exemption.

The FAA has also concluded (after review) that the NBAA exemption would be in compliance with International Civil Aviation Organization (ICAO) Standards. Accordingly, the FAA is adding a new condition on limitation No. 6 to allow NBAA members to operate outside of the U.S. under the exemption, unless otherwise prohibited by a foreign country.

Requirements for Filing the Notice

The Notice of Joinder to FAA Exemption No. 7897k must include all of the following:

1. The person’s name and, for a person other than an individual, the name of the authorized representative submitting the notice
2. The person’s physical address and, for a person other than an individual, the physical address for the authorized representative. If the person or the authorized representative does not receive mail at the physical address provided, a mailing address must also be provided.
3. The person’s email address or, for applicants other than individuals, the email address of the authorized representative
4. The person’s telephone number(s)
5. The person’s NBAA membership number
6. A statement requesting the FAA append the Notice of Joinder to the list of NBAA members authorized to exercise the privileges of Exemption No. 7897K
7. An attestation that the person will not conduct any operation under Exemption No. 7897K if the person ceases to be a member of NBAA
8. An attestation that the person will comply with all conditions and limitations of Exemption No. 7897K

The NBAA will provide a form via the website to members so they can easily comply with the new requirements; it is expected the form will be

available prior to the Sept. 27 effective date.

To obtain more information, please contact the Barnes & Thornburg attorney with whom you work, or Todd A. Dixon at 616-742-3959 or todd.dixon@btlaw.com; Clifford G. Maine at 616-742-3944 or clifford.maine@btlaw.com or Mary Comazzi at 947-215-1319 or mary.comazzi@btlaw.com.

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