



MAINTENANCE PUBLICATION | HA-MX-002

FAA'S NEW FALSIFICATION, ERROR, AND OMISSION RULE

What mechanics, IAs, and maintenance organizations need to know about 14 CFR Part 3,
Subpart D

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PREPARED BY	Jesse Hauch, M.Ed., FAA-DME, A&P/IA Hauch Aero, LLC
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CONTACT	hauchaero.com jesse@hauchaero.com
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Executive Summary

BOTTOM LINE: The rule does not make every honest paperwork mistake an automatic falsification violation. It does, however, create an explicit offense for knowingly omitting a material fact and gives the FAA a separate path to take remedial action when an incorrect statement or omission was material to an FAA-issued approval, authorization, certificate, rating, designation, or similar issuance.

On September 3, 2025, the FAA published a final rule consolidating falsification provisions from multiple parts of Title 14 into new Part 3, Subpart D. The rule became effective November 3, 2025. Former § 43.12 was removed and reserved, but Part 43 maintenance records remain covered through §§ 3.401, 3.403, and 3.405.

The four points mechanics should retain

- Intentional false statements and fraudulent document conduct remain prohibited and may support certificate action or a civil penalty.
- Knowingly leaving out a material fact is now expressly prohibited, even if the remaining words in the entry are literally true.
- An unintentional incorrect statement or omission is treated separately. Under § 3.405, it may support action against the related FAA issuance only when it was material to that issuance, validity, or grant.
- The rule reaches physical and electronic documents, as well as tangible items such as data plates and marked parts.

What the rule did not do

The final rule rejected the proposed strict-liability approach that commenters said could punish every honest mistake. FAA revised the final text so an unintentional error or omission must be material to the affected FAA issuance. Section 3.405 does not itself provide a civil-penalty sanction for an innocent error. Separate violations of substantive recordkeeping rules, including §§ 43.9 and 43.11, remain possible when their elements are established.

1. What Changed

Before November 3, 2025	Current rule
Part 43 contained its own falsification provision at § 43.12.	Section 43.12 is reserved. Part 43 records are covered by Part 3, Subpart D.
The maintenance-specific rule focused on fraudulent or intentionally false entries and fraudulent reproduction or alteration.	Section 3.403 also expressly prohibits knowingly omitting, or causing the omission of, a material fact.
The operative language appeared separately across numerous CFR parts.	The FAA standardized the language and sanctions across many aviation regulations.
The document concept was less expressly defined.	A “document in any format” includes electronic and physical documents, data plates, and marked parts.

Source: FAA final rule, 90 FR 42517, especially §§ 3.401-3.405 and the amendment reserving § 43.12.

The central expansion for maintenance personnel

The most important addition is § 3.403(c). It addresses a knowingly omitted material fact. A person does not avoid exposure merely because every statement actually written is true if the person deliberately leaves out information that matters to the record or compliance showing.

MATERIALITY: The rule does not define every omitted detail as material. In enforcement precedent concerning intentional falsification, materiality generally turns on whether the fact could influence or has a natural tendency to influence an FAA function or safety-related decision. Application is fact-specific; mechanics should avoid treating “material” as synonymous with “major repair” or “major alteration.”

2. Three Different Categories of Conduct

Category	Required state of mind	Potential consequence
Fraudulent or intentionally false statement	Knowledge that the representation is false; fraud also involves intent to deceive.	Certificate or other issuance action, or civil penalty, under § 3.403(d).
Knowing omission of a material fact	Knowledge that a material fact is being left out or caused to be left out.	Certificate or other issuance action, or civil penalty, under § 3.403(d).
Incorrect statement or omission under § 3.405	The text does not require proof of intent, but the error or omission must be material to the relevant FAA issuance, validity, or grant.	Targeted remedial action against the related FAA issuance. Section 3.405 does not list a civil penalty.

Why the distinction matters

FAA enforcement should not collapse these categories into one. An inaccurate entry is not automatically intentional falsification. A missing fact is not automatically a knowing material omission. Intent, knowledge, materiality, the applicable record requirement, and the available sanction must each be evaluated separately.

Section 3.405 is remedial, not a universal paperwork offense

The FAA explained that it revised the proposed rule to prevent strict-liability sanctions for incorrect statements and omissions. The final provision permits action tailored to circumstances when bad information was material to an FAA-issued acceptance, approval, authorization, certificate, rating, declaration, designation, qualification, or similar issuance. It should not be summarized as “any typo can revoke an A&P certificate.”

