THE § 91.213(d) FLOW

inoperative equipment · no MEL

Something on the panel is dead and the aircraft has no Minimum Equipment List. Worked in order, quoted from the regulation rather than summarised. **Four separate tests must all come back "no" before you may defer anything.**

1 · WHICH PATH ARE YOU ON?

MEL or no MEL REGULATION

> "Except as provided in paragraph (d) of this section, no person may take off an aircraft with inoperative instruments or equipment installed unless the following conditions are met:"
> § 91.213(a)

If your aircraft has an approved MEL and a letter of authorization, you use the MEL — and § 91.213(c) makes that mandatory for aircraft operated under subpart K, part 121, 125 or 135. Most rental trainers have neither, which is why the (d) path exists.

> "Except for operations conducted in accordance with paragraph (a) or (c) of this section, a person may takeoff an aircraft in operations conducted under this part with inoperative instruments and equipment without an approved Minimum Equipment List provided—"
> § 91.213(d)

This is the path almost every part 91 trainer is on. Everything below is the price of using it — all four conditions, not a menu.

2 · DOES YOUR AIRCRAFT QUALIFY?

§ 91.213(d)(1) REGULATION

> "**(i)** Rotorcraft, non-turbine-powered airplane, glider, lighter-than-air aircraft, powered parachute, or weight-shift-control aircraft, for which a master minimum equipment list has not been developed; or"
> § 91.213(d)(1)(i)

You check: A piston trainer with no MMEL developed for the type. This is the usual case.

> "**(ii)** Small rotorcraft, nonturbine-powered small airplane, glider, or lighter-than-air aircraft for which a Master Minimum Equipment List has been developed; and"
> § 91.213(d)(1)(ii)

You check: A small piston airplane that does have an MMEL. You may still use the (d) path — an MMEL existing does not force you onto the MEL path; only actually holding an approved MEL and letter of authorization does.

3 · THE FOUR TESTS — ANY ONE STOPS YOU

§ 91.213(d)(2) · all four must be "no" REGULATION

The rule is written as a list of things the inoperative item must **not** be. These are four separate tests against four different documents. Passing three of them is not passing.

> "**(i)** Part of the VFR-day type certification instruments and equipment prescribed in the applicable airworthiness regulations under which the aircraft was type certificated;"
> § 91.213(d)(2)(i)

You check: The airworthiness regulations the aircraft was certificated under — CAR 3 or part 23 at the amendment level in force at certification.

CHECKRIDE TRAP TECHNIQUE This is the prong that is not straightforward. Read the panel below before answering it.

> "**(ii)** Indicated as required on the aircraft's equipment list, or on the Kinds of Operations Equipment List for the kind of flight operation being conducted;"
> § 91.213(d)(2)(ii)

You check: The equipment list and the KOEL in the AFM/POH for this aircraft, read for the kind of operation you are about to conduct — and the flight-manual supplement of any STC, which can add a required item the base list never had. A separate prong from (i) — do not merge them.

> "**(iii)** Required by § 91.205 or any other rule of this part for the specific kind of flight operation being conducted; or"
> § 91.213(d)(2)(iii)

You check: § 91.205 for day VFR, night VFR or IFR as applicable — plus any other part 91 rule that requires the item for what you are about to do (§ 91.207 ELT, § 91.215 transponder, § 91.225 ADS-B Out).

> "**(iv)** Required to be operational by an airworthiness directive; and"
> § 91.213(d)(2)(iv)

You check: The aircraft's AD compliance record. An AD can require an item to work even when nothing else does.

4 · THEN PLACARD IT, AND RECORD IT

§ 91.213(d)(3) — not optional REGULATION

> "**(i)** Removed from the aircraft, the cockpit control placarded, and the maintenance recorded in accordance with § 43.9 of this chapter; or"
> § 91.213(d)(3)(i)

You check: Physically removed, control placarded, and a maintenance record entry made.

