

2012—Pub. L. 112-95, §401(a)(1), substituted “passenger” for “scheduled” in section catchline.

Subsecs. (a), (b). Pub. L. 112-95, §401(a)(2), added subsecs. (a) and (b) and struck out former subsecs. (a) and (b) which read as follows:

“(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE AIR TRANSPORTATION.—An individual may not smoke in an aircraft in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

“(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit smoking in any aircraft in scheduled passenger foreign air transportation.”

2000—Pub. L. 106-181 amended section catchline and text generally. Prior to amendment, text read as follows:

“(a) GENERAL.—An individual may not smoke in the passenger cabin or lavatory of an aircraft on a scheduled airline flight segment in air transportation or intrastate air transportation that is—

“(1) between places in a State of the United States, the District of Columbia, Puerto Rico, or the Virgin Islands;

“(2) between a place in any jurisdiction referred to in clause (1) of this subsection (except Alaska and Hawaii) and a place in any other of those jurisdictions; or

“(3)(A) scheduled for not more than 6 hours’ duration; and

“(B)(i) between a place referred to in clause (1) of this subsection (except Alaska and Hawaii) and Alaska or Hawaii; or

“(ii) between Alaska and Hawaii.

“(b) REGULATIONS.—The Secretary of Transportation shall prescribe regulations necessary to carry out this section.”

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-181, title VII, §708(b), Apr. 5, 2000, 114 Stat. 159, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date that is 60 days after the date of the enactment of this Act [Apr. 5, 2000].”

§ 41707. Incorporating contract terms into written instrument

To the extent the Secretary of Transportation prescribes by regulation, an air carrier may incorporate by reference in a ticket or written instrument any term of the contract for providing interstate air transportation.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1141.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41707	49 App.:1381(b).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §411(b); added Oct. 4, 1984, Pub. L. 98-443, §7(a), 98 Stat. 1706.

§ 41708. Reports

(a) APPLICATION.—To the extent the Secretary of Transportation finds necessary to carry out this subpart, this section and section 41709 of this title apply to a person controlling an air carrier or affiliated (within the meaning of section 11343(c) of this title) with a carrier.

(b) REQUIREMENTS.—The Secretary may require an air carrier or foreign air carrier—

(1)(A) to file annual, monthly, periodical, and special reports with the Secretary in the form and way prescribed by the Secretary; and

(B) to file the reports under oath;

(2) to provide specific answers to questions on which the Secretary considers information to be necessary; and

(3) to file with the Secretary a copy of each agreement, arrangement, contract, or understanding between the carrier and another carrier or person related to transportation affected by this subpart.

(c) DIVERTED AND CANCELLED FLIGHTS.—

(1) MONTHLY REPORTS.—The Secretary shall require an air carrier referred to in paragraph (2) to file with the Secretary a monthly report on each flight of the air carrier that is diverted from its scheduled destination to another airport and each flight of the air carrier that departs the gate at the airport at which the flight originates but is cancelled before wheels-off time.

(2) APPLICABILITY.—An air carrier that is required to file a monthly airline service quality performance report pursuant to part 234 of title 14, Code of Federal Regulations, shall be subject to the requirement of paragraph (1).

(3) CONTENTS.—A monthly report filed by an air carrier under paragraph (1) shall include, at a minimum, the following information:

(A) For a diverted flight—

(i) the flight number of the diverted flight;

(ii) the scheduled destination of the flight;

(iii) the date and time of the flight;

(iv) the airport to which the flight was diverted;

(v) wheels-on time at the diverted airport;

(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; and

(vii) if the flight arrives at the scheduled destination airport—

(I) the gate-departure time at the diverted airport;

(II) the wheels-off time at the diverted airport;

(III) the wheels-on time at the scheduled arrival airport; and

(IV) the gate-arrival time at the scheduled arrival airport.

(B) For flights cancelled after gate departure—

(i) the flight number of the cancelled flight;

(ii) the scheduled origin and destination airports of the cancelled flight;

(iii) the date and time of the cancelled flight;

(iv) the gate-departure time of the cancelled flight; and

(v) the time the aircraft returned to the gate.

(4) PUBLICATION.—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly report and publish such report on the Internet Web site of the Department of Transportation.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1141; Pub. L. 112-95, title IV, §402(a), Feb. 14, 2012, 126 Stat. 83.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41708(a)	49 App.:1377(e) (last sentence). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, §407(e) (last sentence), 72 Stat. 766. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704.
41708(b)	49 App.:1377(a). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, §407(a), 72 Stat. 766; Feb. 15, 1980, Pub. L. 96-192, §10, 94 Stat. 38.

