

“(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.”

[For definition of “covered air carrier” as used in section 429 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.]

#### MINIMUM DIMENSIONS FOR PASSENGER SEATS

Pub. L. 115–254, div. B, title V, §577, Oct. 5, 2018, 132 Stat. 3394, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Oct. 5, 2018], and after providing notice and an opportunity for comment, the Administrator of the Federal Aviation Administration shall issue regulations that establish minimum dimensions for passenger seats on aircraft operated by air carriers in interstate air transportation or intrastate air transportation, including minimums for seat pitch, width, and length, and that are necessary for the safety of passengers.

“(b) DEFINITIONS.—The definitions contained in section 40102(a) of title 49, United States Code, apply to this section.”

#### FAMILY SEATING

Pub. L. 114–190, title II, §2309, July 15, 2016, 130 Stat. 648, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [July 15, 2016], the Secretary of Transportation shall review and, if appropriate, establish a policy directing all air carriers providing scheduled passenger interstate or intrastate air transportation to establish policies that enable a child, who is age 13 or under on the date an applicable flight is scheduled to occur, to be seated in a seat adjacent to the seat of an accompanying family member over the age of 13, to the maximum extent practicable and at no additional cost, except when assignment to an adjacent seat would require an upgrade to another cabin class or a seat with extra legroom or seat pitch for which additional payment is normally required.

“(b) EFFECT ON AIRLINE BOARDING AND SEATING POLICIES.—When considering any new policy under this section, the Secretary shall consider the traditional seating 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, 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, 2023.”

#### 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 establish a consumer complaints toll-free hotline telephone number for the use of passengers in air transportation (including transportation by air ambulance (as defined by the Secretary of Transportation)) and shall take actions to notify the public of—

(1) that telephone number; and

(2) the Internet Web site of the Aviation Consumer Protection Division of the Department of Transportation.

(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 Internet Web site of the carrier—

(1) the hotline telephone number established under subsection (a);

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

(3) the Internet Web site and mailing address of the Aviation Consumer Protection Division of the Department of Transportation for the submission of complaints by passengers about air travel service problems.

(c) **NOTICE TO PASSENGERS ON BOARDING DOCUMENTATION.**—Each air carrier and foreign air carrier shall include the hotline telephone number established under subsection (a) on—

(1) prominently displayed signs of the carrier at the airport ticket counters in the United States where the carrier operates; and

(2) any electronic confirmation of the purchase of a passenger ticket for air transportation issued by the carrier.

(d) **USE OF NEW TECHNOLOGIES.**—The Secretary shall periodically evaluate the benefits of using mobile phone applications or other widely used technologies to provide new means for air passengers to communicate complaints in addition to the telephone number established under subsection (a) and shall provide such new means as the Secretary determines appropriate.

(e) **AIR AMBULANCE PROVIDERS.**—Each air ambulance provider shall include the hotline telephone number, link to the Internet website established under subsection (a), and contact information for the Aviation Consumer Advocate established under section 425<sup>1</sup> on—

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

(2) its Internet Web site, and any related mobile device application.

(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.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 425, referred to in subsec. (e), is probably a reference to section 425 of Pub. L. 115–254 but should be a reference to section 424 of Pub. L. 115–254, which is set out as a note below and relates to the establishment of an Aviation Consumer Advocate. There is no section 425 of this title, and section 425 of Pub. L. 115–254, which is set out as a note preceding section 42301 of this title, relates to prohibition of denial of boarding for certain revenue passengers.

##### AMENDMENTS

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”.

<sup>1</sup> See References in Text note below.