

110TH CONGRESS
1ST SESSION

H. R. 1303

To amend title 49, United States Code, to improve air carrier passenger services.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2007

Mr. THOMPSON of California (for himself, Mrs. CUBIN, Mr. MARKEY, Mr. SHULER, Mr. SKELTON, Ms. ESHOO, Mr. GEORGE MILLER of California, Mr. FARR, Ms. ZOE LOFGREN of California, Mr. HARE, Mr. MORAN of Virginia, Mr. FATTAH, and Ms. JACKSON-LEE of Texas) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to improve air carrier passenger services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Airline Passenger Bill
5 of Rights Act of 2007”.

1 **SEC. 2. AIR CARRIER PASSENGER SERVICES.**

2 (a) IN GENERAL.—Chapter 417 of title 49, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 “SUBCHAPTER IV—AIR CARRIER PASSENGER
6 SERVICES

7 “§ 41781. Definitions

8 “In this subchapter, the following definitions apply:

9 “(1) AIR TRANSPORTATION.—The term ‘air
10 transportation’ includes intrastate air transpor-
11 tation.

12 “(2) COVERED AIR CARRIER.—The term ‘cov-
13 ered air carrier’ means an air carrier holding a cer-
14 tificate issued under section 41102 that conducts
15 scheduled passenger air transportation.

16 “§ 41782. Standards for air carrier passenger services

17 “(a) PASSENGER COMPLAINTS.—A covered air car-
18 rier shall establish and implement procedures for handling
19 complaints from passengers of the air carrier.

20 “(b) DIVERSIONS, DELAYS, AND CANCELLATIONS.—

21 “(1) NOTIFICATION OF PASSENGERS.—A cov-
22 ered air carrier shall provide customers at an airport
23 and on board an aircraft, in a timely, reasonable,
24 and truthful manner, the best information available
25 to the air carrier regarding a delay, cancellation, or
26 diversion affecting the customers’ flight, including—

1 “(A) the cause of the delay, cancellation,
2 or diversion; and

3 “(B) for a delayed flight, the air carrier’s
4 best estimate of departure time.

5 “(2) METHODS FOR NOTIFICATION.—In com-
6 plying with this subsection, a covered air carrier
7 shall use airport overhead announcements, on air-
8 craft announcements, and postings on airport tele-
9 vision monitors.

10 “(c) DEPARTURE AND ARRIVAL DELAYS.—

11 “(1) RIGHT OF PASSENGERS TO EXIT AN AIR-
12 CRAFT.—Subject to paragraph (2), a covered air
13 carrier operating an aircraft in a flight in air trans-
14 portation shall establish and implement procedures
15 to allow passengers to exit the aircraft in the case
16 of a departure or arrival delay which would other-
17 wise require passengers to remain on the aircraft on
18 the ground prior to departure or arrival for a period
19 exceeding 3 hours.

20 “(2) EXCEPTIONS.—

21 “(A) IN GENERAL.—Paragraph (1) shall
22 not apply—

23 “(i) if the pilot of such flight reason-
24 able determines that such flight will depart

1 or arrive not later than 30 minutes after
2 the 3-hour delay; or

3 “(ii) if the pilot of such flight reason-
4 able determines that permitting a pas-
5 senger to deplane would jeopardize pas-
6 senger safety or security.

7 “(B) EXTENSION OF 30-MINUTE PERIOD.—
8 A pilot may extend the 30-minute period re-
9 ferred to in subparagraph (A)(i) by not more
10 than an additional 30 minutes in the case of an
11 unanticipated extension of the delay.

12 “(3) ESSENTIAL SERVICES.—A covered air car-
13 rier operating an aircraft in air transportation shall
14 provide for the essential needs of passengers at all
15 times during which the aircraft is on the ground in
16 the event of a departure or arrival delay, including
17 the needs of passengers for food, water meeting the
18 standards of the Safe Drinking Water Act or the
19 Federal Food, Drug, and Cosmetic Act, as appro-
20 priate, sanitary facilities, medical access, adequate
21 ventilation, and comfortable cabin temperatures.

22 “(d) CHRONICALLY DELAYED FLIGHTS.—

23 “(1) PUBLICATION OF LIST OF FLIGHTS.—A
24 covered air carrier shall publish and update monthly
25 on the Internet website of the air carrier a list of

1 chronically delayed flights operated by the air car-
2 rier.

