- (b) An applicant who is neither a United States citizen nor a resident alien of the United States:
- (1) Must show evidence that the appropriate fee prescribed by part 187 of this chapter has been paid when that person applies for a-

(i) Student pilot certificate that is issued outside the United States; or

- (ii) Knowledge or practical test for a U.S. airman certificate or rating issued under this part, if the test is administered outside the United States.
- (2) May be refused issuance of any U.S. airman certificate and rating by the Administrator.
- (c) Except for the provisions listed in paragraph (b) of this section, an applicant who satisfactorily accomplishes the training and certification requirements for the certificate and rating sought is entitled to receive that airman certificate and

(d) Limitations.

- (1) An applicant who cannot comply with certain approved areas of operation required on the practical test because of physical limitations may be issued an airman certificate and rating with the appropriate limitation placed on the applicant's airman certificate provided the:
- (i) Applicant is able to meet all the other certification requirements for the airman certificate or rating sought;
- (ii) Physical limitation has been recorded with the Federal Aviation Administration on the applicant's medical records; and
- (iii) Administrator determines the applicant's inability to perform the particular area of operation will not adversely affect safety.
- (2) A limitation placed on a person's airman certificate may be removed, provided that person demonstrates satisfactory proficiency:
- (i) In the area of operation appropriate to the airman certificate level and rating sought; and

(ii) To an examiner.

- (e) Category II pilot authorization.
- (1) A Category II pilot authorization
- (i) Issued as a part of a pilot's instrument rating or airline transport pilot certificate; and
- (ii) Issued originally with a limitation of 1600 feet runway visual readout and a 150-foot decision height.
- (2) The limitation in paragraph (e)(1)(ii) of this section may be removed when the person has, within the previous 6 calendar months from the month Category II pilot authorization is issued, performed and logged 3 Category II approaches to a landing under actual or simulated instrument conditions with a 150-foot decision height.

- (f) Unless otherwise authorized by the Administrator, a person whose airman certificate has been suspended may not apply for any airman certificate or rating during the period of suspension.
- (g) Unless otherwise authorized by the Administrator, a person whose pilot, flight instructor, or ground instructor certificate has been revoked may not apply for any airman certificate or rating for 1 year after the date of revocation.

Refusal to submit to a drug test.

(a) This section applies to:

- (1) An employee who performs a function listed in appendix I to part 121 of this chapter for a part 119 certificate holder operating under part 121 or part 135; and
- (2) An employee who performs a function listed in appendix I to part 121 of this chapter for an operator as defined in § 135.1(c) of this chapter. An employee of a person conducting operations of foreign civil aircraft navigated within the United States pursuant to part 375 or emergency mail service operations pursuant to section 405(h) of the Federal Aviation Act of 1958 is excluded from the requirements of this section.
- (b) Refusal by the holder of a certificate issued under this part to take a test for a drug specified in appendix I of part 121 of this chapter, when requested by an employer as defined in that appendix or an operator as defined in § 135.1(c) of this chapter, and under the circumstances specified in that appendix is grounds for:

(1) Denial of an application for any certificate or rating issued under this part for a period of up to 1 year after the

date of that refusal; and

(2) Suspension or revocation of any certificate or rating issued under this part.

§61.15 Offenses involving alcohol or drugs.

- (a) A conviction for the violation of any Federal or state statute relating to the growing, processing, manufacture, sale, disposition, possession, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances is grounds for:
- (1) Denial of an application for any certificate or rating issued under this part for up to 1 year after the date of final conviction; or
- (2) Suspension or revocation of any certificate or rating issued under this
- (b) Committing an act prohibited by § 91.17(a) or § 91.19(a) of this chapter is grounds for:
- (1) Denial of an application for a certificate or rating issued under this

- part for up to 1 year after the date of that act; or
- (2) Suspension or revocation of any certificate or rating issued under this
- (c) For the purposes of paragraphs (d) and (e) of this section, a motor vehicle action means:
- (1) A conviction after November 29, 1990, for the violation of any Federal or state statute relating to the operation of a motor vehicle while intoxicated by alcohol or a drug, while impaired by alcohol or a drug, or while under the influence of alcohol or a drug;
- (2) The cancellation, suspension, or revocation of a license to operate a motor vehicle by a state after November 29, 1990, for a cause related to the operation of a motor vehicle while intoxicated by alcohol or a drug, while impaired by alcohol or a drug, or while under the influence of alcohol or a drug;
- (3) The denial after November 29. 1990, of an application for a license to operate a motor vehicle by a state for a cause related to the operation of a motor vehicle while intoxicated by alcohol or a drug, while impaired by alcohol or a drug, or while under the influence of alcohol or a drug.
- (d) Except for a motor vehicle action that results from the same incident or arises out of the same factual circumstances, a motor vehicle action occurring within 3 years of a previous motor vehicle action is grounds for:
- (1) Denial of an application for any certificate or rating issued under this part for up to 1 year after the date of the last motor vehicle action; or
- (2) Suspension or revocation of any certificate or rating issued under this
- (e) Each person holding a certificate issued under this part shall provide a written report of each motor vehicle action to the FAA, Civil Aviation Security Division (AAC-700), P.O. Box 25810, Oklahoma City, OK 73125, not later that 60 days after the motor vehicle action. The report must include:
- (1) The person's name, address, date of birth, and airman certificate number;
- (2) The type of violation that resulted in the conviction or the administrative
- (3) The date of the conviction or administrative action:
- (4) The state that holds the record of conviction or administrative action; and
- (5) A statement of whether the motor vehicle action resulted from the same incident or arose out of the same factual circumstances related to a previously reported motor vehicle action.

(f) Failure to comply with paragraph (e) of this section is grounds for: