

702 CMR: AERONAUTICS DIVISION

702 CMR 4.00: FLIGHT RULES

Section

4.01: Authority of Operator

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- (1) No person shall land an aircraft upon, fly an aircraft from, or conduct any other aircraft operations on or from an airport, heliport, or restricted landing area other than in conformity with federal aviation statutes and all FAA rules, regulations, orders and directives.
- (2) The operator of an aircraft shall be directly responsible for its operation in accordance with M.G.L. c. 90, 702 CMR, federal and state law, and all FAA rules, regulations, orders and directives.
- (3) No person shall knowingly allow an aircraft owned by him or her or under his or her control to be operated by any person who has no legal right to do so, or in violation of any FAA rules, regulations, orders and directives, M.G.L. c. 90, or 702 CMR.
- (4) In emergency situations which require immediate decision and action, the operator may deviate from a provision of 702 CMR to the extent required to avoid imminent harm to persons or property.
- (5) If an operator exercises his authority to deviate from a provision of 702 CMR pursuant to 702 CMR 4.01(4), the operator shall, within seven days, file a written report with the division describing any deviation from the provisions of 702 CMR and the reason for such deviation.
- (6) The division may, upon review of the report required pursuant to 702 CMR 4.01(5), determine that the deviation from 702 CMR was not warranted by the circumstances and take enforcement action pursuant to M.G.L. c. 90, § 44 and 702 CMR 3.05: *Enforcement* or 5.09: *Enforcement*.

REGULATORY AUTHORITY

702 CMR 4.00: M.G.L. c. 90, §§ 35, 39, 40, 44, 46, 47, 48, 49 and 49D.