

§ 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

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---------------------|--|
| 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

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|--|
| 41502(a) | 49 App.:1483(b) (1st sentence). | Aug. 23, 1958, Pub. L. 85-726, §1003(b), 72 Stat. 791. |
| 41502(b) | 49 App.:1483(b) (2d sentence). | |
| 41502(c) | 49 App.:1483(b) (last sentence). 49 App.:155(b)(1)(E). | Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704. |

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

(3) a joint price prescribed by the Secretary of Transportation under section 41507 of this title.

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

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--|---|
| 41503 | 49 App.:1371(d) (4)(A)(ii) (related to joint rates, fares), (B). 49 App.:1551(b)(1)(E). | Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §401(d) (4)(A)(ii) (related to joint rates, fares), (B); added Nov. 9, 1977, Pub. L. 95-163, §9, 91 Stat. 1281; restated Oct. 24, 1978, Pub. L. 95-504, §9, 92 Stat. 1713. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704. |

In this section, before clause (1), the words "Notwithstanding any other provision of this chapter" are omitted as surplus. The words "a citizen of the United States providing transportation under section 41101(b) of this title" are substituted for "any citizen of the United States who undertakes, within any State, the carriage of persons or property as a common carrier for compensation or hire with aircraft capable of carrying thirty or more persons pursuant to authority for such carriage within such State granted by the appropriate State agency" for clarity and because of the restatement of 49 App.:1371(d)(4)(A)(i) and (ii) (related to joint services) in section 41101(b) of the revised title. The words "the establishment of" are omitted as surplus.

§ 41504. Tariffs for foreign air transportation

(a) FILING AND CONTENTS.—In the way prescribed by regulation by the Secretary of Transportation, every air carrier and foreign air carrier shall file with the Secretary, publish, and keep open to public inspection, tariffs showing the prices for the foreign air transportation provided between places served by the carrier and provided between places served by the carrier and places served by another air carrier or foreign air carrier with which through service and joint prices have been established. A tariff—

- (1) shall contain—
 - (A) to the extent the Secretary requires by regulation, a description of the classifications, rules, and practices related to the foreign air transportation;
 - (B) a statement of the prices in money of the United States; and
 - (C) other information the Secretary requires by regulation; and
- (2) may contain—
 - (A) a statement of the prices in money that is not money of the United States; and
 - (B) information that is required under the laws of a foreign country in or to which the air carrier or foreign air carrier is authorized to operate.

(b) CHANGES.—(1) Except as provided in paragraph (2) of this subsection, an air carrier or foreign air carrier may change a price or a classification, rule, or practice affecting that price or the value of the transportation provided under that price, specified in a tariff of the carrier for foreign air transportation only after 30 days after the carrier has filed, published, and posted notice of the proposed change in the same way as required for a tariff under subsection (a) of

this section. However, the Secretary may prescribe an alternative notice requirement, of at least 25 days, to allow an air carrier or foreign air carrier to match a proposed change in a passenger fare or a charge of another air carrier or foreign air carrier. A notice under this paragraph must state plainly the change proposed and when the change will take effect.

(2) If the effect of a proposed change would be to begin a passenger fare that is outside of, or not covered by, the range of passenger fares specified under section 41509(e)(2) and (3) of this title, the proposed change may be put into effect only on the expiration of 60 days after the notice is filed under regulations prescribed by the Secretary.

(c) REJECTION OF CHANGES.—The Secretary may reject a tariff or tariff change that is not consistent with this section and regulations prescribed by the Secretary. A tariff or change that is rejected is void.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1133.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--|--|
| 41504(a) | 49 App.:1373(a) (1st sentence, 2d sentence words before semicolon, last sentence). 49 App.:1551(a)(4)(B) (related to 49 App.:1373(a)), (b)(1)(E). | Aug. 23, 1958, Pub. L. 85-726, §403(a), 72 Stat. 758. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(a)(4)(B) (related to §403(a), (c)(1), (2), (b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(c), (e), 98 Stat. 1703, 1704. |
| 41504(b)(1) .. | 49 App.:1373(c)(1). 49 App.:1551(a)(4)(B) (related to 49 App.:1373(c)(1)), (b)(1)(E). | Aug. 23, 1958, Pub. L. 85-726, §403(c)(1), (2), 72 Stat. 759; Nov. 9, 1977, Pub. L. 95-163, §10(a), 91 Stat. 1281; restated Oct. 24, 1978, Pub. L. 95-504, §22, 92 Stat. 1724; Feb. 15, 1980, Pub. L. 96-192, §24(b), (c), 94 Stat. 47. |
| 41504(b)(2) .. | 49 App.:1373(c)(2). 49 App.:1551(a)(4)(B) (related to 49 App.:1373(c)(2)), (b)(1)(E). | |
| 41504(c) | 49 App.:1373(a) (2d sentence words after semicolon, 3d sentence). 49 App.:1551(a)(4)(B) (related to 49 App.:1373(a)), (b)(1)(E). | |

In this section, the words "foreign air transportation" are substituted for "air transportation" because 49 App.:1551(a)(4)(B) provides that 49 App.:1373 no longer applies to interstate or overseas air transportation and 49 App.:1376(a)–(e), restated in section 41901 of the revised title, governs rates for the transportation of mail by aircraft. See section 40102(a) of the revised title defining "air transportation" to mean interstate or foreign air transportation or the transportation of mail by aircraft. The words "passenger fare" are substituted for "fare" for consistency in the revised title.

In subsection (a), before clause (1), the word "print" is omitted as being included in "publish". The word "places" is substituted for "points" for consistency in the revised title and with other titles of the United States Code. In clause (1)(A), the word "services" is omitted as being included in "practices". In clauses (1)(B) and (2)(A), the word "lawful" is omitted as surplus.