

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.—

“(1) IN GENERAL.—Within the Aviation Consumer Protection Division of the Department of Transportation, there shall be an Aviation Consumer Advocate.

“(2) FUNCTIONS.—The Aviation Consumer Advocate shall—

“(A) assist consumers in resolving carrier service complaints filed with the Aviation Consumer Protection Division;

“(B) review the resolution by the Department of Transportation of carrier service complaints;

“(C) identify and recommend actions the Department can take to improve the enforcement of aviation consumer protection rules, protection of air ambulance consumers, and resolution of carrier service complaints; and

“(D) identify and recommend regulations and policies that can be amended to more effectively resolve carrier service complaints.

“(d) ANNUAL REPORTS.—The Secretary, through the Aviation Consumer Advocate, shall submit to the appropriate committees of Congress [Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives] an annual report summarizing the following:

“(1) The total number of annual complaints received by the Department, including the number of complaints by the name of each air carrier and foreign air carrier.

“(2) The total number of annual complaints by category of complaint.

“(3) The number of complaints referred in the preceding year for enforcement or corrective action by the Department.

“(4) Any recommendations under paragraphs (2)(C) and (2)(D) of subsection (c).

“(5) Such other data as the Aviation Consumer Advocate considers appropriate.

“(e) SUNSET ON REPORTING REQUIREMENT.—The reporting requirement of subsection (d) shall terminate on October 1, 2028.”

[For definition of “ticket agent” as used in section 424 of Pub. L. 115–254, set out above, see section 401 of Pub. L. 115–254, set out as a Definitions of Terms in Pub. L. 115–254 note under section 40101 of this title.]

#### DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS

Pub. L. 112–95, title IV, §408, Feb. 14, 2012, 126 Stat. 87, provided that: “The Secretary of Transportation may investigate consumer complaints regarding—

“(1) flight cancellations;

“(2) compliance with Federal regulations concerning overbooking seats on flights;

“(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

“(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

“(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

“(6) the rights of passengers who hold frequent flyer miles or equivalent redeemable awards earned through customer-loyalty programs; and

“(7) deceptive or misleading advertising.”

### § 42303. Use of insecticides in passenger aircraft

(a) INFORMATION TO BE PROVIDED ON THE INTERNET.—The Secretary of Transportation shall establish, and make available to the general public, an Internet Web site that contains a listing of countries that may require an air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to a flight in foreign air transportation to that country or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers.

(b) REQUIRED DISCLOSURES.—An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the internet website established under subsection (a) shall—

(1) disclose, on its own internet website or through other means, that the destination country may require the air carrier or foreign air carrier to treat an aircraft passenger cabin with insecticides prior to the flight or to apply an aerosol insecticide in an aircraft cabin used for such a flight when the cabin is occupied with passengers; and

(2) refer the purchaser of the ticket to the internet website established under subsection (a) for additional information.

(Added Pub. L. 112–95, title IV, §415(a), Feb. 14, 2012, 126 Stat. 95; amended Pub. L. 115–254, div. B, title IV, §404, Oct. 5, 2018, 132 Stat. 3329.)

#### Editorial Notes

##### AMENDMENTS

2018—Subsec. (b). Pub. L. 115–254 amended subsec. (b) generally. Prior to amendment, text read as follows: “An air carrier, foreign air carrier, or ticket agent selling, in the United States, a ticket for a flight in foreign air transportation to a country listed on the Internet Web site established under subsection (a) shall refer the purchaser of the ticket to the Internet Web site established under subsection (a) for additional information.”

#### 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.

### § 42304. Widespread disruptions

(a) GENERAL REQUIREMENTS.—In the event of a widespread disruption, a covered air carrier shall immediately publish, via a prominent link on the air carrier’s public internet website, a clear statement indicating whether, with respect to a passenger of the air carrier whose travel is interrupted as a result of the widespread disruption, the air carrier will—

(1) provide for hotel accommodations;

(2) arrange for ground transportation;

(3) provide meal vouchers;

(4) arrange for air transportation on another air carrier or foreign air carrier to the passenger’s destination; and

(5) provide for sleeping facilities inside the airport terminal.

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

(1) WIDESPREAD DISRUPTION.—The term “widespread disruption” means, with respect to a covered air carrier, the interruption of all or the overwhelming majority of the air carrier’s systemwide flight operations, including flight delays and cancellations, as the result of the failure of 1 or more computer systems or computer networks of the air carrier.

(2) COVERED AIR CARRIER.—The term “covered air carrier” means an air carrier that provides scheduled passenger air transpor-