

Briefing on US DOT Passenger Protection Rules

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Overview

- The US DOT passenger protection rules are VERY detailed.
- The US DOT's Aviation Consumer Protection Division (ACPD) website provides comprehensive information.
<https://www.transportation.gov/airconsumer>
- The ACPD reviews and responds to consumer complaints and promotes awareness and understanding of consumer rights through online consumer information and education.

US Aviation Consumer Protection



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Consumer Complaint

- <https://www.transportation.gov/airconsumer/file-consumer-complaint>
- DOT requires airlines to acknowledge consumer complaints within **30 days** of receiving them and to send consumers written responses addressing these complaints within **60 days** of receiving them.
- DOT also requires airlines to let consumers know how to complain to them.
- It is not just about “what” but also “how”.

Flight Delays & Cancellations

- <https://www.transportation.gov/individuals/aviation-consumer-protection/flight-delays-cancellations>
- Airlines are not required to compensate passengers when flights are delayed or cancelled.
- But, airlines are required to provide passengers with information about a change in the status of the flight.
- Compensation is required by U.S. law only when certain passengers are “bumped” from a flight that is oversold.
- See the Questions: Delays & Cancellations vs. Denied Boarding

Bumping (denied boarding) & Oversales

- <https://www.transportation.gov/individuals/aviation-consumer-protection/bumping-oversales>
- DOT requires airlines to give all passengers who are bumped involuntarily a written statement describing their rights and explaining how the carrier decides who gets bumped.

Bumping (denied boarding) & Oversales

Domestic - Denied Boarding Compensation

Length of Delay	Compensation
0 to 1 hour arrival delay	No compensation
1 to 2 hour arrival delay	200% of one-way fare (but no more than \$675)
Over 2 hour arrival delay	400% of one-way fare (but no more than \$1,350)

International - Denied Boarding Compensation

Length of Delay	Compensation
0 to 1 hour arrival delay	No compensation
1 to 4 hour arrival delay	200% of one-way fare (but no more than \$675)
Over 4 hour arrival delay	400% of one-way fare (but no more than \$1,350)

Traveling with a Disability

- <https://www.transportation.gov/individuals/aviation-consumer-protection/traveling-disability>
- The Air Carrier Access Act (ACAA) is a law that makes it illegal for airlines to discriminate against passengers because of their disability.
- The DOT is responsible for enforcing the ACAA, which applies to all flights to, from, or within the United States.
- Airlines are also required to provide passengers with disabilities many types of assistance. <https://www.youtube.com/watch?v=tGrvX03PgR4&feature=youtu.be>

Tarmac Delay

- <https://www.transportation.gov/individuals/aviation-consumer-protection/tarmac-delays>
- The Department's tarmac delay rule (CFR Title 14 Part 259 (ENHANCED PROTECTIONS FOR AIRLINE PASSENGERS))
- Opportunity to Leave the Plane
- Food and Water
- Updates and Notifications
- Working toilets & Comfortable cabin temperatures

Damaged Baggage

- <https://www.transportation.gov/lost-delayed-or-damaged-baggage>
- For DOMESTIC travel, airlines are not required to compensate passengers for items they have excluded in their contracts of carriage.
- For INTERNATIONAL travel (including the domestic segment of an international itinerary), airlines are responsible for these items if they have accepted them for transportation. This applies even if passengers did not disclose, when they checked-in, that these items were packed in the bag.

Delayed Baggage

- <https://www.transportation.gov/lost-delayed-or-damaged-baggage>
- Airlines are required to compensate passengers for reasonable, verifiable, and actual incidental expenses that they may incur while their bags are delayed.
- Airlines are not allowed to set an arbitrary daily amount for interim expenses.

Lost Baggage

- <https://www.transportation.gov/lost-delayed-or-damaged-baggage>
- Once an airline determines that passenger's bag is lost, the airline is responsible for compensating the passenger for bags' contents - subject to depreciation and maximum liability limits.
- Airlines are also required to refund any fees the passenger paid the airline to transport the bag that was lost.
- For DOMESTIC flights, the current maximum liability is capped at \$3,500.
- For INTERNATIONAL flights, 1,131 SDR (approximately \$1,600)

Montreal Convention 1999	Original Limit (SDR)	Revised limit @ 30 December 2009 (SDR) (current limits)	Revised limit @ 28 December 2019 (SDR)
Injury / death	100,000	113,100	128,821
Delay	4,150	4,694	5,346
Baggage	1,000	1,131	1,288
Cargo	17	19	22

The revised liability limits will take effect from 28 December 2019 unless a majority of the States party to the Convention notify their disapproval to ICAO prior to 30 September 2019.

