

ing and boarding policies of air carriers providing scheduled passenger interstate or intrastate air transportation and whether those policies generally allow families to sit together.

“(c) STATUTORY CONSTRUCTION.—Notwithstanding the requirement in subsection (a), nothing in this section may be construed to allow the Secretary to impose a significant change in the overall seating or boarding policy of an air carrier providing scheduled passenger interstate or intrastate air transportation that has an open or flexible seating policy in place that generally allows adjacent family seating as described in subsection (a).”

ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION

Pub. L. 112-95, title IV, §411, Feb. 14, 2012, 126 Stat. 88, as amended by Pub. L. 114-55, title I, §102(i), Sept. 30, 2015, 129 Stat. 523; Pub. L. 114-141, title I, §102(g), Mar. 30, 2016, 130 Stat. 323; Pub. L. 114-190, title I, §1102(j), July 15, 2016, 130 Stat. 618; Pub. L. 115-63, title I, §102(i), Sept. 29, 2017, 131 Stat. 1170; Pub. L. 115-141, div. M, title I, §102(g), Mar. 23, 2018, 132 Stat. 1046; Pub. L. 115-254, div. B, title IV, §415, Oct. 5, 2018, 132 Stat. 3333; Pub. L. 118-15, div. B, title II, §2202(r), Sept. 30, 2023, 137 Stat. 84; Pub. L. 118-34, title I, §102(r), Dec. 26, 2023, 137 Stat. 1114; Pub. L. 118-41, title I, §102(r), Mar. 8, 2024, 138 Stat. 22; Pub. L. 118-63, title V, §508, May 16, 2024, 138 Stat. 1193, provided that:

“(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out activities relating to airline customer service improvements.

“(b) MEMBERSHIP.—The Secretary shall appoint the members of the advisory committee, which shall be comprised of one representative each of—

“(1) air carriers;

“(2) airport operators;

“(3) State or local governments with expertise in consumer protection matters; and

“(4) nonprofit public interest groups with expertise in consumer protection matters.

“(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

“(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

“(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

“(f) DUTIES.—The duties of the advisory committee shall include—

“(1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and

“(2) providing recommendations for establishing additional aviation consumer protection programs, if needed.

“(g) REPORT TO CONGRESS.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act [Feb. 14, 2012], the Secretary shall transmit to Congress a report containing—

“(1) the recommendations made by the advisory committee during the preceding calendar year; and

“(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary’s reason for not implementing the recommendation.

“(h) TERMINATION.—The advisory committee established under this section shall terminate on September 30, 2028.

“(i) CONSULTATION.—The Advisory Committee [probably should be “advisory committee”] shall consult, as appropriate, with foreign air carriers, air carriers with

an ultra-low-cost business model, nonprofit public interest groups with expertise in disability and accessibility matters, ticket agents, travel management companies, and any other groups as determined by the Secretary.”

DISCLOSURE OF SEAT DIMENSIONS TO FACILITATE THE USE OF CHILD SAFETY SEATS ON AIRCRAFT

Pub. L. 112-95, title IV, §412, Feb. 14, 2012, 126 Stat. 89, provided that: “Not later than 1 year after the date of enactment of this Act [Feb. 14, 2012], the Administrator of the Federal Aviation Administration shall initiate a rulemaking to require each air carrier operating under part 121 of title 14, Code of Federal Regulations, to post on the Internet Web site of the air carrier the maximum dimensions of a child safety seat that can be used on each aircraft operated by the air carrier to enable passengers to determine which child safety seats can be used on those aircraft.”

§ 42301. Emergency contingency plans

(a) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 90 days after the date of enactment of this section, each of the following air carriers and airport operators shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section:

(1) An air carrier providing covered air transportation at a commercial airport.

(2) An operator of a commercial airport.

(3) An operator of an airport used by an air carrier described in paragraph (1) for diversions.

(b) AIR CARRIER PLANS.—

(1) PLANS FOR INDIVIDUAL AIRPORTS.—An air carrier shall submit an emergency contingency plan under subsection (a) for—

(A) each airport at which the carrier provides covered air transportation; and

(B) each airport at which the carrier has flights for which the carrier has primary responsibility for inventory control.

(2) CONTENTS.—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain a description of how the carrier will—

(A) provide adequate food, potable water, restroom facilities, comfortable cabin temperatures, and access to medical treatment for passengers onboard an aircraft at the airport when the departure of a flight is delayed or the disembarkation of passengers is delayed;

(B) share facilities and make gates available at the airport in an emergency; and

(C) allow passengers to deplane following an excessive tarmac delay in accordance with paragraph (3).

(3) DEPLANING FOLLOWING AN EXCESSIVE TARMAC DELAY.—For purposes of paragraph (2)(C), an emergency contingency plan submitted by an air carrier under subsection (a) shall incorporate the following requirements:

(A) A passenger shall have the option to deplane an aircraft and return to the airport terminal when there is an excessive tarmac delay.

