Federal Aviation Administration, DOT

§ 135.129

(a)(1) Applicability. This section applies to all certificate holders operating under this part, except for on-demand operations with aircraft having 19 or fewer passenger seats and commuter operations with aircraft having 9 or fewer passenger seats.

(ii) Except as provided in paragraph (a)(2)(ii)(D) of this section, the approved child restraint system bears one or more labels as follows:

(A) Seats manufactured to U.S. standards between January 1, 1981, and February 25, 1985, must bear the label: “This child restraint system conforms to all applicable Federal motor vehicle safety standards”;

(B) Seats manufactured to U.S. standards on or after February 26, 1985, must bear two labels:

(1) “This child restraint system conforms to all applicable Federal motor vehicle safety standards”;

(2) “THIS RESTRAINT IS CERTIFIED FOR USE IN MOTOR VEHICLES AND AIRCRAFT” in red lettering;

(C) Seats that do not qualify under paragraphs (a)(2)(ii)(A) and (a)(2)(ii)(B) of this section must bear a label or markings showing:

(1) That the seat was approved by a foreign government;

(2) That the seat was manufactured under the standards of the United Nations;

(3) That the seat or child restraint device furnished by the certificate holder was approved by the FAA through Type Certificate or Supplemental Type Certificate.

(4) That the seat or child restraint device furnished by the certificate holder, or one of the persons described in paragraph (b)(2)(i) of this section, was approved by the FAA in accordance with §21.305(d) or Technical Standard Order C–100b, or a later version.

(D) Except as provided in §135.128(a)(2)(ii)(C)(3) and §135.128(a)(2)(ii)(C)(4), booster-type child restraint systems (as defined in Federal Motor Vehicle Safety Standard No. 213 (49 CFR 571.213)), vest- and harness-type child restraint systems, and lap held child restraints are not approved for use in aircraft; and

(iii) The certificate holder complies with the following requirements:

(A) The restraint system must be properly secured to an approved forward-facing seat or berth;

(B) The child must be properly secured in the restraint system and must not exceed the specified weight limit for the restraint system; and

(C) The restraint system must bear the appropriate label(s).

(b) Except as provided in paragraph (b)(3) of this section, the following prohibitions apply to certificate holders:

(1) Except as provided in §135.128(a)(2)(ii)(C)(3) and §135.128(a)(2)(ii)(C)(4), no certificate holder may permit a child, in an aircraft, to occupy a booster-type child restraint system, a vest-type child restraint system, a harness-type child restraint system, or a lap held child restraint system during take off, landing, and movement on the surface.

(2) Except as required in paragraph (b)(1) of this section, no certificate holder may prohibit a child, if requested by the child’s parent, guardian, or designated attendant, from occupying a child restraint system furnished by the child’s parent, guardian, or designated attendant provided:

(i) The child holds a ticket for an approved seat or berth or such seat or berth is otherwise made available by the certificate holder for the child’s use;

(ii) The requirements of paragraph (a)(2)(i) of this section are met;

(iii) The requirements of paragraph (a)(2)(iii) of this section are met; and

(iv) The child restraint system has one or more of the labels described in paragraphs (a)(2)(ii)(A) through (a)(2)(ii)(C) of this section.

(3) This section does not prohibit the certificate holder from providing child restraint systems authorized by this or, consistent with safe operating practices, determining the most appropriate passenger seat location for the child restraint system.

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(2) Duty to make determination of suit-
ability. Each certificate holder shall de-
terminate, to the extent necessary to
perform the applicable functions of
paragraph (d) of this section, the suit-
ability of each person it permits to oc-
cupy an exit seat. For the purpose of
this section—

(i) Exit seat means—

(A) Each seat having direct access to
an exit; and

(B) Each seat in a row of seats

through which passengers would have

to pass to gain access to an exit, from
the first seat inboard of the exit to the

first aisle inboard of the exit.

(ii) A passenger seat having direct ac-

cess means a seat from which a pas-
senger can proceed directly to the exit

without entering an aisle or passing

around an obstruction.

(3) Persons designated to make deter-
mination. Each certificate holder shall

make the passenger exit seating deter-

minations required by this paragraph

in a non-discriminatory manner con-

sistent with the requirements of this

section, by persons designated in the

certificate holder’s required operations

manual.

