AVIATION LAW CERTIFICATION SAMPLE EXAMINATION QUESTIONS

INTRODUCTION

The sample examination questions that follow are not intended to be a formal guide from which to study for the examination, but are only provided to allow the examinee to see how the Aviation Law Certification Committee structures the multiple choice and long essay questions, thereby alleviating any fear potential applicants may have regarding the examination.

The Committee wishes you luck and is hopeful you will make application to sit for the examination. If you have questions regarding the filing of the application, please do not hesitate to contact our Bar staff liaison, Carol Vaught at: cvaught@floridabar.org or at (850)561-5738.
1. The anonymity of the reporter of an event/situation by way of the aviation safety reporting system administered by NASA is not assured when the report pertains to:
   
   a. Part 135 Air Taxi Operations.
   
   b. Inadvertent Actions by the Pilot in Command that do not result in an accident.
   
   c. Criminal activities.
   
   d. Part 121 Air Carrier Operations.

   **Answer:** c. *(Advisory Circular 0046E)*

2. If a pilot is given priority handling by ATC due to an emergency, the pilot is required to submit:
   
   a. An NTSB report of emergency within 24 hours.
   
   b. A written report to the nearest FSDO within 7 days.
   
   c. A report of the emergency to the Administrator within 10 days.
   
   d. A report of the emergency within 48 hours, if requested, to the manager of the ATC facility involved.

   **Answer:** d. *(FAR 91.123)*
3. According to NTSB Part 830, an aircraft accident is an occurrence associated with the operation of an aircraft for the purpose of flight which results in:
   a. Death or serious injury to any person, or substantial damage to the aircraft.
   b. Injury to any person or property, regardless of the extent involved.
   c. Injury to any person or damage to the aircraft in excess of $500.00.
   d. An injury to any person which requires hospitalization or damage to the aircraft which requires repairs.

Answer: a. (49 CFR 830.2)

4. Carriage of passengers for hire is:
   a. Authorized in an experimental aircraft.
   b. Authorized in a restricted category aircraft.
   c. Not authorized in a limited category aircraft.
   d. Not authorized in a utility category aircraft.

Answer: c. (14 CFR 91.315)

5. A pilot involved in an altitude deviation who reports the incident under the NASA ASRP, who was found in violation of an FAR more than 5 years but less than 10 years prior to the reportable incident is:
   a. Not eligible for the benefits of the ASRP.
   b. Is eligible for the benefits of the ASRP.
   c. Not eligible because altitude deviations are excluded from the ASRP.
   d. Is not eligible for the benefits of the ASRP if the prior incident also involved an altitude deviation.

Answer: b. (Advisory Circular 0046E)
6. A pilot operating an IFR flight by means of an IFR certified GPS in an aircraft which is also VOR equipped, may not operate the flight under instrument flight rules unless:

a. The VOR equipment has been operationally checked for accuracy within the preceding 45 days.

b. The VOR equipment has been operationally checked for accuracy within the preceding 30 days by means of an FAA operated or approved test signal or test signal radiated by a certificated and appropriately rated radio repair station.

c. The VOR need not have been operationally checked for accuracy.

d. The VOR equipment has been operationally checked for accuracy along a VOR radial that lies along the centerline of an established VOR airway.

Answer: c. (14 CFR 91.171)

7. A pilot who receives an emergency order of suspension or revocation from the FAA, and who desires to challenge the emergency nature of the order:

a. May not do so as the emergency nature of emergency orders or suspension/revocation are not reviewable by the NTSB.

b. May do so if the emergency order is of suspension but not if it is of revocation.

c. May do so if the pilot files a petition with the NTSB within 2 days of receipt of the emergency order.

d. May do so within 5 days of receipt of the emergency order if the FAA is not opposed.

Answer: c. (49 CFR 821.54)
8. To provide immunity from the imposition of a sanction in a FAA certificate action, a report filed under the Aviation Safety Reporting System administered by NASA must be mailed:

   a. Within 48 hours of the incident.
   b. Within 10 days of the incident.
   c. Prior to the informal conference with the Federal Aviation Administration.
   d. Within 10 days of the Federal Aviation Administration notifying the airman of the incident.

**Answer:** b. (Advisory Circular 0046E)

9. A response to a Notice of Proposed Civil Penalty from the FAA must be served within:

   a. 10 days of the date of the Notice.
   b. 30 days after the date of the Notice.
   c. 20 days after receipt of the Notice.
   d. 30 days after receipt of the Notice.

**Answer:** d. (14 CFR 13.16(f))
10. Which of the following persons may be carried aboard an aircraft without complying with the passenger-carrying requirements of FAR Part 135?

a. Technical representative of an aircraft company.

b. Member of the U. S. Diplomatic Corps on an official courier mission.

c. Political candidate campaigning for election to a federal office.

d. Person who is necessary for the safe handling of animals on the aircraft.

Answer: d. (14 CFR 135.85)

SAMPLE ESSAY QUESTION

AIRLINE OPERATIONS

Freedom Airlines is a commercial air carrier. The contract between the pilots’ union and Freedom Airlines has a year remaining before its expiration. Freedom Airlines’ management decides that unless pilot salaries are immediately reduced by one-third, the airline will be unable to continue to compete effectively against its new competitor airlines (which are using cheaper, non-union labor) in the carrier's major markets. You are in-house counsel for Freedom Airlines. **Please answer the following questions succinctly, but with as much detail as necessary to fully answer each question.**

1. **What procedure(s) must the airline follow before it can start issuing smaller paychecks to its pilots? Why?**

2. **In the first conference between the company's management and union representatives, the management representative states: "There is no alternative to this one-third pay cut. It is not negotiable; we are not even going to talk about alternatives. Take it or leave it." Is this legal? What recourse does the union have if the company takes this position at this stage?**
3. If the company reduces pilot paychecks without first going through the entire procedural process which you described in your answer to number 1, above, what can the union do about it?

4. The company is following the prescribed procedures, but some of the pilots are so angry that the company would even ask them for this concession that they start a "wildcat" strike (without the union's authorization.) The company needs these pilots to return to work to meet the airline's schedules. What can the company do about this wildcat strike?

5. The union calls a strike before all of the prescribed procedures have been contemplated. The company needs the pilots to return to work to meet the airline's schedules. What can the company do about this union authorized strike?

**AIRLINE OPERATIONS MODEL ANSWER**

Answer must address/discuss:

- Railway Labor Act application to Airline Labor Issues
- Collective Bargaining Agreements and Contract Remedies
- Arbitration and Mediation Options
- Union Procedures/Notice of Change in Status Quo
- Major and Minor Disputes and Recognize difference
- Right To Strike/Due Process
- Maintenance of Status Quo