

“(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-

tation by operating an aircraft that as originally designed has a passenger capacity of 30 or more seats.

(c) SAVINGS PROVISION.—Nothing in this section may be construed to modify, abridge, or repeal any obligation of an air carrier under section 42301.

(Added Pub. L. 115–254, div. B, title IV, §428(a), Oct. 5, 2018, 132 Stat. 3341.)

§ 42305. Refunds for cancelled or significantly delayed or changed flights

(a) IN GENERAL.—In the case of a passenger that holds a nonrefundable ticket on a scheduled flight to, from, or within the United States, an air carrier or a foreign air carrier shall, upon request as set forth in subsection (f), provide a full refund, including any taxes and ancillary fees, for the fare such carrier collected for any cancelled flight or significantly delayed or changed flight where the passenger chooses not to—

(1) fly on the significantly delayed or changed flight or accept rebooking on an alternative flight; or

(2) accept any voucher, credit, or other form of compensation offered by the air carrier or foreign air carrier pursuant to subsection (c).

(b) TIMING OF REFUND.—Any refund required under subsection (a) shall be issued by the air carrier or foreign air carrier—

(1) in the case of a ticket purchased with a credit card, not later than 7 business days after the earliest date the refund was requested as set forth in subsection (f); or

(2) in the case of a ticket purchased with cash or another form of payment, not later than 20 days after the earliest date the refund was requested as set forth in subsection (f).

(c) ALTERNATIVE TO REFUND.—An air carrier and a foreign air carrier may offer a voucher, credit, or other form of compensation as an explicit alternative to providing a refund required by subsection (a) but only if—

(1) the offer includes a clear and conspicuous notice of—

(A) the terms of the offer; and

(B) the passenger’s right to a full refund under this section;

(2) the voucher, credit, or other form of compensation offered explicitly as an alternative to providing a refund required by subsection (a) remains valid and redeemable by the consumer for a period of at least 5 years from the date on which such voucher, credit, or other form of compensation is issued;

(3) upon the issuance of such voucher, credit, or other form of compensation, an air carrier, foreign air carrier, or ticket agent, where applicable, notifies the recipient of the expiration date of the voucher, credit, or other form of compensation; and

(4) upon request by an individual who self-identifies as having a disability (as defined in section 382.3 of title 14, Code of Federal Regulations), an air carrier, foreign air carrier, or ticket agent provides a notification under paragraph (3) in an electronic format that is accessible to the recipient.

(d) SIGNIFICANTLY DELAYED OR CHANGED FLIGHT DEFINED.—In this section, the term “significantly delayed or changed flight” includes, at a minimum, a flight where the passenger arrives at a destination airport—

(1) in the case of a domestic flight, 3 or more hours after the original scheduled arrival time; and

(2) in the case of an international flight, 6 or more hours after the original scheduled arrival time.

(e) APPLICATION TO TICKET AGENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue a final rule to apply refund requirements to ticket agents in the case of cancelled flights and significantly delayed or changed flights.

(2) TRANSFER OF FUNDS.—The Secretary shall issue regulations requiring air carriers and foreign air carriers to promptly transfer funds to a ticket agent if—

(A) the Secretary has determined that the ticket agent is responsible for providing the refund; and

(B) the ticket agent does not possess the funds of the passenger.

(3) TIMING AND ALTERNATIVES.—A refund provided by a ticket agent shall comply with the requirements in subsections (b) and (c) of this section.

(f) REFUND.—An air carrier and a foreign air carrier shall consider a passenger to have requested a refund if—

(1) a flight is cancelled and a passenger is not offered an alternative flight or any voucher, credit, or other form of compensation by the air carrier or foreign air carrier pursuant to subsection (c);

(2) a passenger rejects the significantly delayed or changed flight, rebooking on an alternative flight, or any voucher, credit, or other form of compensation offered by the air carrier or foreign air carrier pursuant to subsection (c); or

(3) a passenger does not respond to an offer of—

(A) a significantly delayed or changed flight or an alternative flight and the flight departs without the passenger; or

(B) a voucher, credit, or other form of compensation by the date on which the cancelled flight was scheduled to depart or the date that the significantly delayed or changed flight departs.

(g) REFUND NOTIFICATION.—An air carrier and a foreign air carrier shall update their passenger notification systems to ensure passengers owed a refund under this section are notified of their right to receive a refund.

(Added Pub. L. 118–63, title V, §503(a), May 16, 2024, 138 Stat. 1188.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (e)(1), is the date of enactment of Pub. L. 118–63, which was approved May 16, 2024.