(4) Submission of designation for ap-

proval. Each certificate holder shall

designate the exit seats for each pas-
senger seating configuration in its fleet

in accordance with the definitions in

this paragraph and submit those des-

ignations for approval as part of the

procedures required to be submitted for

approval under paragraphs (n) and (p)

of this section.

(b) No certificate holder may seat a

person in a seat affected by this section

if the certificate holder determines

that it is likely that the person would

be unable to perform one or more of

the applicable functions listed in para-

graph (d) of this section because—

(1) The person lacks sufficient mobil-

ity, strength, or dexterity in both arms

and hands, and both legs;

(1) To reach upward, sideways, and
downward to the location of emergency

exit and exit-slide operating mecha-

nisms;

(ii) To grasp and push, pull, turn, or

otherwise manipulate those mecha-

nisms;

(iii) To push, shove, pull, or other-

wise open emergency exits;

(iv) To lift out, hold, deposit on near-

by seats, or maneuver over the

seatbacks to the next row objects the

size and weight of over-wing window

exit doors;

(v) To remove obstructions of size

and weight similar over-wing exit
doors;

(vi) To reach the emergency exit ex-

peditiously;

(vii) To maintain balance while re-

moving obstructions;

(viii) To exit expeditiously;

(ix) To stabilize an escape slide after
deployment; or

(x) To assist others in getting off an

escape slide;

(2) The person is less than 15 years of

age or lacks the capacity to perform

one or more of the applicable functions

listed in paragraph (d) of this section

without the assistance of an adult com-

panion, parent, or other relative;

(3) The person lacks the ability to

read and understand instructions re-

quired by this section and related to

emergency evacuation provided by the

certificate holder in printed or graphic

form or the ability to understand oral

crew commands.

(4) The person lacks sufficient visual

capacity to perform one or more of the

applicable functions in paragraph (d) of

this section without the assistance of

visual aids beyond contact lenses or

eyeglasses;

(5) The person lacks sufficient aural

capacity to hear and understand in-

structions shouted by flight attend-

ants, without assistance beyond a hear-

ing aid;

(6) The person lacks the ability ade-

quately to impart information orally

to other passengers; or

(7) The person has:

(i) A condition or responsibilities,
such as caring for small children, that
might prevent the person from per-
forming one or more of the applicable
functions listed in paragraph (d) of this
section; or

(ii) A condition that might cause the

person harm if he or she performs one

or more of the applicable functions

listed in paragraph (d) of this section.

(c) Each passenger shall comply with

instructions given by a crewmember or
other authorized employee of the certificate holder implementing exit seating restrictions established in accordance with this section.

(d) Each certificate holder shall include on passenger information cards, presented in the language in which briefings and oral commands are given by the crew, at each exit seat affected by this section, information that, in the event of an emergency in which a crewmember is not available to assist, a passenger occupying an exit seat may use if called upon to perform the following functions:

1. Locate the emergency exit;
2. Recognize the emergency exit opening mechanism;
3. Comprehend the instructions for operating the emergency exit;
4. Operate the emergency exit;
5. Assess whether opening the emergency exit will increase the hazards to which passengers may be exposed;
6. Follow oral directions and hand signals given by a crewmember;
7. Stow or secure the emergency exit door so that it will not impede use of the exit;
8. Assess the condition of an escape slide, activate the slide, and stabilize the slide after deployment to assist others in getting off the slide;
9. Pass expeditiously through the emergency exit; and
10. Assess, select, and follow a safe path away from the emergency exit.

(e) Each certificate holder shall include on passenger information cards, at each exit seat—

1. In the primary language in which emergency commands are given by the crew, the selection criteria set forth in paragraph (b) of this section, and a request that a passenger identify himself or herself to allow reseating if he or she—
   i. Cannot meet the selection criteria set forth in paragraph (b) of this section;
   ii. Has a nondiscernible condition that will prevent him or her from performing the applicable functions listed in paragraph (d) of this section;
   iii. May suffer bodily harm as the result of performing one or more of those functions; or
   iv. Does not wish to perform those functions; and,

2. In each language used by the certificate holder for passenger information cards, a request that a passenger identify himself or herself to allow reseating if he or she lacks the ability to read, speak, or understand the language or the graphic form in which instructions required by this section and related to emergency evacuation are provided by the certificate holder, or the ability to understand the specified language in which crew commands will be given in an emergency;
3. May suffer bodily harm as the result of performing one or more of those functions; or,
4. Does not wish to perform those functions.

