

filed with the Secretary of Transportation, a statement showing the through service and joint prices.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1132; Pub. L. 104-88, title III, §308(l), Dec. 29, 1995, 109 Stat. 948; Pub. L. 105-102, §2(22), Nov. 20, 1997, 111 Stat. 2205.)

HISTORICAL AND REVISION NOTES
PUB. L. 103-272

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|--|
| 41502(a) | 49 App.:1483(b) (1st sentence). | Aug. 23, 1958, Pub. L. 85-726, §1003(b), 72 Stat. 791. |
| 41502(b) | 49 App.:1483(b) (2d sentence). | |
| 41502(c) | 49 App.:1483(b) (last sentence). 49 App.:155(b)(1)(E). | Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704. |

In subsection (a), the words “(except an air express company)” are substituted for “(other than companies engaged in the air express business)” to eliminate unnecessary words.

In subsection (b), before clause (1), the words “participating carriers” are substituted for “carriers parties thereto” and “carriers participating therein” for consistency in this chapter.

In subsection (c), the words “or the Interstate Commerce Commission, as the case may be” are omitted because of 49:10526(a)(8)(B).

PUB. L. 105-102

This amends the catchline for 49:41502 to make a technical and conforming amendment necessary because section 308(l) of the ICC Termination Act (Public Law 104-88, 109 Stat. 948) struck “common” from the text of 49:41502.

AMENDMENTS

1997—Pub. L. 105-102 struck out “common” before “carriers” in section catchline.

1995—Pub. L. 104-88 substituted “another carrier” for “another common carrier” in subsec. (a) and “a carrier” for “a common carrier” in subsecs. (a), (b), and (c).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 1301 of this title.

§ 41503. Establishing joint prices for through routes provided by State authorized carriers

Subject to sections 41309 and 42111 of this title, a citizen of the United States providing transportation under section 41101(b) of this title may make an agreement with an air carrier or foreign air carrier for joint prices for that transportation. The joint prices agreed to must be the lowest of—

- (1) the sum of the applicable prices for—
 - (A) the part of the transportation provided in the State and approved by the appropriate State authority; and
 - (B) the part of the transportation provided by the air carrier or foreign air carrier;
- (2) a joint price established and filed under section 41504 of this title; or
- (3) a joint price prescribed by the Secretary of Transportation under section 41507 of this title.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1132.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|---|--|
| 41503 | 49 App.:1371(d) (4)(A)(ii) (related to joint rates, fares), (B). 49 App.:1551(b)(1)(E). | Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §401(d) (4)(A)(ii) (related to joint rates, fares), (B); added Nov. 9, 1977, Pub. L. 95-163, §9, 91 Stat. 1281; restated Oct. 24, 1978, Pub. L. 95-504, §9, 92 Stat. 1713. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(e), 98 Stat. 1704. |

In this section, before clause (1), the words “Notwithstanding any other provision of this chapter” are omitted as surplus. The words “a citizen of the United States providing transportation under section 41101(b) of this title” are substituted for “any citizen of the United States who undertakes, within any State, the carriage of persons or property as a common carrier for compensation or hire with aircraft capable of carrying thirty or more persons pursuant to authority for such carriage within such State granted by the appropriate State agency” for clarity and because of the restatement of 49 App.:1371(d)(4)(A)(i) and (ii) (related to joint services) in section 41101(b) of the revised title. The words “the establishment of” are omitted as surplus.

§ 41504. Tariffs for foreign air transportation

(a) FILING AND CONTENTS.—In the way prescribed by regulation by the Secretary of Transportation, every air carrier and foreign air carrier shall file with the Secretary, publish, and keep open to public inspection, tariffs showing the prices for the foreign air transportation provided between places served by the carrier and provided between places served by the carrier and places served by another air carrier or foreign air carrier with which through service and joint prices have been established. A tariff—

- (1) shall contain—
 - (A) to the extent the Secretary requires by regulation, a description of the classifications, rules, and practices related to the foreign air transportation;
 - (B) a statement of the prices in money of the United States; and
 - (C) other information the Secretary requires by regulation; and
- (2) may contain—
 - (A) a statement of the prices in money that is not money of the United States; and
 - (B) information that is required under the laws of a foreign country in or to which the air carrier or foreign air carrier is authorized to operate.

(b) CHANGES.—(1) Except as provided in paragraph (2) of this subsection, an air carrier or foreign air carrier may change a price or a classification, rule, or practice affecting that price or the value of the transportation provided under that price, specified in a tariff of the carrier for foreign air transportation only after 30 days after the carrier has filed, published, and posted notice of the proposed change in the same way as required for a tariff under subsection (a) of this section. However, the Secretary may prescribe an alternative notice requirement, of at least 25 days, to allow an air carrier or foreign air carrier to match a proposed change in a passenger fare or a charge of another air carrier or foreign air carrier. A notice under this para-

graph must state plainly the change proposed and when the change will take effect.

(2) If the effect of a proposed change would be to begin a passenger fare that is outside of, or not covered by, the range of passenger fares specified under section 41509(e)(2) and (3) of this title, the proposed change may be put into effect only on the expiration of 60 days after the notice is filed under regulations prescribed by the Secretary.

