

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 425¹ 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”.

¹ See References in Text note below.

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, 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 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.)

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.”