

## Aviation Group Client Update

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### REMAINING AIRLINE PASSENGER PROTECTIONS TAKE EFFECT

Today marks the effective date for certain provisions of the Enhancing Airline Passenger Protections Final Rule, including airline passenger protection requirements pertaining to baggage fees (14 C.F.R. §§ 399.85(b) and (c) and 399.87), post purchase price increases (14 C.F.R. §§ 399.88 and 399.89), flight status changes (14 C.F.R. § 259.8), and holding a reservation without payment for twenty-four hours (14 C.F.R. § 259.5(b)(4)).

Earlier this month, DOT denied a request by the Air Transport Association (now Airlines for America), International Air Transport Association (IATA), Regional Airline Association (RAA), Air Carrier Association of America (ACAA), and the Association of European Airlines (AEA) to delay the effective date of §§ 399.85(c) and 399.87 pertaining to baggage fees. (See DOT Order 2012-1-2, dated January 6, 2012.) However, the Order indicated that for a short period of time, the Office of the Assistant General Counsel for Aviation Enforcement and Proceedings will use discretion in enforcing compliance with respect to these sections.

Further, the full fare advertising provisions of (14 C.F.R. § 399.84) will take effect on January 26, 2012. All other requirements in the Final Rule remain in effect, including extension of the “tarmac delay rule” to international air carriers. Under the tarmac delay rule, a flight (domestic or international) cannot remain on the tarmac at a U.S. airport for more than four hours without allowing passengers to deplane. Other provisions of the Final Rule that continue in effect include the requirement increasing the denied boarding compensation airlines must pay to passengers bumped from flights and the requirement to disclose prominently all fees for optional aviation services on carriers’ websites.

We will continue to monitor DOT enforcement activity with regard to the provisions of the Enhancing Airline Passenger Protections Final Rule.

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McBreen & Kopko’s Aviation Group represents air carriers, fixed base operators (FBOs), airport managers, aviation service providers, and business aircraft owners and operators on a wide range of aviation issues including regulatory matters, commercial transactions, aircraft finance matters, and bankruptcy and creditors’ rights.