

§ 254.3

§ 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.

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256.3 Definitions.

256.4 Prohibition on undisclosed display bias.

256.5 Minimum disclosure requirements for biased displays.

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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

that operates an electronic airline information system, *e.g.*, GDS, corporate booking tool, or internet flight search tool, that combines the schedules, fares or availability information of more than one air carrier or foreign air carrier for the distribution or sale in the United States of interstate or foreign air transportation.

(b) This part applies only if the electronic airline information system is displayed on a Web site marketed to consumers in the United States or on a proprietary display available to travel agents, business entities, or a limited segment of consumers of air transportation in the United States.

§ 256.3 Definitions.

For purposes of this part:

Availability means information provided in displays with respect to the ability to make a reservation on a particular flight.

Display means the presentation of air carrier or foreign air carrier schedules, fares, or availability to a consumer or agent or other individual involved in arranging air travel for a consumer by means of a computer or mobile electronic device.

Electronic airline information system or EAIS means a system that combines air carrier or foreign air carrier schedule, fare, or availability information for transmission or display to air carriers or foreign air carriers, ticket agents, other business entities, or consumers.

Integrated display means any display that includes the schedules, fares or availability of more than one listed carrier.

§ 256.4 Prohibition on undisclosed display bias.

Each air carrier, foreign air carrier, and ticket agent that operates an EAIS must comply with the requirements of this section.

(a) Each EAIS that uses any factor, not based on user selection or corporate contract travel arrangement, directly or indirectly relating to carrier identity in ordering the information contained in an integrated display must clearly disclose as provided for in § 256.5 that the identity of the carrier is a factor in the order in which information is displayed.

(b) An EAIS's integrated display must not give any carrier's flights a system-imposed preference over any other carrier's flights in that market based on carrier identity unless the preference is prominently disclosed as provided for in § 256.5.

(c) Each EAIS must display information in an objective manner based on search criteria selected by the user (*e.g.*, lowest fare, lowest total cost, date and time of travel, class of service, stopovers, total elapsed time or duration of travel, number of stops, limitations on carriers to be used, particular airport(s), number of passengers, etc.) When providing information in response to a search by a user of the EAIS, the EAIS must order the information provided so that the flight options that best satisfy the parameters of the user-selected search criteria are displayed conspicuously and no less prominently (*e.g.*, in the same or larger font size and the same or more noticeable font color) than any other flight option displayed. Flight options may be presented in sequence, matrix, or other formats, but the flight options that best satisfy the parameters of the user-selected search criteria must be ranked in lists above other flight options, or identified more prominently than other flight options in a matrix or other format. This does not preclude systems from setting default display parameters that are not deceptive or offering users the option to choose a variety of display methods within those parameters.

§ 256.5 Minimum disclosure requirements for biased displays.

To the extent an EAIS engages in display bias based on carrier identity, it must clearly and conspicuously disclose that fact at the top of each search result display presented to the user in response to the user-selected search criteria. The notice must state that the flights are not displayed in neutral order and that certain airlines' fare, schedule or availability information is given preferential treatment in how it is displayed.

§ 256.6

§ 256.6 No requirement to provide access to systems.

Nothing in this section requires an air carrier, foreign air carrier, or ticket agent to allow a system to access its internal computer reservation system or to permit “screen scraping” or “content scraping” of its Web site; nor does it require an air carrier or foreign air carrier to permit the marketing or sale of the carrier’s services through any ticket agent or other carrier’s system. “Screen scraping” as used in this paragraph refers to a process whereby a company uses computer software techniques to extract information from other companies’ Web sites without permission from the company operating the targeted Web site.

PART 257—DISCLOSURE OF CODE-SHARING ARRANGEMENTS AND LONG-TERM WET LEASES

Sec.

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- 257.4 Unfair and deceptive practice.
- 257.5 Notice requirement.
- 257.6 Effective and compliance dates.

AUTHORITY: 49 U.S.C. 40113(a) and 41712.

SOURCE: 64 FR 12851, Mar. 15, 1999, unless otherwise noted.

§ 257.1 Purpose.

The purpose of this part is to ensure that ticket agents doing business in the United States, air carriers, and foreign air carriers tell consumers clearly when the air transportation they are buying or considering buying involves a code-sharing arrangement or a long-term wet lease, and that they disclose to consumers the transporting carrier’s identity.

§ 257.2 Applicability.

This part applies to the following:

- (a) Direct air carriers and foreign air carriers that participate in code-sharing arrangements or long-term wet leases involving scheduled passenger air transportation; and
- (b) Ticket agents doing business in the United States that sell scheduled passenger air transportation services

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involving code-sharing arrangements or long-term wet leases.

§ 257.3 Definitions.

As used in this part:

Air transportation means foreign air transportation or interstate air transportation as defined in 49 U.S.C. 40102 (a)(23) and (25) respectively.

Carrier means any air carrier or foreign air carrier as defined in 49 U.S.C. 40102(2) or 49 U.S.C. 40102(21), respectively, that is engaged directly in scheduled passenger air transportation, including by wet lease.

Code-sharing arrangement means an arrangement whereby a carrier’s designator code is used to identify a flight operated by another carrier.

Designator code means the airline designations originally allotted, administered, and prescribed by the Department of Transportation (DOT), by operation of law, pursuant to 49 U.S.C. Subtitle VII or its predecessor’s statutory provisions still in effect by law.

Long-term wet lease means a lease by which the lessor provides both an aircraft and crew dedicated to a particular route(s), and which either:

(1) Lasts more than 60 days; or

(2) Is part of a series of such leases that amounts to a continuing arrangement lasting more than 60 days.

Operating carrier means the carrier that is operating the aircraft in a code-sharing arrangement or long-term wet lease.

Ticket agent has the meaning ascribed to it in 49 U.S.C. 40102(45).

[64 FR 12851, Mar. 15, 1999, as amended by Docket No. DOT-OST-2014-0056, 81 FR 76828, Nov. 3, 2016, as amended by Doc. No. DOT-OST-2014-0140, 84 FR 15932, Apr. 16, 2019]

§ 257.4 Unfair and deceptive practice.

The holding out or sale of scheduled passenger air transportation involving a code-sharing arrangement or long-term wet lease is prohibited as unfair and deceptive in violation of 49 U.S.C. 41712 unless, in conjunction with such holding out or sale, carriers and ticket agents follow the requirements of this part.

§ 257.5 Notice requirement.

(a) *Notice in flight itineraries and schedules.* Each air carrier, foreign air