IN DELAYS,

RIGHTS

AIRLINE CONTRACTS

3 LEVELS OF AIR PASSENGER RIGHTS

Bumping

Rights With Compensation

Rights Enforced By Government

Rights In Delays, Cancellations, and Diversions:

AMENITIES

In a long delay, your rights depend on the cause of the delay. If it is caused by something within an airline’s control, some airlines promise to provide or pay for your needs. But if the delay is due to force majeure, including weather, the airlines promise nothing.

In a long delay, typically four hours or more, Alaska, Hawaiian, United, and Westjet provide meal expenses; Spirit says it “may” provide such help, and JetBlue offers vouchers for future travel based on delay length.

In an overnight delay, typically between the hours of 10 p.m. and 6 a.m., Alaska, American, Delta, Hawaiian, Sun Country, United, and Westjet provide for overnight accommodations; Spirit “may” offer accommodations.

Although the other airlines do not mention amenities specifically in their contracts, they actually may offer assistance. But it isn’t guaranteed by contract.

RIGHTS WITH COMPENSATION

Bumping

Cash penalty - If an airline bumps you from a flight, it owes you 200% of the one-way fare, with a $675 maximum. If it can’t get you to your destination within two hours; or 400%, with a maximum of $1,350, if the delay is more than four hours. Those time limits double for international flights.

Overbooking - This rule applies only when you’re bumped due to overbooking: It does not cover “denied boarding” for other reasons.

Cash requirement - An airline may offer vouchers or some other non-monetary compensation, but you can demand a check or a credit to your credit card.

Baggage

If an airline loses or damages your checked baggage, it owes you up to $3,500 (domestic) or $1,675 (international).

Loss compensation applies only if an airline can’t locate and deliver your baggage within 30 days, and it does not apply to all damages or delays.

THE DEPARTMENT OF TRANSPORTATION ENFORCEABLE RIGHTS

Individual states have their own air carrier insurance laws and regulations, which vary widely. Some states require airlines to provide refunds, while others do not.

Some states have laws that allow passengers to sue airlines in state court, while others do not. In states where you can sue an airline in state court, some states permit a jury trial, while others do not.

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