

111TH CONGRESS  
2D SESSION

# H. R. 5384

To require air carriers to refund passenger baggage fees if such baggage is lost, delayed, or damaged, and require air carriers and ticket agents to include the actual cost of checked baggage when quoting an airfare.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2010

Mr. CAPUANO (for himself, Mr. BACA, Ms. RICHARDSON, Mr. DOYLE, Ms. MOORE of Wisconsin, Mr. RUPPERSBERGER, Ms. LORETTA SANCHEZ of California, Ms. MCCOLLUM, Mr. BRADY of Pennsylvania, Mr. GRAYSON, Mr. BLUMENAUER, Mr. JACKSON of Illinois, Mr. SHULER, Ms. PINGREE of Maine, Ms. GIFFORDS, Ms. HARMAN, Mr. RODRIGUEZ, Mrs. MALONEY, Mrs. CHRISTENSEN, Mr. DEFazio, Mr. MCGOVERN, Mr. KAGEN, Mr. COHEN, Mr. GRIJALVA, Ms. NORTON, and Mr. STUPAK) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To require air carriers to refund passenger baggage fees if such baggage is lost, delayed, or damaged, and require air carriers and ticket agents to include the actual cost of checked baggage when quoting an airfare.

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 “Baggage Fee Fairness  
5 Act of 2010”.

1 **SEC. 2. BAGGAGE FEE REFUNDS.**

2 Not later than 30 days after arrival of a passenger  
3 flight in which a piece of baggage is lost, delayed, or dam-  
4 aged, the air carrier for such flight shall refund to a pas-  
5 senger any baggage fee collected. For purposes of this sec-  
6 tion, the term “delayed” means baggage that is not on  
7 the conveyor belt or held by the air carrier for retrieval  
8 by the passenger one hour after arrival of the flight at  
9 such passenger’s final destination.

10 **SEC. 3. NOTIFICATION REQUIREMENTS REGARDING THE**  
11 **SALE OF AIRLINE TICKETS.**

12 Section 41712 of title 49, United States Code, is  
13 amended by adding at the end the following:

14 “(c) NOTICE OF FEES.—It shall be an unfair or de-  
15 ceptive practice under subsection (a) for an air carrier,  
16 foreign air carrier, or ticket agent to sell a ticket for air  
17 transportation, including sale on the Internet or over the  
18 phone, to fail, before the sale of the ticket, to ask a poten-  
19 tial ticket purchaser if such purchaser has one or more  
20 pieces of baggage to check and to inform the potential pur-  
21 chaser of the cost of checking each piece of baggage. In  
22 the case of a sale of such a ticket on the Internet, the  
23 seller may provide an opportunity for a purchaser to indi-  
24 cate the number of bags when selecting other flight and  
25 airport information.”.