(c) REJECTION OF CHANGES.—The Secretary may reject a tariff or tariff change that is not consistent with this section and regulations prescribed by the Secretary. A tariff or change that is rejected is void.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1133.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--|--|
| 41504(a) | 49 App.:1373(a) (1st sentence, 2d sentence words before semicolon, last sentence). 49 App.:1551(a)(4)(B) (related to 49 App.:1373(a)), (b)(1)(E). | Aug. 23, 1958, Pub. L. 85-726, § 403(a), 72 Stat. 758. Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §1601(a)(4)(B) (related to §403(a), (c)(1), (2)), (b)(1)(E); added Oct. 4, 1984, Pub. L. 98-443, §3(c), (e), 98 Stat. 1703, 1704. |
| 41504(b)(1) .. | 49 App.:1373(c)(1). 49 App.:1551(a)(4)(B) (related to 49 App.:1373(c)(1)), (b)(1)(E). | Aug. 23, 1958, Pub. L. 85-726, § 403(c)(1), (2), 72 Stat. 759; Nov. 9, 1977, Pub. L. 95-163, §10(a), 91 Stat. 1281; re-stated Oct. 24, 1978, Pub. L. 95-504, §22, 92 Stat. 1724; Feb. 15, 1980, Pub. L. 96-192, §24(b), (c), 94 Stat. 47. |
| 41504(b)(2) .. | 49 App.:1373(c)(2). 49 App.:1551(a)(4)(B) (related to 49 App.:1373(c)(2)), (b)(1)(E). | |
| 41504(c) | 49 App.:1373(a) (2d sentence words after semicolon, 3d sentence). 49 App.:1551(a)(4)(B) (related to 49 App.:1373(a)), (b)(1)(E). | |

In this section, the words “foreign air transportation” are substituted for “air transportation” because 49 App.:1551(a)(4)(B) provides that 49 App.:1373 no longer applies to interstate or overseas air transportation and 49 App.:1376(a)–(e), restated in section 41901 of the revised title, governs rates for the transportation of mail by aircraft. See section 40102(a) of the revised title defining “air transportation” to mean interstate or foreign air transportation or the transportation of mail by aircraft. The words “passenger fare” are substituted for “fare” for consistency in the revised title.

In subsection (a), before clause (1), the word “print” is omitted as being included in “publish”. The word “places” is substituted for “points” for consistency in the revised title and with other titles of the United States Code. In clause (1)(A), the word “services” is omitted as being included in “practices”. In clauses (1)(B) and (2)(A), the word “lawful” is omitted as surplus.

In subsection (b)(1), the words “for foreign air transportation” are added because of 49 App.:1551(a)(4)(B). See the revision notes for subsection (a) of this section. The words “in the same way as required for a tariff under” are substituted for “in accordance with” for clarity. The words “proposed change in a passenger fare

or a charge of another air carrier or foreign air carrier” are substituted for “fares or charges specified in another air carrier’s or foreign air carrier’s proposed tariff” for clarity and consistency in this section.

In subsection (b)(2), the words “not covered by” are substituted for “to which such range of fares does not apply” to eliminate unnecessary words. The words “subparagraphs (A) and (B) of section 1482(d)(4) of this Appendix . . . section 1482(d)(7) of this Appendix” are omitted because those sections related to interstate and overseas air transportation and the source provisions restated in this section relate to foreign air transportation. In addition, the text of 49 App.:1551(a)(5)(D) provides that 49 App.:1482(d) ceased to be in effect on January 1, 1985, except as related to foreign air transportation. The reference in the source provisions to “section 1482(j)(9) of this Appendix” has been restated as though it were a reference to 49 App.:1482(j)(10) to correct an apparent error in the International Air Transportation Competition Act of 1979 (Public Law 96-192, 94 Stat. 35). Section 24(b) of S. 1300 of the 96th Congress (the derivative source for the International Air Transportation Competition Act of 1979), as originally passed by both the Senate and the House of Representatives, restated section 403(c)(2) of the Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 759) to read as it now does with a cross-reference to section 1002(j)(9) of the Federal Aviation Act of 1958. Also contained in those versions of S. 1300 in section 24(a) was an amendment to section 1002(j) of the Federal Aviation Act of 1958 to add a paragraph (9) that contained language identical to what is now section 1002(j)(10) of the Federal Aviation Act of 1958. When S. 1300 was reported by the conference committee and enacted into law as the International Air Transportation Competition Act of 1979, section 24(a) had been changed so that a different paragraph (9) was added and what had been paragraph (9) was now designated as a new paragraph (10) to be added. Apparently, when the conference committee redesignated section 1002(j)(9) as 1002(j)(10) it did not make a corresponding change in the cross-reference in section 403(c)(2). See 125 Cong. Rec. 26936, 32147, 36939.

§41505. Uniform methods for establishing joint prices, and divisions of joint prices, applicable to commuter air carriers

(a) DEFINITION.—In this section, “commuter air carrier” means an air carrier providing transportation under section 40109(f) of this title that provides at least 5 scheduled roundtrips a week between the same 2 places.

(b) GENERAL.—Except as provided in subsection (c) of this section, when the Secretary of Transportation prescribes under section 41508 or 41509 of this title a uniform method generally applicable to establishing joint prices and divisions of joint prices for and between air carriers holding certificates issued under section 41102 of this title, the Secretary shall make that uniform method apply to establishing joint prices and divisions of joint prices for and between air carriers and commuter air carriers.

(c) NOTICE REQUIRED BEFORE MODIFYING, SUSPENDING, OR ENDING TRANSPORTATION.—A commuter air carrier that has an agreement with an air carrier to provide transportation for passengers and property that includes through service by the commuter air carrier over the commuter air carrier’s routes and air transportation provided by the air carrier shall give the air carrier and the Secretary at least 90 days’ notice before modifying, suspending, or ending the transportation. If the commuter air carrier does not give that notice, the uniform method of es-