> "**(ii)** Deactivated and placarded "Inoperative." If deactivation of the inoperative instrument or equipment involves maintenance, it must be accomplished and recorded in accordance with part 43 of this chapter; and"
> § 91.213(d)(3)(ii)

CHECKRIDE TRAP TECHNIQUE **You check:** Deactivated and placarded. Whether you may do the deactivating yourself is the question the panel below does not settle: the rule makes the record entry conditional on maintenance being involved; the FAA's advisory circular does not.

WHO MAY DEACTIVATE IT — TWO TEXTS, READ THEM BOTH

FAA GUIDANCE "Deactivation of an inoperative system is not preventive maintenance as described in part 43 appendix A. Regardless of the method of deactivation, a person authorized to approve the aircraft for return to service under § 43.7 must make the maintenance record entry required by § 43.9."

AC 91-67A ¶4.2.2 (10/16/2023) — FAA guidance, not law

The regulation says the entry is required if deactivation involves maintenance; the advisory circular says it is required regardless of method, and that pulling a breaker is not a pilot's preventive maintenance. An AC describes an acceptable means, not the only means — but it is the means an inspector or examiner will apply. This sheet does not rule on which reading governs.

5 · AND SOMEBODY QUALIFIED SAYS IT IS NOT A HAZARD

§ 91.213(d)(4) REGULATION

> "A determination is made by a pilot, who is certificated and appropriately rated under part 61 of this chapter, or by a person, who is certificated and appropriately rated to perform maintenance on the aircraft, that the inoperative instrument or equipment does not constitute a hazard to the aircraft."
> § 91.213(d)(4)

You check: A rated pilot may make this call — it does not require a mechanic. It is a judgement about this item on this aircraft for this flight, and it is recorded nowhere, which is exactly why it gets skipped.

Then, and only then — the CFR prints this sentence with no paragraph number of its own, right after (d)(4): "An aircraft with inoperative instruments or equipment as provided in paragraph (d) of this section is considered to be in a properly altered condition acceptable to the Administrator."

6 · IF A TEST CATCHES IT

the (d) path is closed REGULATION

1. Repair it and have it returned to service.

CHECKRIDE TRAP TECHNIQUE **2.** A special flight permit (ferry permit) can reposition the aircraft to where the repair will be made. It is not a way to keep flying the trip.

> "Notwithstanding any other provision of this section, an aircraft with inoperable instruments or equipment may be operated under a special flight permit issued in accordance with §§ 21.197 and 21.199 of this chapter."
> § 91.213(e)

7 · AND AT THE NEXT REQUIRED INSPECTION

§ 91.405(c) — not forever, and not the annual REGULATION

> "**(c)** Shall have any inoperative instrument or item of equipment, permitted to be inoperative by § 91.213(d)(2) of this part, repaired, replaced, removed, or inspected at the next required inspection; and"
> § 91.405(c)

You check: The owner or operator's duty, not the pilot's — but the pilot is the one who finds a placard from three annuals ago. Four verbs, and the fourth is the one that matters.

FAA GUIDANCE The FAA's Chief Counsel, asked what "inspected" means here, answered that the process of re-evaluating the item at each required inspection "may be continued "indefinitely," so long the reevaluation is accomplished and documented at each required inspection."

FAA Office of the Chief Counsel to R. Peri, Aircraft Electronics Association, June 2018 — legal interpretation, not regulation

"Inspected" means re-evaluated: at each required inspection the deferral is looked at again, decided again, and written down again. On that basis it may continue — and only on that basis.

FOUR THINGS THE CHECKRIDE CATCHES TECHNIQUE

1. **"It isn't in TOMATO FLAMES, so I can go."** § 91.205 is one of four tests, not the test. Flaps are in no § 91.205 list and are still not deferrable; an AD or your own KOEL can require an item the regulation never names.
2. **"The INOP sticker is the compliance."** The placard is one of three things (d)(3)–(4) require — deactivate or remove, placard, record where maintenance was involved — plus a no-hazard determination. A sticker with no entry and no determination is a sticker.
3. **"Only a mechanic can touch it" — or "the pilot can do all of it."** Both are stated as fact on the ramp. The regulation is conditional and the advisory circular is stricter; read both, above.
4. **"It rides forever" — or "it must be fixed at the next annual."** Neither. § 91.405(c) has it repaired, replaced, removed, or inspected at the next required inspection, and the Chief Counsel read "inspected" as a re-evaluation that may continue as long as it is done and documented each time.

