

Office of the Secretary, DOT

§ 254.2

imposing monetary penalties on passengers, or raising the ticket price consistent with §399.88 of the chapter, unless the passenger receives conspicuous written notice of the salient features of those terms on or with the ticket.

[Doc. No. DOT-OST-2010-0140, 76 FR 23163, Apr. 25, 2011, as amended by Doc. No. DOT-OST-2014-0140, 84 FR 15932, Apr. 16, 2019]

§ 253.8 Qualifications to notice requirements.

(a) If notice is not provided in accordance with §253.5 at a ticket sales location outside of the United States that is not a U.S. air carrier ticket office, the price paid for the portion of such ticket that is for interstate and overseas air transportation shall be refundable without penalty if the passenger refuses transportation by the carrier. Each air carrier shall ensure that passengers who have bought tickets at those locations without the notice required in §253.5 are given that notice not later than check-in for the travel in interstate or overseas air transportation, and that conspicuous notice is included on or with the ticket stating that the price for that travel is refundable without penalty.

(b) An air taxi operator (including a commuter air carrier) not operating under subpart I of part 298 of this chapter shall not be considered to have incorporated terms by reference into its contract of carriage merely because a passenger has purchased a flight segment on that carrier that appears on ticket stock that contains a statement that terms have been incorporated by reference. However, such an air taxi operator may not claim the benefit as against the passenger of, and the passenger shall not be bound by, any contract term incorporated by reference if notice of the term has not been provided to the passenger in accordance with this part.

[ER-1370, 48 FR 54591, Dec. 6, 1983]

§ 253.9 Retroactive changes to contracts of carriage.

An air carrier may not retroactively apply to persons who have already bought a ticket any material amendment to its contract of carriage that

has significant negative implications for consumers.

[Doc. No. DOT-OST-2007-0022, 74 FR 69002, Dec. 30, 2009]

§ 253.10 Notice of contract of carriage choice-of-forum provisions.

No carrier may impose any contract of carriage provision containing a choice-of-forum clause that attempts to preclude a passenger, or a person who purchases a ticket for air transportation on behalf of a passenger, from bringing a claim against a carrier in any court of competent jurisdiction, including a court within the jurisdiction of that passenger's residence in the United States (provided that the carrier does business within that jurisdiction).

[Doc. No. DOT-OST-2010-0140, 76 FR 23163, Apr. 25, 2011]

PART 254—DOMESTIC BAGGAGE LIABILITY

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AUTHORITY: 49 U.S.C. 40113, 41501, 41504, 41510, 41702, and 41707.

SOURCE: ER-1374, 49 FR 5071, Feb. 10, 1984, unless otherwise noted.

§ 254.1 Purpose.

The purpose of this part is to establish rules for the carriage of baggage in interstate and intrastate air transportation. The part sets permissible limitations of air carrier liability for loss, damage, or delay in the carriage of passenger baggage and requires air carriers to provide certain types of notice to passengers.

[ER-1374, 49 FR 5071, Feb. 10, 1984, as amended at 64 FR 70575, Dec. 17, 1999]

§ 254.2 Applicability.

This part applies to any air carrier that provides charter or scheduled passenger service in interstate or intrastate air transportation.

[ER-1374, 49 FR 5071, Feb. 10, 1984, as amended at 64 FR 70575, Dec. 17, 1999]

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§ 254.3 Definitions.

Large aircraft means any aircraft designed to have a maximum passenger capacity of more than 60 seats.

§ 254.4 Carrier liability.

On any flight segment using large aircraft, or on any flight segment that is included on the same ticket as another flight segment that uses large aircraft, an air carrier shall not limit its liability for provable direct or consequential damages resulting from the disappearance of, damage to, or delay in delivery of a passenger's personal property, including baggage, in its custody to an amount less than \$3,800 for each passenger.

[72 FR 3943, Jan. 29, 2007, as amended at 73 FR 70592, Nov. 21, 2008; 78 FR 14914, Mar. 8, 2013; 80 FR 30147, May 27, 2015; Doc. No. DOT-OST-2020-0251, 86 FR 2539, Jan. 13, 2021]

EFFECTIVE DATE NOTE: At 89 FR 84819, Oct. 24, 2024, § 254.4 was amended by removing "\$3,800" and adding "\$4,700" in its place, effective Jan. 22, 2025.

§ 254.5 Notice requirement.

In any flight segment using large aircraft, or on any flight segment that is included on the same ticket as another flight segment that uses large aircraft, an air carrier shall provide to passengers, by conspicuous written material included on or with its ticket, either:

(a) Notice of any monetary limitation on its baggage liability to passengers; or

(b) The following notice: "Federal rules require any limit on an airline's baggage liability to be at least \$3,800 per passenger."

[72 FR 3943, Jan. 29, 2007, as amended by Doc. No. DOT-OST-2008-0332, 73 FR 70592, Nov. 21, 2008; 78 FR 14914, Mar. 8, 2013; 80 FR 30147, May 27, 2015; Doc. No. DOT-OST-2020-0251, 86 FR 2539, Jan. 13, 2021]

EFFECTIVE DATE NOTE: At 89 FR 84819, Oct. 24, 2024, § 254.5 was amended in paragraph (b) by removing "\$3,800" and adding "\$4,700" in its place, effective Jan. 22, 2025.

§ 254.6 Periodic adjustments.

The Department of Transportation will review the domestic baggage liability limit prescribed in this part every two years. The Department will

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use the Consumer Price Index for All Urban Consumers as of July of each review year to calculate the revised domestic baggage liability limit amount. The Department will use the following formula: $\$2500 \times (a/b)$ rounded to the nearest \$100, where a = July CPI-U of year of current adjustment and b = the CPI-U figure in December 1999 when the inflation adjustment provision was added to this part.

[Doc. No. DOT-OST-2020-0251, 86 FR 2539, Jan. 13, 2021]

PART 255 [RESERVED]

PART 256—ELECTRONIC AIRLINE INFORMATION SYSTEMS

Sec.

256.1 Purpose.

256.2 Applicability.

256.3 Definitions.

256.4 Prohibition on undisclosed display bias.

256.5 Minimum disclosure requirements for biased displays.

256.6 No requirement to provide access to systems.

AUTHORITY: 49 U.S.C. 40101 and 41712.

SOURCE: Docket No. DOT-OST-2014-0056, 81 FR 76828, Nov. 3, 2016, unless otherwise noted.

§ 256.1 Purpose.

(a) The purpose of this part is to set forth requirements for the display of flight options by electronic airline information systems that provide air carrier or foreign air carrier schedule, fare, or availability information, including, but not limited to, global distribution systems (GDSs), corporate booking tools, and internet flight search tools, for use by consumers, carriers, ticket agents, and other business entities so as to prevent unfair or deceptive practices in the distribution and sale of air transportation.

(b) Nothing in this part exempts any person from the operation of the anti-trust laws set forth in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12).

§ 256.2 Applicability.

(a) This part applies to any air carrier, foreign air carrier, or ticket agent