

# GENERAL AVIATION ACCIDENT/INCIDENT RESPONSE PLANNING

## LEGAL ISSUES



An aviation accident or incident can create significant legal challenges. Your response plan should address the strategies and tools that you will use to meet those challenges.

Your post accident legal responsibilities fall generally into two categories.

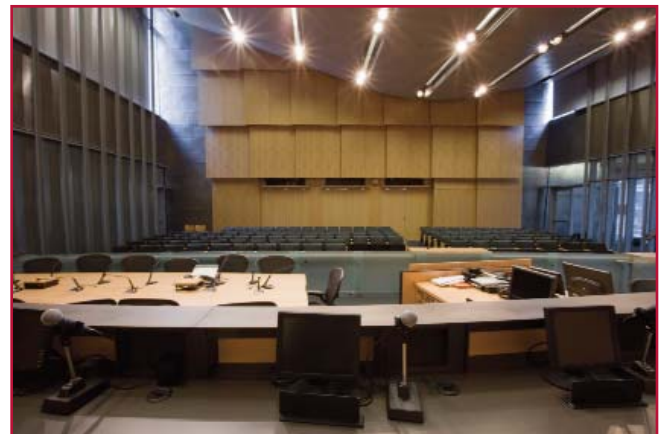
- **Civil Duties**
- **Administrative Duties**

You have a civil duty to operate your aircraft appropriately to provide for the safety of others and their property. If someone believes you might have violated that basic duty, they could ask you to compensate them for their loss. The request may result in a civil lawsuit or perhaps even a series of suits. Your aviation insurance policy is designed to respond to most of these suits. That is why it is vitally important for your response plan to include the immediate notification of your insurance partners.

You also have an administrative duty to operate your aircraft in accordance with the regulations established by the FAA and other Government authorities. If the FAA believes you violated a Federal Aviation Regulation, they can invoke sanctions, fines and even incarceration. Aviation insurance policies typically do not cover the defense against Administrative claims. Your plan should include your intended response to government assertions that you violated regulations.

Administrative law differs in significant ways from Civil law. Defense of Administrative claims requires the support of a legal team familiar with this set of procedures. The team should be experienced in the systems and methods followed by the FAA and the NTSB.

In rare cases Federal, State or local authorities may propose that you violated a criminal law. Fraud, intentional harm (assault or battery) and interference with law enforcement are examples of criminal activity. Aviation insurance policies do not provide defense against this type of claim.



Your Global Aerospace team is well versed in the requirements for legal response to aviation accidents. They are standing by. You should not hesitate to request our assistance as you create or review this essential part of your plan.

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