3 “(2) DISCLOSURE TO CUSTOMERS WHEN PUR-
4 CHASING TICKETS.—Regardless of the method used
5 by a consumer to contact a covered air carrier, the
6 air carrier shall disclose, without being requested,
7 the on-time performance for a chronically delayed
8 flight of the air carrier whenever a customer makes
9 a reservation or purchases a ticket on such a flight.

10 “(3) CHRONICALLY DELAYED FLIGHT DE-
11 FINED.—In this subsection, the term ‘chronically de-
12 layed flight’ means a regularly scheduled flight in air
13 transportation that has failed to arrive within 30
14 minutes of the scheduled arrival time of the flight at
15 least 40 percent of the time during the most recent
16 3-month period for which data is available.

17 “(e) FARES, SCHEDULES, AND ITINERARIES.—

18 “(1) PUBLICATION OF INFORMATION.—A cov-
19 ered air carrier shall publish lowest fare information,
20 and information on schedules and itineraries, with
21 respect to regularly scheduled flights of the air car-
22 rier in air transportation.

23 “(2) AVAILABILITY OF INFORMATION.—Infor-
24 mation to be published under paragraph (1) shall be
25 updated in a timely manner and shall be made avail-

1 able to the public on the Internet website of the air
2 carrier.

3 “(f) BAGGAGE.—If a passenger of a covered air car-
4 rier submits a claim to the air carrier for lost baggage,
5 the air carrier shall make every reasonable effort to return
6 the baggage to the passenger within 24 hours.

7 “(g) PASSENGER RIGHTS NOTIFICATION.—A covered
8 air carrier shall prominently display for passengers of the
9 air carrier information outlining the consumer rights of
10 the passengers, including the rights specified in this sec-
11 tion.

12 “(h) CONTRACT OF CARRIAGE.—Each covered air
13 carrier shall incorporate the consumer rights specified in
14 this section into the contract of carriage of the air carrier.

15 **“§ 41783. Procedures for departure delays**

16 “(a) PROCEDURES TO PERMIT PILOTS TO RETURN
17 TO AIRPORT TERMINALS.—The Secretary of Transpor-
18 tation shall work in coordination with air carriers to en-
19 sure that a pilot operating an aircraft in a flight in air
20 transportation that is affected by a long departure delay
21 is permitted to return the aircraft to the airport terminal
22 to allow passengers to exit the aircraft without losing the
23 position of the flight in the departure sequence.

24 “(b) CONTINGENCY PLANS FOR WEATHER EMER-
25 GENCIES.—

1 “(1) COORDINATION OF PLANS.—The Secretary
2 shall review the emergency contingency plans of air
3 carriers and airports to ensure that the plans will ef-
4 fectively address weather emergencies in a coordi-
5 nated manner.

6 “(2) MEETING.—In carrying out this sub-
7 section, the Secretary shall convene a meeting of
8 representatives of air carriers, airports, and the Fed-
9 eral Aviation Administration to develop procedures
10 to better respond to weather emergencies resulting
11 in long departure delays.”.

12 (b) CONFORMING AMENDMENT.—The analysis for
13 chapter 417 of title 49, United States Code, is amended
14 by adding at the end the following:

“SUBCHAPTER IV—AIR CARRIER PASSENGER SERVICES

“41781. Definitions.

“41782. Standards for air carrier passenger services.

“41783. Procedures for departure delays.”.

15 (c) REGULATIONS.—Not later than 180 days after
16 the date of enactment of this Act, the Secretary of Trans-
17 portation shall issue final regulations to carry out section
18 41782 of title 49, United States Code, as added by sub-
19 section (a) of this section. The regulations shall require
20 covered air carriers to comply with the requirements of
21 such section 41782 not later than one year after such date
22 of enactment.

1 **SEC. 3. DIVERTED FLIGHTS.**

2 (a) STUDY.—The Secretary of Transportation shall
3 conduct a study of the ability of air carriers to provide
4 for the essential needs of passengers, including adequate
5 food and water, in cases in which a flight of the air carrier
6 is diverted for an unscheduled landing at an airport due
7 to a weather situation or other emergency

8 (b) REPORT TO CONGRESS.—Not later than 180 days
9 after the date of enactment of this Act, the Secretary shall
10 transmit to Congress a report on the results of the study,
11 including methods for ensuring that the essential needs
12 of passengers are met in the case of a diverted flight de-
13 scribed in subsection (a).

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