

**Clarification and Correction**  
**by**  
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At our last chapter meeting I made a presentation regarding the maintenance and inspection requirements for an amateur-built aircraft. There were some good questions asked, and I looked into some of the issues further after the meeting and interviewed multiple people within the FAA. I now have a better education myself regarding the issues surrounding this subject, and I wanted to pass along what I have learned through my research. I also need to humbly admit that on some of my points I was wrong.

When I was writing the outline for the presentation I took the information straight from the Code of Federal Regulations (CFR's), so I believed that I was correct in my interpretation. For the most part I was – *if I was making a presentation to the owners and operators of aircraft with a standard airworthiness certificate*. Unfortunately, I overlooked one very important piece of regulatory material – 14 CFR 43.1(b). This states, “This part does not apply to any aircraft for which the FAA has issued an experimental certificate, unless the FAA has previously issued a different kind of airworthiness certificate for that aircraft.” As you may recall, most of my references were given from part 43, which governs maintenance and preventive maintenance.

In general, the FAA has ruled on the maintenance of amateur-built aircraft by ‘omission’. Although there is nothing in the regulations that states that the owner or builder can do his own maintenance of a homebuilt aircraft, there is also nothing that states that he cannot (yep, you’re right Virgil Thovson). Generally speaking, the maintenance requirements for a homebuilt aircraft are only specified in the operating limitations that were issued with the special airworthiness certificate. Here are a couple of points about the common limitations.

Two of the standard limitations are worded as follows:

1. After completion of phase I flight testing, unless appropriately equipped for night and/or instrument flight in accordance with §91.205, this aircraft is to be operated under VFR, day only.
2. Aircraft instruments and equipment installed and used under §91.205 must be inspected and maintained in accordance with the requirements of part 91. Any maintenance or inspection of this equipment must be recorded in the aircraft maintenance records.

An example of how this would relate to the homebuilt aircraft would be a magnetic compass. If one is installed in the plane and needed to be serviced, it would need to be done by an appropriately-rated mechanic or repairman.

Three other limitations relate to the continued airworthiness of the airplane. These state:

1. No person must operate this aircraft unless within the preceding 12 calendar months it has had a condition inspection performed in accordance with the scope and detail of appendix D to part 43, or other FAA-approved programs, and was found to be in a

condition for safe operation. As part of the condition inspection, cockpit instruments must be appropriately marked and needed placards installed in accordance with § 91.9. In addition, system-essential controls must be in good condition, securely mounted, clearly marked, and provide for ease of operation. This inspection will be recorded in the aircraft maintenance records.

2. Condition inspections must be recorded in the aircraft maintenance records showing the following, or a similarly worded, statement: **“I certify that this aircraft has been inspected on [insert date] in accordance with the scope and detail of appendix D to part 43, and was found to be in a condition for safe operation.”** The entry will include the aircraft’s total time-in-service, and the name, signature, certificate number, and type of certificate held by the person performing the inspection.
3. An experimental aircraft builder certificated as a repairman for this aircraft under §65.104 or an appropriately rated FAA-certificated mechanic may perform the condition inspection required by these operating limitations.

As you can see, the operating limitations reference the applicable portions of the CFR’s where appropriate.

So, what’s the bottom line? You as the builder, owner, or operator of a homebuilt aircraft can do any maintenance and alterations on your aircraft, whether minor or major, unless there is something specifically written in the operating limitations that states that you cannot.

I hope this clears up this issue. I apologize for the confusion that I caused by leading the group astray. Please destroy the handouts that you got at the last meeting.