THE PRONG NOBODY CAN POINT YOU AT § 91.213(d)(2)(i)

Every other prong names a document you can hold. This one names "the applicable airworthiness regulations under which the aircraft was type certificated" — and then uses a term that appears nowhere else in the regulations it points to.

"VFR-day" is defined nowhere in 14 CFR. § 1.1 defines VFR conditions, Special VFR and VFR over-the-top. It does not define "VFR-day" or "VFR-day type certification". Part 23, in its last full edition before the 2017 restructure, uses the string "VFR" four times — none of them hyphenated to "day".

14 CFR 1.1; 14 CFR part 23 (2016 annual edition)

The FAA took the Type Certificate Data pointer OUT of this subparagraph, on purpose. The proposed rule pointed at "Type Certificate Data". Adopting the final rule, the FAA deleted the phrase and explained why: type certificate data information "is not readily available to pilots, and the airworthiness certification regulations already cover this information."

53 FR 50194 (Dec. 13, 1988)

CHECKRIDE TRAP TECHNIQUE **The familiar "check the TCDS" answer comes from an advisory circular the FAA cancelled.**

AC 91-67 (1991) told pilots the requirements "are summarized in a TCDS, copies of which are available at FSDO's or from qualified maintenance personnel." That is the only place the FAA has ever named a document for this prong — and that AC was cancelled on 3 November 2017. Its own flowchart cites the wrong subparagraph for the step.

AC 91-67 ch. 2 ¶14.b — CANCELLED 2017-11-03 (per AC 91-67A ¶1.4). Do not cite as current.

The current advisory circular does not answer it either. AC 91-67A, active since 16 October 2023, devotes a chapter to operating under § 91.213(d) and never enumerates the four (d)(2) prongs.

AC 91-67A (10/16/2023) — active

CHECKRIDE TRAP TECHNIQUE **Bottom line.** So: the rule points at the certification basis, the term it uses is undefined, and the one FAA document that ever named a place to look was withdrawn. This is the prong to take to your A&P or IA rather than settle on the ramp — and the honest answer to a DPE is that you check the certification basis and confirm it with maintenance, not that you read it off a TCDS.

Source. 14 CFR 91.213, *Inoperative instruments and equipment*, quoted verbatim from the electronic Code of Federal Regulations, Title 14, issue date 2026-08-24 (up to date as of 2026-08-27), retrieved 2026-08-30. SHA-256 of the retrieved XML 4593d1ab135d481d… Amendment history: [Docket 18334, 54 FR 34304, Aug. 18, 1989, as amended by Amdt. 91-280, 68 FR 54560, Sept. 17, 2003; Amdt. 91-282, 69 FR 44880, July 27, 2004; Docket FAA-2018-0119, Amdt. 91-350, 83 FR 9171, Mar. 5, 2018]
Section 7 and the guidance panel. 14 CFR 91.405, *Maintenance required*, eCFR issue date 2026-09-04, retrieved 2026-09-09, SHA-256 e562e8a6eecb41a4… AC 91-67A, Minimum Equipment Requirements for General Aviation Operations Under FAR Part 91, dated 10/16/2023, retrieved 2026-09-09 (extract SHA-256 a727a9b7092737cd…) — an advisory circular is guidance, not law. FAA Office of the Chief Counsel, legal interpretation to Richard A. Peri (Aircraft Electronics Association), June 2018, retrieved 2026-09-09 (extract SHA-256 18786c99d16ec078…) — a legal interpretation, not a regulation.
This is a study aid, not a maintenance decision. Deferring equipment is an airworthiness judgement about a specific aircraft. Your A&P or IA, the AFM/POH, and the regulation itself outrank this sheet — and § 91.7(b) leaves the pilot in command responsible for determining the aircraft is in condition for safe flight regardless of what any of them say.