Non Discrimination

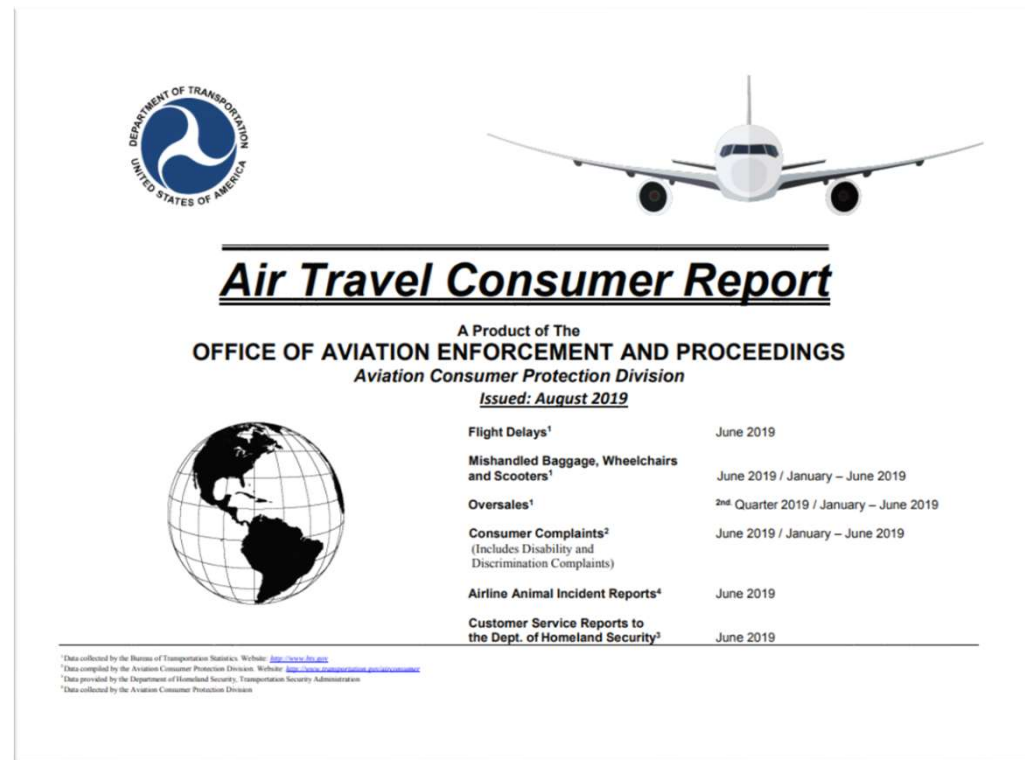
- <https://www.transportation.gov/airconsumer/discrimination>
- Federal law prohibits airline personnel such as customer service personnel or flight crews from discriminating against airline passengers based on race, color, national origin, religion, sex, or ancestry.
- Guidance for Airline Personnel on Non-discrimination in Air Travel
<https://www.transportation.gov/sites/dot.gov/files/docs/resources/individuals/aviation-consumer-protection/295216/guidance-airline-personnel-non-discrimination-air-travel.pdf>

Refunds

- <https://www.transportation.gov/individuals/aviation-consumer-protection/refunds>
- For airline tickets that are purchased at least seven days before a flight's scheduled departure date and time, airlines are required to either:
 - 1) allow passengers to cancel their reservation and receive a full refund without a penalty for 24 hours, **or**
 - 2) allow passengers to reserve a ticket (place it on hold) at the quoted price without paying for the ticket for 24 hours
- Airlines are not required to offer both a hold and a refund option.

Air Travel Consumer Reports

- <https://www.transportation.gov/individuals/aviation-consumer-protection/air-travel-consumer-reports>
- The report is designed to assist consumers with information on the quality of services provided by the airlines



Summary

- Consumer protection & non-discrimination
- Focus on implementation and effectiveness
- User-friendly

<https://www.transportation.gov/individuals/aviation-consumer-protection/consumer-resources>

Thank you!

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