(B) The option described in subparagraph (A) shall be offered to a passenger even if a

flight in covered air transportation is diverted to a commercial airport other than the originally scheduled airport.

(C) In providing the option described in subparagraph (A), the air carrier shall begin to return the aircraft to a suitable disembarkation point—

(i) in the case of a flight in interstate air transportation, not later than 3 hours after the main aircraft door is closed in preparation for departure; and

(ii) in the case of a flight in foreign air transportation, not later than 4 hours after the main aircraft door is closed in preparation for departure.

(D) Notwithstanding the requirements described in subparagraphs (A), (B), and (C), a passenger shall not have an option to deplane an aircraft and return to the airport terminal in the case of an excessive tarmac delay if—

(i) an air traffic controller with authority over the aircraft advises the pilot in command that permitting a passenger to deplane would significantly disrupt airport operations; or

(ii) the pilot in command determines that permitting a passenger to deplane would jeopardize passenger safety or security.

(c) AIRPORT PLANS.—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain a description of how the operator, to the maximum extent practicable, will—

(1) provide for the deplanement of passengers following excessive tarmac delays;

(2) provide for the sharing of facilities and make gates available at the airport in an emergency; and

(3) provide a sterile area following excessive tarmac delays for passengers who have not yet cleared United States Customs and Border Protection.

(d) UPDATES.—

(1) AIR CARRIERS.—An air carrier shall update each emergency contingency plan submitted by the carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

(2) AIRPORTS.—An airport operator shall update each emergency contingency plan submitted by the operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

(e) APPROVAL.—

(1) IN GENERAL.—Not later than 60 days after the date of the receipt of an emergency contingency plan submitted under subsection (a) or an update submitted under subsection (d), the Secretary shall review and approve or, if necessary, require modifications to the plan or update to ensure that the plan or update will effectively address emergencies and provide for the health and safety of passengers.

(2) FAILURE TO APPROVE OR REQUIRE MODIFICATIONS.—If the Secretary fails to approve or require modifications to a plan or update under paragraph (1) within the timeframe

specified in that paragraph, the plan or update shall be deemed to be approved.

(3) ADHERENCE REQUIRED.—An air carrier or airport operator shall adhere to an emergency contingency plan of the carrier or operator approved under this section.

(f) MINIMUM STANDARDS.—The Secretary shall establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under this section.

(g) PUBLIC ACCESS.—An air carrier or airport operator required to submit an emergency contingency plan under this section shall ensure public access to the plan after its approval under this section on the Internet Web site of the carrier or operator or by such other means as determined by the Secretary.

(h) REPORTS.—Not later than 30 days after any flight experiences an excessive tarmac delay, the air carrier responsible for such flight shall submit a written description of the incident and its resolution to the Aviation Consumer Protection Division of the Department of Transportation.

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

(1) COMMERCIAL AIRPORT.—The term “commercial airport” means a large hub, medium hub, small hub, or nonhub airport.

(2) COVERED AIR TRANSPORTATION.—The term “covered air transportation” means scheduled or public charter passenger air transportation provided by an air carrier that operates an aircraft that as originally designed has a passenger capacity of 30 or more seats.

(3) TARMAC DELAY.—The term “tarmac delay” means the period during which passengers are on board an aircraft on the tarmac—

(A) awaiting takeoff after the aircraft doors have been closed or after passengers have been boarded if the passengers have not been advised they are free to deplane; or

(B) awaiting deplaning after the aircraft has landed.

(4) EXCESSIVE TARMAC DELAY.—The term “excessive tarmac delay” means a tarmac delay of more than—

(A) 3 hours for a flight in interstate air transportation; or

(B) 4 hours for a flight in foreign air transportation.

(Added Pub. L. 112-95, title IV, §415(a), Feb. 14, 2012, 126 Stat. 93; amended Pub. L. 114-190, title II, §2308(a), (b), July 15, 2016, 130 Stat. 648.)

Editorial Notes

REFERENCES IN TEXT

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

AMENDMENTS

2016—Subsec. (b)(3)(C). Pub. L. 114-190, §2308(a)(2), added subpar. (C). Former subpar. (C) redesignated (D).

Subsec. (b)(3)(D). Pub. L. 114-190, §2308(a)(1), (3), redesignated subpar. (C) as (D) and substituted “subparagraphs (A), (B), and (C)” for “subparagraphs (A) and (B)” in introductory provisions.

Subsec. (i)(4). Pub. L. 114-190, §2308(b), amended par. (4) generally. Prior to amendment, text read as follows: “The term ‘excessive tarmac delay’ means a tarmac delay that lasts for a length of time, as determined by the Secretary.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 112-95, title IV, §415(c), Feb. 14, 2012, 126 Stat. 96, provided that: “Except as otherwise provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment of this Act [Feb. 14, 2012].”

REGULATIONS

Pub. L. 114-190, title II, §2308(c), July 15, 2016, 130 Stat. 648, provided that: “Not later than 90 days after the date of enactment of this section [July 15, 2016], the Secretary of Transportation shall issue regulations and take other actions necessary to carry out the amendments made by this section [amending this section].”

