

3 LEVELS OF AIR PASSENGER RIGHTS

1st Level: Rights With Compensation

When an airline fails to perform as required or promised, it has to pay you something.

2nd Level: Rights Enforced By Gov't

When an airline violates government rules, the government can impose a fine.

3rd Level: Rights in Airline Contracts

When an airline fails to perform as promised, its official contract with you requires that it either accommodate you or refund your money.

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 \$650 maximum, if it can't get you to your destination within two hours; or 400%, with a maximum of \$1 300, 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 \$3500 (domestic) or \$1 600 (international).

- Loss compensation applies only if an airline can't locate and deliver your baggage within 30 days, and it does not apply at all to delayed baggage.

RIGHTS ENFORCED BY GOVERNMENT

The Department of Transportation enforces many regulations that apply to airlines. Beyond safety and corporate behavior, four are specific to passenger rights:

1. To deplane if your flight is delayed on the tarmac for more than three hours, with a few minor exceptions, and the right to water and a working toilet during a long tarmac delay.
2. To see honest, airfare advertising and online postings on airline and third-party websites.
3. When you reserve and buy a ticket, if the flight is more than a week in the future, you can cancel and get a full refund without penalty if you can find a better deal within 24 hours of your first purchase.
4. To full and accessible disclosure of the terms and conditions of each airline's contract of carriage.

SMARTERTRAVEL

AIR PASSENGER RIGHTS



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RIGHTS IN DELAYS, CANCELLATIONS, & DIVERSIONS: AMENITIES

• In a long delay, your rights depend on the cause of the delay. If it is caused by some-thing 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 Sun Country says it offers such help only in the case of mechanical delays.

• In an overnight delay, typically between the 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 IN DELAYS, CANCELLATIONS, & DIVERSIONS: TRANSFER TO ANOTHER AIRLINE

Airlines vary in what they promise:

- If you decide not to proceed, all airlines must return the remaining value of your ticket, even if it's a non-refundable ticket.
- If you want to keep going, all airlines promise you the next available seat to your destination on their own next flight.
- Delta, Sun Country, United, Virgin America, and Westjet may transfer you to another line, but at their sole discretion only. American may transfer you only when your flight is diverted.
- Air Canada, Alaska, Hawaiian, and Westjet say they will transfer you at your request.
- If your connecting flight on the outbound por-tion of a round-trip is cancelled at the connect-ing point and you no longer want/need to travel onward, Air Canada, Alaska, and Westjet will, at no cost and refund the full value of your ticket.

RIGHTS IN AIRLINE CONTRACTS

Airlines belonging to the Air Transport Association (now Airlines for America) developed a consistent set of Customer Service Plans:

Promises to travelers that are incorporated into official contracts. Individual airlines vary the language a bit, but the basic formula includes government-mandated rights and also adds:

- Offering the lowest fare available at any time
- Handling of delays, cancellations, and diver-sions
- Baggage acceptance and delivery
- Handling refunds
- Accommodating passengers with special needs
- Frequent flyer program details
- Handling of complaints

RIGHTS YOU DO NOT HAVE

- Airlines do not guarantee your seat assignment, even when reserved and assigned in advance.
- Airlines do not promise to seat family groups together.
- Almost all airlines do not refund baggage fees if your bags are not delivered immediately from your flight. Alaska, however, offers a \$25 discount on a future flight if you don't get your checked baggage within 20 minutes of arrival.
- Airlines are not liable for consequent damages, e.g., if a late flight causes you to miss a cruise departure or you miss an important meeting.
- You do not actually own your frequent flyer miles; the airlines own them. Airlines can change frequent flyer rules without notice, and you have no recourse.
- You cannot sue an airline in state court; you must use much less consumer-friendly federal court.