

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 108-176, which was approved Dec. 12, 2003.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 2003, except as otherwise specifically provided, see section 3 of Pub. L. 108-176, set out as an Effective Date of 2003 Amendment note under section 106 of this title.

§ 41724. Musical instruments

(a) IN GENERAL.—

(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin, without charging the passenger a fee in addition to any standard fee that carrier may require for comparable carry-on baggage, if—

(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat, in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator; and

(B) there is space for such stowage at the time the passenger boards the aircraft.

(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin, without charging the passenger a fee in addition to the cost of the additional ticket described in subparagraph (E), if—

(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds or the applicable weight restrictions for the aircraft;

(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator;

(D) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

(E) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches or the applicable size restrictions for the aircraft;

(B) the weight of the instrument does not exceed 165 pounds or the applicable weight restrictions for the aircraft; and

(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator.

(b) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue final regulations to carry out subsection (a).

(c) EFFECTIVE DATE.—The requirements of this section shall become effective on the date of issuance of the final regulations under subsection (b).

(Added Pub. L. 112-95, title IV, §403(a), Feb. 14, 2012, 126 Stat. 84.)

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REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (b), is the date of enactment of Pub. L. 112-95, which was approved Feb. 14, 2012.

Final regulations, referred to in subsecs. (b) and (c), were issued Dec. 29, 2014, effective Mar. 6, 2015. See 80 F.R. 161.

§ 41725. Prohibition on certain cell phone voice communications

(a) PROHIBITION.—The Secretary of Transportation shall issue regulations—

(1) to prohibit an individual on an aircraft from engaging in voice communications using a mobile communications device during a flight of that aircraft in scheduled passenger interstate or intrastate air transportation; and

(2) that exempt from the prohibition described in paragraph (1) any—

(A) member of the flight crew on duty on an aircraft;

(B) flight attendant on duty on an aircraft; and

(C) Federal law enforcement officer acting in an official capacity.

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) FLIGHT.—The term “flight” means, with respect to an aircraft, the period beginning when the aircraft takes off and ending when the aircraft lands.

(2) MOBILE COMMUNICATIONS DEVICE.—

(A) IN GENERAL.—The term “mobile communications device” means any portable wireless telecommunications equipment utilized for the transmission or reception of voice data.

(B) LIMITATION.—The term “mobile communications device” does not include a phone installed on an aircraft.

(Added Pub. L. 115-254, div. B, title IV, §403(a), Oct. 5, 2018, 132 Stat. 3328.)

§ 41726. Strollers

(a) IN GENERAL.—Except as provided in subsection (b), a covered air carrier shall not deny a passenger the ability to check a stroller at the departure gate if the stroller is being used by a

passenger to transport a child traveling on the same flight as the passenger.

(b) EXCEPTION.—Subsection (a) shall not apply in instances where the size or weight of the stroller poses a safety or security risk.

(c) COVERED AIR CARRIER DEFINED.—In this section, the term “covered air carrier” means an air carrier or a foreign air carrier as those terms are defined in section 40102 of title 49, United States Code.

(Added Pub. L. 115-254, div. B, title IV, §412(a), Oct. 5, 2018, 132 Stat. 3331.)

§ 41727. Passenger Rights¹

(a) GUIDELINES.—The Secretary of Transportation shall require each covered air carrier to submit a summarized 1-page document that describes the rights of passengers in air transportation, including guidelines for the following:

(1) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight delays of various lengths.

(2) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight diversions.

(3) Compensation (regarding rebooking options, refunds, meals, and lodging) for flight cancellations.

(4) Compensation for mishandled baggage, including delayed, damaged, pilfered, or lost baggage.

(5) Voluntary relinquishment of a ticketed seat due to overbooking or priority of other passengers.

(6) Involuntary denial of boarding and forced removal for whatever reason, including for safety and security reasons.

(b) FILING OF SUMMARIZED GUIDELINES.—Not later than 90 days after each air carrier submits its guidelines to the Secretary under subsection (a), the air carrier shall make available such 1-page document in a prominent location on its website.

(Added and amended Pub. L. 118-63, title V, §510(a), May 16, 2024, 138 Stat. 1193.)

Editorial Notes

CODIFICATION

Section, as added and amended by section 510(a) of Pub. L. 118-63, is based on Pub. L. 115-254, div. B, title IV, §429, Oct. 5, 2018, 132 Stat. 3341, which was formerly set out as a note preceding section 42301 of this title before being transferred to this chapter and renumbered as this section.

AMENDMENTS

2024—Pub. L. 118-63, §510(a)(1), transferred section 429 of Pub. L. 115-254 to this chapter, renumbered it as this section, and amended style of section catchline. See Codification note above.

Subsec. (a). Pub. L. 118-63, §510(a)(2), substituted “The Secretary” for “Not later than 90 days after the date of enactment of this Act, the Secretary” in introductory provisions.

§ 41728. Airline passengers with disabilities bill of rights

(a) AIRLINE PASSENGERS WITH DISABILITIES BILL OF RIGHTS.—The Secretary of Transporta-

tation shall develop a document, to be known as the “Airline Passengers with Disabilities Bill of Rights”, using plain language to describe the basic protections and responsibilities of covered air carriers,¹ their employees and contractors, and people with disabilities under section 41705.

(b) CONTENT.—In developing the Airline Passengers with Disabilities Bill of Rights under subsection (a), the Secretary shall include, at a minimum, plain language descriptions of protections and responsibilities provided in law related to the following:

(1) The right of passengers with disabilities to be treated with dignity and respect.

(2) The right of passengers with disabilities to receive timely assistance, if requested, from properly trained covered air carrier and contractor personnel.

(3) The right of passengers with disabilities to travel with wheelchairs, mobility aids, and other assistive devices, including necessary medications and medical supplies, including stowage of such wheelchairs, aids, and devices.

(4) The right of passengers with disabilities to receive seating accommodations, if requested, to accommodate a disability.

(5) The right of passengers with disabilities to receive announcements in an accessible format.

(6) The right of passengers with disabilities to speak with a complaint resolution officer or to file a complaint with a covered air carrier or the Department of Transportation.

(c) RULE OF CONSTRUCTION.—The development of the Airline Passengers with Disabilities Bill of Rights under subsections (a) and (b) shall not be construed as expanding or restricting the rights available to passengers with disabilities on the day before the date of enactment of the FAA Reauthorization Act of 2018 pursuant to any statute or regulation.

(d) CONSULTATIONS.—In developing the Airline Passengers with Disabilities Bill of Rights under subsection (a), the Secretary of Transportation shall consult with stakeholders, including disability organizations and covered air carriers and their contractors.

(e) DISPLAY.—Each covered air carrier shall include the Airline Passengers with Disabilities Bill of Rights—

(1) on a publicly available internet website of the covered air carrier; and

(2) in any pre-flight notifications or communications provided to passengers who alert the covered air carrier in advance of the need for accommodations relating to a disability.

(f) TRAINING.—Covered air carriers and contractors of covered air carriers shall submit to the Secretary of Transportation plans that ensure that employees of covered air carriers and their contractors receive training on the protections and responsibilities described in the Airline Passengers with Disabilities Bill of Rights. The Secretary shall review such plans to ensure the plans address the matters described in subsection (b).

(Added and amended Pub. L. 118-63, title V, §510(b), May 16, 2024, 138 Stat. 1194.)

¹ So in original. Probably should not be capitalized.

¹ See Definition note below.