

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”.

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

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

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, 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 ap-

propriate 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 September 30, 2023.”

[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.)

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.”

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 transportation 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.)

SUBPART III—SAFETY

CHAPTER 441—REGISTRATION AND RECORDATION OF AIRCRAFT

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Sec.	
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AMENDMENTS

2004—Pub. L. 108-297, §6(b), Aug. 9, 2004, 118 Stat. 1097, added item 44113.

§ 44101. Operation of aircraft

(a) REGISTRATION REQUIREMENT.—Except as provided in subsection (b) of this section, a person may operate an aircraft only when the aircraft is registered under section 44103 of this title.

(b) EXCEPTIONS.—A person may operate an aircraft in the United States that is not registered—

- (1) when authorized under section 40103(d) or 41703 of this title;
- (2) when it is an aircraft of the national defense forces of the United States and is identified in a way satisfactory to the Administrator of the Federal Aviation Administration; and
- (3) for a reasonable period of time after a transfer of ownership, under regulations prescribed by the Administrator.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1161.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44101(a)	49 App.:1401(a) (1st sentence words before proviso less words between parentheses).	Aug. 23, 1958, Pub. L. 85-726, §501(a), 72 Stat. 771.
44101(b)	49 App.:1401(a) (1st sentence words between parentheses, proviso, last sentence). 49 App.:1655(c)(1).	Oct. 15, 1966, Pub. L. 89-670, §6(c)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §7(b), 96 Stat. 2444.

In this section, the word “navigate” is omitted as being included in the definition of “operate aircraft” in section 40102(a) of the revised title.

In subsection (a), the words “Except as provided in subsection (b) of this section” are added for clarity. The words “a person may . . . an aircraft only when the aircraft is registered under section 44103 of this title” are substituted for “It shall be unlawful . . . any aircraft eligible for registration if such aircraft is not registered by its owner as provided in this section, or . . . any aircraft not eligible for registration” for clarity and to eliminate unnecessary words.

In subsection (b), before clause (1), the words “A person may operate an aircraft in the United States that is not registered” are substituted for “may be operated and navigated without being so registered” and “may . . . permit the operation and navigation of aircraft without registration” for clarity. In clause (2), the words “identified in a way” are substituted for “identified, by the agency having jurisdiction over them, in a manner” to eliminate unnecessary words.