§ 42302. Consumer complaints

(a) IN GENERAL.—The Secretary of Transportation shall—

(1) maintain an accessible website through the Office of Aviation Consumer Protection to accept the submission of complaints from airline passengers regarding air travel service problems; and

(2) take appropriate actions to notify the public of such accessible website.

(b) NOTICE TO PASSENGERS ON THE INTERNET.—An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats shall include on the accessible website of the carrier—

(1) the accessible website, e-mail address, or telephone number of the air carrier for the submission of complaints by passengers about air travel service problems; and

(2) the accessible website maintained pursuant to subsection (a).

(c) USE OF ADDITIONAL OR ALTERNATIVE TECHNOLOGIES.—The Secretary shall periodically evaluate the benefits of using mobile phone applications or other widely used technologies to—

(1) provide additional or alternative means for air passengers to submit complaints; and

(2) provide such additional or alternative means as the Secretary determines appropriate.

(d) AIR AMBULANCE PROVIDERS.—Each air ambulance provider shall include the accessible website, or a link to such accessible website, maintained pursuant to subsection (a) and the contact information for the Aviation Consumer Advocate established by section 424 of the FAA Reauthorization Act of 2018 (49 U.S.C. 42302 note) on—

(1) any invoice, bill, or other communication provided to a passenger or customer of such provider; and

(2) the accessible website and any related mobile device application of such provider.

(Added Pub. L. 112-95, title IV, §415(a), Feb. 14, 2012, 126 Stat. 95; amended Pub. L. 115-254, div. B, title IV, §§405, 419(a), 423(a), Oct. 5, 2018, 132 Stat.

3329, 3336, 3337; Pub. L. 118-63, title V, §520, May 16, 2024, 138 Stat. 1200.)

Editorial Notes

REFERENCES IN TEXT

Section 424 of the FAA Reauthorization Act of 2018, referred to in subsec. (d), is section 424 of Pub. L. 115-254, which is set out as a note below.

AMENDMENTS

2024—Pub. L. 118-63 amended section generally. Prior to amendment, section related to various means by which passengers could register consumer complaints.

2018—Subsec. (a). Pub. L. 115-254, §419(a)(1), inserted “(including transportation by air ambulance (as defined by the Secretary of Transportation))” after “air transportation” in introductory provisions.

Subsec. (c). Pub. L. 115-254, §423(a)(1), substituted “Each air carrier and foreign air carrier” for “An air carrier or foreign air carrier providing scheduled air transportation using any aircraft that as originally designed has a passenger capacity of 30 or more passenger seats” in introductory provisions.

Subsec. (c)(1). Pub. L. 115-254, §423(a)(2), substituted “carrier operates” for “air carrier operates”.

Subsec. (c)(2). Pub. L. 115-254, §423(a)(3), substituted “carrier” for “air carrier”.

Subsec. (d). Pub. L. 115-254, §405, added subsec. (d).

Subsec. (e). Pub. L. 115-254, §419(a)(2), added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Requirements of this section to begin to apply 60 days after Feb. 14, 2012, except as otherwise provided, see section 415(c) of Pub. L. 112-95, set out as a note under section 42301 of this title.

RULEMAKING

Pub. L. 115-254, div. B, title IV, §423(b), Oct. 5, 2018, 132 Stat. 3337, provided that: “Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], the Secretary of Transportation shall promulgate regulations to implement the requirements of section 42302 of title 49, United States Code, as amended by this Act.”

AVIATION CONSUMER ADVOCATE

Pub. L. 115-254, div. B, title IV, §424, Oct. 5, 2018, 132 Stat. 3337, as amended by Pub. L. 118-15, div. B, title II, §2202(s), Sept. 30, 2023, 137 Stat. 84; Pub. L. 118-34, title I, §102(s), Dec. 26, 2023, 137 Stat. 1114; Pub. L. 118-41, title I, §102(s), Mar. 8, 2024, 138 Stat. 22; Pub. L. 118-63, title V, §509, May 16, 2024, 138 Stat. 1193, provided that:

“(a) IN GENERAL.—The Secretary of Transportation shall review aviation consumer complaints received that allege a violation of law and, as appropriate, pursue enforcement or corrective actions that would be in the public interest.

“(b) CONSIDERATIONS.—In considering which cases to pursue for enforcement or corrective action under subsection (a), the Secretary shall consider—

“(1) the Air Carrier Access Act of 1986 (Public Law 99-435; 100 Stat. 1080);

“(2) unfair and deceptive practices by air carriers (including air ambulance operators), foreign air carriers, and ticket agents;

“(3) the terms and conditions agreed to between passengers and air carriers (including air ambulance operators), foreign air carriers, or ticket agents;

“(4) aviation consumer protection and tarmac delay contingency planning requirements for both airports and airlines;

“(5) protection of air ambulance consumers; and

“(6) any other applicable law.

“(c) AVIATION CONSUMER ADVOCATE.—