

106TH CONGRESS
1ST SESSION

S. 603

To promote competition and greater efficiency of airlines to ensure the rights of airline passengers, to provide for full disclosure to those passengers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 11, 1999

Mr. SHELBY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To promote competition and greater efficiency of airlines to ensure the rights of airline passengers, to provide for full disclosure to those passengers, and for other purposes.

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 Deregulation
5 and Disclosure Act of 1999”.

1 **SEC. 2. AIRLINE PASSENGER PROTECTION.**

2 (a) IN GENERAL.—Subchapter I of chapter 417 of
3 title 49, United States Code, is amended by adding at the
4 end the following:

5 **“§ 41716. Air carrier passenger protection**

6 “(a) DELAY, CANCELLATION, OR DIVERSION.—

7 “(1) EXPLANATION OF DELAY, CANCELLATION,
8 OR DIVERSION REQUIRED.—An announcement by an
9 air carrier of a delay or cancellation of a flight, or
10 a diversion of a flight to an airport other than the
11 airport at which the flight is scheduled to land, shall
12 include an explanation of each reason for the delay,
13 cancellation, or diversion.

14 “(2) PROHIBITION ON FALSE OR MISLEADING
15 EXPLANATIONS.—No air carrier shall provide an ex-
16 planation under paragraph (1) that the air carrier
17 knows or has reason to know is false or misleading.

18 “(3) DELAYS AFTER ENPLANING OR BEFORE
19 DEPLANING.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), no air carrier may require a
22 passenger on a flight of that air carrier to re-
23 main onboard an aircraft for a period longer
24 than 2 hours after—

25 “(i) the passenger enplaned, in any
26 case in which the aircraft has not taken

1 flight from the airport during that period;
2 or

3 “(ii) the aircraft has landed at an air-
4 port, if the aircraft remains in that airport
5 without taking flight.

6 “(B) ELECTION.—A passenger described
7 in subparagraph (A) may remain onboard an
8 aircraft described in clause (i) or (ii) of that
9 subparagraph for a period longer than the ap-
10 plicable period described in that subparagraph,
11 if, not later than the end of that 2-hour
12 period—

13 “(i) the air carrier offers the pas-
14 senger an opportunity to deplane with a
15 full refund of air fare; and

16 “(ii) the passenger declines that
17 offer.”.

18 “(b) ECONOMIC CANCELLATIONS.—

19 “(1) NONSAFETY CANCELLATIONS.—If, on the
20 date a flight of an air carrier is scheduled, the car-
21 rier cancels the flight for any reason other than
22 safety, the carrier shall provide to each passenger
23 that purchased air transportation on the flight a re-
24 fund of the amount paid for the air transportation.

1 “(2) CANCELLATIONS FOR SAFETY.—A can-
2 cellation for safety is a cancellation made by reason
3 of—

4 “(A) an insufficient number of crew mem-
5 bers;

6 “(B) weather;

7 “(C) a mechanical problem; or

8 “(D) any other matter that prevents—

9 “(i) the safe operation of the flight; or

10 “(ii) the flight from operating in ac-
11 cordance with applicable regulations of the
12 Federal Aviation Administration.

13 “(c) CODE SHARING.—An air carrier, foreign air car-
14 rier, or ticket agent may sell air transportation in the
15 United States for a flight that bears a designator code
16 of a carrier other than the carrier that will provide the
17 air transportation, only if the carrier or ticket agent sell-
18 ing the air transportation first informs the person pur-
19 chasing the air transportation that the carrier providing
20 the air transportation will be a carrier other than the car-
21 rier whose designator code is used to identify the flight.

22 “(d) MULTIPLE FLIGHTS.—An air carrier, foreign
23 air carrier, or ticket agent that sells air transportation in
24 the United States that requires taking flights on more
25 than 1 aircraft shall be required to provide notification

1 on a ticket, receipt, or itinerary provided to the purchaser
2 of that air transportation that the passenger shall be re-
3 quired to change aircraft.

4 “(e) AIR CARRIER PRICING POLICIES.—An air car-
5 rier may not—

6 “(1) prohibit a person (including a govern-
7 mental entity) that purchases air transportation
8 from only using a portion of the air transportation
9 purchased (including using the air transportation
10 purchased only for 1-way travel instead of round-trip
11 travel); or

12 “(2) assess an additional fee or charge for
13 using only a portion of that purchased air transpor-
14 tation to be paid by—

15 “(A) that person; or

16 “(B) any ticket agent that sold the air
17 transportation to that person.