In subsection (a), the word “reasonably” is omitted as surplus. The words “carry out” are substituted for “administration” for consistency in the revised title. The words “section 11343(c) of this title” are substituted for “section 5(8) of the Interstate Commerce Act, as amended” in section 407(e) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 766), to cite the corresponding section of the revised title and correct the inaccurate reference to the definition of “affiliate”.

In subsection (b)(3), the word “copy” is substituted for “true copy” to eliminate an unnecessary word. The word “transportation” is substituted for “traffic” for consistency in the revised title.

AMENDMENTS

2012—Subsec. (c). Pub. L. 112-95 added subsec. (c).

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-95, title IV, §402(b), Feb. 14, 2012, 126 Stat. 84, provided that: “Beginning not later than 90 days after the date of enactment of this Act [Feb. 14, 2012], the Secretary of Transportation shall require monthly reports pursuant to the amendment made by subsection (a) [amending this section].”

§ 41709. Records of air carriers

(a) REQUIREMENTS.—The Secretary of Transportation shall prescribe the form of records to be kept by an air carrier, including records on the movement of traffic, receipts and expenditures of money, and the time period during which the records shall be kept. A carrier may keep only records prescribed or approved by the Secretary. However, a carrier may keep additional records if the additional records do not impair the integrity of the records prescribed or approved by the Secretary and are not an unreasonable financial burden on the carrier.

(b) INSPECTION.—(1) The Secretary at any time may—

(A) inspect the land, buildings, and equipment of an air carrier or foreign air carrier when necessary to decide under subchapter II of this chapter or section 41102, 41103, or 41302 of this title whether a carrier is fit, willing, and able; and

(B) inspect records kept or required to be kept by an air carrier, foreign air carrier, or ticket agent.

(2) The Secretary may employ special agents or auditors to carry out this subsection.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1142.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41709(a)	49 App.:1377(d).	Aug. 23, 1958, Pub. L. 85-726, §407(d), 72 Stat. 766.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41709(b)	49 App.:1551(b)(1)(E). 49 App.:1377(e) (1st-3d sentences). 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704. Aug. 23, 1958, Pub. L. 85-726, §407(e) (1st-3d sentences), 72 Stat. 766; Jan. 3, 1975, Pub. L. 93-623, §7(b), 88 Stat. 2105; restated Oct. 4, 1984, Pub. L. 98-443, §9(t), 98 Stat. 1708.

In subsection (a), the word “unreasonable” is substituted for “undue” for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(1)(A) and (B), the word “inspect” is substituted for “have access to” for consistency in the revised title and with other titles of the Code.

In subsection (b)(2), the words “to carry out this subsection” are substituted for “who shall have authority under the orders of the Board to inspect and examine lands, buildings, equipment, accounts, records, and memorandums to which the Board has access under this subsection” to eliminate unnecessary words.

§ 41710. Time requirements

When a matter requiring action of the Secretary of Transportation is submitted under section 40109(a) or (c)–(h), 41309, or 42111 of this title and an evidentiary hearing—

(1) is ordered, the Secretary shall make a final decision on the matter not later than the last day of the 12th month that begins after the date the matter is submitted; or

(2) is not ordered, the Secretary shall make a final decision on the matter not later than the last day of the 6th month that begins after the date the matter is submitted.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1142.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41710	49 App.:1490. 49 App.:1551(b)(1)(E).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1010; added Oct. 24, 1978, Pub. L. 95-504, §38(a), 92 Stat. 1743. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704.

In this section, before clause (1), the words “matter requiring action of the Secretary” are substituted for “application or other written document” for clarity. The reference to 49 App.:1378 and 1379 is omitted as obsolete because under 49 App.:1551(a)(7), those sections ceased to be in effect on January 1, 1989. The words “on or after the one-hundred-eightieth day after October 24, 1978” are omitted as executed. In clauses (1) and (2), the words “order or” are omitted as surplus.

§ 41711. Air carrier management inquiry and cooperation with other authorities

In carrying out this subpart, the Secretary of Transportation may—

(1) inquire into the management of the business of an air carrier and obtain from the air carrier, and a person controlling, controlled by, or under common control with the carrier, information the Secretary decides reasonably is necessary to carry out the inquiry;

(2) confer and hold a joint hearing with a State authority; and