

# HOUSE BILL No. 5475

November 28, 2007, Introduced by Rep. David Law and referred to the Committee on Transportation.

A bill to create a bill of rights for airline passengers; to require certain duties of airline carriers; to create an airline consumers advocate; to provide powers and duties of certain state officer and agencies; to create a civil infraction; and to provide for enforcement and remedies.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "airline passenger bill of rights act".

3       Sec. 3. As used in this act:

4       (a) "Aircraft" means a contrivance for navigation and flight  
5 in the air that accommodates passengers.

6       (b) "Airline consumer advocate" means the office of airline  
7 consumer advocate created in section 9.

1 (c) "Airport" means a landing area used by aircraft for  
2 receiving or discharging passengers that is equipped with a control  
3 tower, hangar, aircraft maintenance and refueling facilities, and  
4 accommodations for passengers and cargo.

5 (d) "Carrier" means a partnership, corporation, or other  
6 business entity regulated by the federal aviation administration  
7 that conducts scheduled passenger air transportation.

8 Sec. 5. (1) A carrier shall provide all of the following, as  
9 needed, to passengers who have boarded an aircraft and are delayed  
10 more than 3 hours on the aircraft before takeoff:

11 (a) Electric generation service to provide temporary power for  
12 fresh air and lights.

13 (b) Waste removal service for the holding tanks of on-board  
14 restrooms.

15 (c) Adequate food and drinking water and refreshments.

16 (2) A carrier shall allow a passenger who is on board an  
17 aircraft that is delayed more than 3 hours before takeoff to exit  
18 the aircraft without forfeiting the benefits of the airfare or  
19 ticket. The carrier shall accommodate a passenger who exercises  
20 this right to exit on the next similar route.

21 (3) A carrier shall transport a passenger's checked baggage so  
22 that it arrives at the passenger's final destination and is  
23 available for the passenger to pick up no later than 1 hour after  
24 the passenger's flight arrives.

25 Sec. 7. (1) A carrier shall provide clear and conspicuous  
26 notice of consumer complaint contact information through signs or  
27 forms posted at all the carrier's service desks and other places

1 that the airline consumer advocate prescribes.

2 (2) The airline consumer advocate shall prescribe the  
3 information that shall be included in the notice, which shall  
4 include, at a minimum, all of the following:

5 (a) A telephone number and mailing address of the office of  
6 the airline consumer advocate, the aviation consumer protection  
7 division, and the office of aviation enforcement of the United  
8 States department of transportation.

9 (b) Explanations of the rights of airline passengers.

10 (c) Basic information concerning the office of airline  
11 consumer advocate.

12 Sec. 9. (1) The office of airline consumer advocate is created  
13 in the department of transportation with all of the following  
14 powers and duties:

15 (a) To assist customers in resolving problems with airline  
16 carriers.

17 (b) To identify areas in which customers have problems in  
18 dealings with carriers.

19 (c) To propose solutions, including administrative changes to  
20 practices and procedures of the carrier or airport.

21 (d) To preserve and promote the rights of airline customers.

22 (e) To promote open and direct communications.

23 (f) To initiate, investigate, attempt to resolve, and if  
24 necessary, refer to the attorney general any matters or complaints  
25 received under this act.

26 (g) To subpoena documents and records necessary to an  
27 investigation.

1           (2) A complaint regarding a violation of section 5 shall be  
2 filed with the airline consumer advocate. In conducting an  
3 investigation of a complaint, the airline consumer advocate may  
4 request the production of relevant documents and records. Trade  
5 secrets and proprietary business information contained in the  
6 documents or records received by the airline consumer advocate in  
7 the course of an investigation are confidential and exempt from  
8 disclosure under the freedom of information act, 1976 PA 442, MCL  
9 15.231 to 15.246.

10           (3) If the investigation indicates that no violation occurred,  
11 the airline consumer advocate shall dismiss the complaint. If the  
12 investigation indicates that a violation likely occurred, the  
13 airline consumer shall attempt to resolve the matter by settlement,  
14 which may include, among other remedies or compensation, the  
15 reasonable costs and expenses of the airline consumer advocate's  
16 investigation. If the airline consumer advocate is unable to  
17 resolve the complaint by a settlement, the complaint shall be  
18 referred to the attorney general for further proceedings.

19           Sec. 11. (1) A carrier that violates section 5(1) or (2) is  
20 responsible for a state civil infraction and may be ordered to pay  
21 a civil fine of not more than \$1,000.00 for each passenger  
22 affected.

23           (2) For a violation of section 5(3), in addition to any  
24 sanction in federal law, the carrier is responsible to the  
25 passenger for \$100.00 for each piece of luggage that is the subject  
26 of the violation.

27           (3) The attorney general shall enforce this act upon referral

1 of a complaint from the airline consumer advocate. If the attorney  
2 general prevails in a civil action to enforce the act, the court  
3 may award the attorney general reasonable attorney fees and  
4 reasonable costs and expenses of the airline consumer advocate  
5 investigation.

6 Sec. 13. The airline consumer advocate shall file with the  
7 secretary of the senate, the clerk of the house of representatives,  
8 and the Michigan aeronautics commission created under section 26 of  
9 the aeronautics code of the state of Michigan, 1945 PA 327, MCL  
10 259.26, an annual summary report of its activities that contains  
11 all of the following:

12 (a) The initiatives that the airline consumer advocate has  
13 taken to improve airline services.

14 (b) A summary of the most serious problems encountered by  
15 customers, including a description of the nature of those problems.

16 (c) An inventory of actions taken and the status and results  
17 for the initiatives and problems identified in subdivisions (a) and  
18 (b); or an explanation, if no action was taken.

19 (d) Recommendations for legislative or administrative action,  
20 as appropriate, to resolve problems customers encounter.

21 (e) Other information the airline consumer advocate considers  
22 appropriate.

23 Sec. 15. Nothing in this act requires a carrier, airport, or  
24 other entity to take any action in contravention of a written  
25 directive of the federal aviation administration or other federal  
26 agency having jurisdiction over the entity.