

§ 41501. Establishing reasonable prices, classifications, rules, practices, and divisions of joint prices for foreign air transportation

Every air carrier and foreign air carrier shall establish, comply with, and enforce—

(1) reasonable prices, classifications, rules, and practices related to foreign air transportation; and

(2) for joint prices established for foreign air transportation, reasonable divisions of those prices among the participating air carriers or foreign air carriers without unreasonably discriminating against any of those carriers.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1132.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 41501, 49 App.:1374(a)(2), Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §404(a)(2); added Mar. 22, 1972, Pub. L. 92-259, §1, 86 Stat. 95.

In this chapter, the word "regulation" is omitted in restating the phrase "classifications, rules, regulations, and practices" because it is covered by the word "rules" and to distinguish the rules of an air carrier or foreign air carrier from the regulations of the United States Government. The word "reasonable" is substituted for "just and reasonable" and "just, reasonable, and equitable" for consistency in the revised title and to eliminate unnecessary words. See the revision notes following 49:10101. The word "prices" is substituted for "fares" and "rates, fares, and charges" because of the definition of "price" in section 40102(a) of the revised title.

In this section, before clause (1), the words "comply with" are substituted for "observe" for consistency in the revised title and with other titles of the United States Code. In clause (1), the words "individual and joint" are omitted as surplus. In clause (2), the words "unreasonably discriminating" are substituted for "unduly prefer or prejudice" for consistency in the revised title and to eliminate unnecessary words. See the revision notes following 49:10101.

§ 41502. Establishing joint prices for through routes with other carriers

(a) JOINT PRICES.—An air carrier may establish reasonable joint prices and through service with another carrier. However, an air carrier not directly operating aircraft in air transportation (except an air express company) may not establish under this section a joint price for the transportation of property with a carrier subject to subtitle IV of this title.

(b) PRICES, CLASSIFICATIONS, RULES, AND PRACTICES AND DIVISIONS OF JOINT PRICES.—For through service by an air carrier and a carrier subject to subtitle IV of this title, the participating carriers shall establish—

(1) reasonable prices and reasonable classifications, rules, and practices affecting those prices or the value of the transportation provided under those prices; and

(2) for joint prices established for the through service, reasonable divisions of those joint prices among the participating carriers.

(c) STATEMENTS INCLUDED IN TARIFFS.—An air carrier and a carrier subject to subtitle IV of this title that are participating in through service and joint prices shall include in their tariffs,

with the Secretary of Transportation, a statement showing the through service and joint prices.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1132; Pub. L. 104-88, title III, §308(l), Dec. 29, 1995, 109 Stat. 948; Pub. L. 105-102, §2(22), Nov. 20, 1997, 111 Stat. 2205.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows for 41502(a), 41502(b), and 41502(c).

In subsection (a), the words "(except an air express company)" are substituted for "(other than companies engaged in the air express business)" to eliminate unnecessary words.

In subsection (b), before clause (1), the words "participating carriers" are substituted for "carriers parties thereto" and "carriers participating therein" for consistency in this chapter.

In subsection (c), the words "or the Interstate Commerce Commission, as the case may be" are omitted because of 49:10526(a)(8)(B).

PUB. L. 105-102

This amends the catchline for 49:41502 to make a technical and conforming amendment necessary because section 308(l) of the ICC Termination Act (Public Law 104-88, 109 Stat. 948) struck "common" from the text of 49:41502.

Editorial Notes

AMENDMENTS

1997—Pub. L. 105-102 struck out "common" before "carriers" in section catchline.

1995—Pub. L. 104-88 substituted "another carrier" for "another common carrier" in subsec. (a) and "a carrier" for "a common carrier" in subsecs. (a), (b), and (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 1301 of this title.

§ 41503. Establishing joint prices for through routes provided by State authorized carriers

Subject to sections 41309 and 42111 of this title, a citizen of the United States providing transportation under section 41101(b) of this title may make an agreement with an air carrier or foreign air carrier for joint prices for that transportation. The joint prices agreed to must be the lowest of—

(1) the sum of the applicable prices for—

(A) the part of the transportation provided in the State and approved by the appropriate State authority; and

(B) the part of the transportation provided by the air carrier or foreign air carrier;

(2) a joint price established and filed under section 41504 of this title; or