§ 91.109 Flight instruction; Simulated instrument flight and certain flight tests.

(a) No person may operate a civil aircraft (except a manned free balloon) that is being used for flight instruction unless that aircraft has fully functioning dual controls. However, instrument flight instruction may be given in an airplane that is equipped with a single, functioning throwover control wheel that controls the elevator and ailerons, in place of fixed, dual controls, when—

(1) The instructor has determined that the flight can be conducted safely; and
(2) The person manipulating the controls has at least a private pilot certificate with appropriate category and class ratings.

(b) An airplane equipped with a single, functioning throwover control wheel that controls the elevator and ailerons, in place of fixed, dual controls may be used for flight instruction to conduct a flight review required by §61.56 of this chapter, or to obtain recent flight experience or an instrument proficiency check required by §61.57 when—

(1) The airplane is equipped with operable rudder pedals at both pilot stations;
(2) The pilot manipulating the controls is qualified to serve and serves as pilot in command during the entire flight;

(3) The operator complies with the following requirements:
§ 91.113 Right-of-way rules: Except water operations.

(a) **Inapplicability.** This section does not apply to the operation of an aircraft on water.

(b) **General.** When weather conditions permit, regardless of whether an operation is conducted under instrument flight rules or visual flight rules, vigilance shall be maintained by each person operating an aircraft so as to see and avoid other aircraft. When a rule of this section gives another aircraft the right-of-way, the pilot shall give way to that aircraft and may not pass over, under, or ahead of it unless well clear.

(c) **In distress.** An aircraft in distress has the right-of-way over all other aircraft.

(d) **Converging.** When aircraft of the same category are converging at approximately the same altitude (except head-on, or nearly so), the aircraft to the other’s right has the right-of-way. If the aircraft are of different categories—

(1) A balloon has the right-of-way over any other category of aircraft;

(2) A glider has the right-of-way over an airship, powered parachute, weight-shift-control aircraft, airplane, or rotorcraft.

(3) An airship has the right-of-way over a powered parachute, weight-shift-control aircraft, airplane, or rotorcraft.

However, an aircraft towing or refueling other aircraft has the right-of-way over all other engine-driven aircraft.

(e) **Approaching head-on.** When aircraft are approaching each other head-on, or nearly so, each pilot of each aircraft shall alter course to the right.

(f) **Overtaking.** Each aircraft that is being overtaken has the right-of-way and each pilot of an overtaking aircraft shall alter course to the right to pass well clear.

(g) **Landing.** Aircraft, while on final approach to land or while landing, have the right-of-way over other aircraft in flight or operating on the surface, except that they shall not take advantage of this rule to force an aircraft off.