18 “(f) EQUITABLE FARES; FREQUENT FLYER PRO-
19 GRAM AWARDS.—

20 “(1) REDUCED FARES.—Subject to paragraph
21 (2), if an air carrier makes seats available on a spe-
22 cific date at a reduced fare, that air carrier shall be
23 required to make available air transportation at that
24 reduced fare for any passenger that requests a seat

1 at that reduced fare during a 24-hour period begin-
2 ning with the initial offering of that reduced fare.

3 “(2) LIMITATION.—

4 “(A) IN GENERAL.—An air carrier shall
5 not be required under paragraph (1) to make a
6 seat available for a route at a reduced fare, if
7 providing that seat at that fare would result in
8 the air carrier being unable to provide, for the
9 24-hour period specified in that paragraph, the
10 applicable historic average number of seats of-
11 fered at an unreduced fare for the route, as de-
12 termined under subparagraph (B).

13 “(B) HISTORIC AVERAGE.—With respect
14 to a route, the historic average number of seats
15 offered at an unreduced fare for the route is
16 the average number of seats offered at an unre-
17 duced fare per day by an air carrier for flights
18 scheduled on that route during the 24-month
19 period preceding the 24-hour period specified in
20 paragraph (1).

21 “(3) STANDBY USE OF TICKETS.—An air car-
22 rier shall permit an individual to use a ticket (or
23 equivalent electronic record) issued by that air car-
24 rier on a standby basis for any flight that has the

1 same origin and destination as are indicated on that
 2 ticket (or equivalent electronic record).

3 “(4) FREQUENT FLYER PROGRAM AWARDS.—

4 “(A) IN GENERAL.—Subject to subpara-
 5 graph (C), in a manner consistent with applica-
 6 ble requirements of a frequent flyer program, if
 7 an air carrier makes any seat available on a
 8 specific date for use by a person redeeming an
 9 award under that frequent flyer program on
 10 any route in air transportation provided by the
 11 air carrier, that air carrier shall, to the extent
 12 practicable during the 24-hour period beginning
 13 with the redemption of that award—

14 “(i) redeem any other award under
 15 that frequent flyer program for air trans-
 16 portation on that route; and

17 “(ii) make a seat available for the per-
 18 son who redeems that other award on a
 19 flight on that route.

20 “(B) STANDBY USE OF FREQUENT FLYER
 21 PROGRAM AWARDS.—An air carrier shall permit
 22 an individual to redeem a ticket (or equivalent
 23 electronic record) acquired through a frequent
 24 flyer award on a standby basis for any flight
 25 that has the same origin and destination as are

1 indicated on that ticket (or equivalent electronic
2 record).

3 “(C) LIMITATION.—

4 “(i) IN GENERAL.—An air carrier shall
5 not be required under subparagraph (A) to
6 make a seat available for a route for use
7 by a person redeeming a frequent flyer
8 award, if providing that seat to that person
9 would result in the air carrier being unable
10 to provide, for the 24-hour period specified
11 in that paragraph, the applicable historic
12 average number of seats offered at an un-
13 reduced fare for the route, as determined
14 under clause (ii).

15 “(ii) HISTORIC AVERAGE.—With re-
16 spect to a route, the historic average num-
17 ber of seats offered at an unreduced fare
18 for the route is the average number of
19 seats offered at an unreduced fare per day
20 by an air carrier for flights scheduled on
21 that route during the 24-month period pre-
22 ceding the 24-hour period specified in sub-
23 paragraph (A).

24 “(g) ACCESS TO ALL FARES.—Each air carrier oper-
25 ating in the United States shall make information con-

cerning all fares for air transportation charged by that
air carrier available to the public, through—

“(1) computer-based technology; and

“(2) means other than computer-based technology.”.

(b) PENALTIES.—Section 46301(a)(1)(A) of title 49, United States Code, is amended by striking “or 41715 of this title” and inserting “, 41715, or 41716 of this title”.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 417 of title 49, United States Code, is amended by inserting after the item relating to section 41715 the following:

“41716. Air carrier passenger protection.”.