DO NOT CONFUSE TWO QUESTIONS: First ask whether the underlying maintenance entry complies with §§ 43.9, 43.11, or another applicable rule. Then ask whether the facts also satisfy § 3.403 or § 3.405. A deficient entry can violate a substantive recordkeeping rule without being intentional falsification.

3. Maintenance Records and Practical Exposure

Situation	Regulatory concern	Practical response
Work description omits a known, safety-significant limitation or incomplete task	Potential knowing material omission; possible underlying §§ 43.9 or 43.11 issue.	State what was performed, what remains incomplete, and any approval-for-return-to-service limitation clearly.
Annual inspection entry omits discrepancies given to the owner	Potential § 43.11 deficiency; facts may raise § 3.403(c) concerns if the omission was knowing and material.	Use the exact airworthy or unairworthy entry structure and preserve the discrepancy list.
Form 337 or supporting data contains a material but inadvertent error	May implicate § 3.405 if material to an FAA approval or other issuance; correct promptly.	Document the correction, notify the proper parties, and do not overwrite the original record without traceability.
AD compliance entry states compliance without identifying an applicable method, date, or recurring status as required	Underlying Part 43/91 record issue; intentional or knowing facts determine whether § 3.403 also applies.	Record the AD number, revision if applicable, method, date/time, and next due status when recurring.
Data plate or part marking is altered to misrepresent identity or eligibility	A “document in any format” expressly includes data plates and marked parts.	Quarantine the article and resolve identity, traceability, and approval status before installation or release.
Typographical error with no effect on compliance or an FAA issuance	Generally not the material conduct targeted by §§ 3.403(c) or 3.405, though correction may still be appropriate.	Correct transparently; never erase or obscure the audit trail.

These examples illustrate issue-spotting only. Actual exposure depends on the complete facts, governing record rule, materiality, and available evidence.

4. Documentation Practices After the Rule Change

Before signing

- Confirm that the entry identifies the work performed or inspection completed with enough specificity to satisfy the applicable rule.
- Verify dates, aircraft or article identity, total time references, certificate number, certificate type, and signature.
- Identify the technical data used when required and ensure that referenced revisions are accurate.
- Address incomplete work, limitations, open discrepancies, deferred items, and recurring requirements expressly.
- Review attachments, work orders, discrepancy lists, Form 337 data, electronic fields, and part markings as a single compliance record.

When an error is discovered

- Do not erase, backdate, overwrite, or silently replace the original record.
- Make a traceable corrective entry using the method appropriate to the record system and applicable company procedure.
- State what is being corrected and identify the original entry by date or other reliable reference.
- Evaluate whether the error affects airworthiness, return-to-service status, an FAA approval, or continued operation.
- Escalate safety-significant or potentially material issues to the responsible certificate holder, owner/operator, quality manager, or appropriate FAA office. Obtain aviation counsel when certificate exposure is reasonably possible.

BEST PROTECTION: Accurate, contemporaneous, transparent documentation is more defensible than a vague entry followed by an undocumented explanation. A prompt correction generally creates a better factual record than concealment or delay.

Suggested internal quality-control question

“If another mechanic, inspector, operator, or FAA investigator relied only on this record, would the record create a materially incomplete or misleading understanding of the work, status, or approval?”

5. Key Conclusions

- The applicable falsification rule for Part 43 records is now found in Part 3, Subpart D, not § 43.12.
- The clearest new exposure is knowingly omitting a material fact from a document used to show compliance.
- The final rule distinguishes intentional or knowing misconduct under § 3.403 from material incorrect statements or omissions addressed remedially under § 3.405.
- FAA expressly revised the proposal to avoid strict-liability punishment of honest mistakes.
- Mechanics should strengthen record review, correction traceability, and documentation of incomplete or limited work.

Primary authorities

1. Federal Aviation Administration, “Falsification, Reproduction, Alteration, Omission, or Incorrect Statements,” Final Rule, 90 FR 42517 (Sept. 3, 2025), effective Nov. 3, 2025. [Federal Register final rule](#)
2. Electronic Code of Federal Regulations, 14 CFR Part 3, Subpart D, §§ 3.401, 3.403, and 3.405. [Current eCFR Part 3](#)
3. Electronic Code of Federal Regulations, 14 CFR Part 43, including §§ 43.9, 43.11, and reserved § 43.12. [Current eCFR Part 43](#)

Important limitation

This publication provides general technical and regulatory information. It is not legal advice, an FAA legal interpretation, approved data, or a substitute for the current regulations, applicable FAA orders and guidance, certificate-holder procedures, or advice from qualified aviation counsel. Enforcement outcomes depend on the specific facts and governing authority.

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