A certificate holder shall not require the passenger to disclose his or her reason for needing reseating.

(f) Each certificate holder shall make available for inspection by the public at all passenger loading gates and ticket counters at each airport where it conducts passenger operations, written procedures established for making determinations in regard to exit row seating.

(g) No certificate holder may allow taxi or pushback unless at least one required crewmember has verified that no exit seat is occupied by a person the crewmember determines is likely to be unable to perform the applicable functions listed in paragraph (d) of this section.

(h) Each certificate holder shall include in its passenger briefings a reference to the passenger information cards, required by paragraphs (d) and (e), the selection criteria set forth in paragraph (b), and the functions to be performed, set forth in paragraph (d) of this section.

(i) Each certificate holder shall include in its passenger briefings a request that a passenger identify himself or herself to allow reseating if he or she—

1. Cannot meet the selection criteria set forth in paragraph (b) of this section;
2. Has a nondiscernible condition that will prevent him or her from performing the applicable functions listed in paragraph (d) of this section;
(3) May suffer bodily harm as the result of performing one or more of those functions; or,
(4) Does not wish to perform those functions.
A certificate holder shall not require the passenger to disclose his or her reason for needing reseating.
(j) [Reserved]
(k) In the event a certificate holder determines in accordance with this section that it is likely that a passenger assigned to an exit seat would be unable to perform the functions listed in paragraph (d) of this section or a passenger requests a non-exit seat, the certificate holder shall expeditiously relocate the passenger to a non-exit seat.
(l) In the event of full booking in the non-exit seats and if necessary to accommodate a passenger being relocated from an exit seat, the certificate holder shall move a passenger who is willing and able to assume the evacuation functions that may be required, to an exit seat.
(m) A certificate holder may deny transportation to any passenger under this section only because—
(1) The passenger refuses to comply with instructions given by a crewmember or other authorized employee of the certificate holder implementing exit seating restrictions established in accordance with this section, or
(2) The only seat that will physically accommodate the person’s handicap is an exit seat.
(n) In order to comply with this section certificate holders shall—
(1) Establish procedures that address:
(i) The criteria listed in paragraph (b) of this section;
(ii) The functions listed in paragraph (d) of this section;
(iii) The requirements for airport information, passenger information cards, crewmember verification of appropriate seating in exit seats, passenger briefings, seat assignments, and denial of transportation as set forth in this section;
(iv) How to resolve disputes arising from implementation of this section, including identification of the certificate holder employee on the airport to whom complaints should be addressed for resolution; and,
(2) Submit their procedures for preliminary review and approval to the principal operations inspectors assigned to them at the certificate-holding district office.
(o) Certificate holders shall assign seats prior to boarding consistent with the criteria listed in paragraph (b) and the functions listed in paragraph (d) of this section, to the maximum extent feasible.
(p) The procedures required by paragraph (n) of this section will not become effective until final approval is granted by the Director, Flight Standards Service, Washington, DC. Approval will be based solely upon the safety aspects of the certificate holder’s procedures.

Subpart C—Aircraft and Equipment

§135.141 Applicability.
This subpart prescribes aircraft and equipment requirements for operations under this part. The requirements of this subpart are in addition to the aircraft and equipment requirements of part 91 of this chapter. However, this part does not require the duplication of any equipment required by this chapter.

§135.143 General requirements.
(a) No person may operate an aircraft under this part unless that aircraft and its equipment meet the applicable regulations of this chapter.
(b) Except as provided in §135.179, no person may operate an aircraft under this part unless the required instruments and equipment in it have been approved and are in an operable condition.
(c) ATC transponder equipment installed within the time periods indicated below must meet the performance and environmental requirements of the following TSO’s:
(1) Through January 1, 1992: (i) Any class of TSO-C74b or any class of TSO-C74c as appropriate, provided that the equipment was manufactured before January 1, 1990; or