§ 250.1

250.9 Written explanation of denied board-
ing compensation and boarding prior-
ites, and verbal notification of denied 
boarding compensation.

250.10 Report of passengers denied con-
firmed space.

250.11 Public disclosure of deliberate over-
booking and boarding procedures.

AUTHORITY: 49 U.S.C. 329 and chapters 
41102, 41301, 41708, 41709, and 41712.

SOURCE: ER–1306, 47 FR 52985, Nov. 24, 1982, 
unless otherwise noted.

§ 250.1 Definitions.

Airport means the airport at which 
the direct or connecting flight, on 
which the passenger holds confirmed 
reserved space, is planned to arrive or 
some other airport serving the same 
metropolitan area, provided that trans-
portation to the other airport is ac-
cepted (i.e., used) by the passenger.

Alternate transportation means air 
transportation with a confirmed res-
ervation at no additional charge, oper-
ated by a carrier as defined below, or 
other transportation accepted and used 
by the passenger in the case of denied 
boarding.

Carrier means: (1) a direct air carrier, 
extcept a helicopter operator, holding a 
certificate issued by the Department of 
Transportation pursuant to 49 U.S.C. 
41102 or that has been found fit to con-
duct commuter operations under 49 
U.S.C. 41738, or an exemption from 49 
U.S.C. 41102, authorizing the scheduled 
transportation of persons; or (2) a for-
eign air carrier holding a permit issued 
by the Department pursuant to 49 
U.S.C. 41302, or an exemption from that 
provision, authorizing the scheduled 
foreign air transportation of persons.

Class of service means seating in the 
same cabin class such as First, Busi-
ness, or Economy class, or in the same 
seating zone if the carrier has more 
than one seating product in the same 
cabin such as Economy and Premium 
Economy class.

Confirmed reserved space means space 
on a specific date and on a specific 
flight and class of service of a carrier 
which has been requested by a pas-
senger, including a passenger with a 
“zero fare ticket,” and which the car-
rrier or its agent has verified, by appro-
priate notation on the ticket or in any 
other manner provided therefore by the 
carrier, as being reserved for the ac-
commodation of the passenger.

Fare means the price paid for air 
transportation including all mandatory 
taxes and fees. It does not include an-
cillary fees for optional services.

Stopover means a deliberate interrup-
tion of a journey by the passenger, 
scheduled to exceed 4 hours, at a point 
between the place of departure and the 
final destination.

Zero fare ticket means a ticket ac-
quired without a substantial monetary 
payment such as by using frequent 
flyer miles or vouchers, or a 
consolidator ticket obtained after a 
monetary payment that does not show 
a fare amount on the ticket. A zero 
fare ticket does not include free or re-
duced rate air transportation provided 
to airline employees and guests.

[Docket No. DOT–OST–01–9325, 73 FR 21033, Apr. 18, 2008]

§ 250.2 Applicability.

This part applies to every carrier, as 
defined in §250.1, with respect to sched-
uled flight segments using an aircraft 
that has a designed passenger capacity 
of 30 or more passenger seats, oper-
ating in (1) interstate air transpor-
tation or (2) foreign air transportation 
with respect to nonstop flight seg-
ments originating at a point within the 
United States.

[Docket No. DOT–OST–01–9325, 73 FR 21033, Apr. 18, 2008]

§ 250.2a Policy regarding denied 
boarding.

In the event of an oversold flight, 
every carrier shall ensure that the 
smallest practicable number of persons 
holding confirmed reserved space on 
that flight are denied boarding invol-
untarily.

§ 250.2b Carriers to request volunteers 
for denied boarding.

(a) In the event of an oversold flight, 
every carrier shall request volunteers 
for denied boarding before using any 
other boarding priority. A “volunteer” 
is a person who responds to the car-
rrier’s request for volunteers and who 
willingly accepts the carriers’ offer of
compensation, in any amount, in exchange for relinquishing the confirmed reserved space. Any other passenger denied boarding is considered for purposes of this part to have been denied boarding involuntarily, even if that passenger accepts the denied boarding compensation.

(b) Every carrier shall advise each passenger solicited to volunteer for denied boarding, no later than the time the carrier solicits that passenger to volunteer, whether he or she is in danger of being involuntarily denied boarding and, if so, the compensation the carrier is obligated to pay if the passenger is involuntarily denied boarding. If an insufficient number of volunteers come forward, the carrier may deny boarding to other passengers in accordance with its boarding priority rules.

(c) If a carrier offers free or reduced rate air transportation as compensation to volunteers, the carrier must disclose all material restrictions, including but not limited to administrative fees, advance purchase or capacity restrictions, and blackout dates applicable to the offer before the passenger decides whether to give up his or her confirmed reserved space on that flight in exchange for the free or reduced rate transportation.

§ 250.5 Amount of denied boarding compensation for passengers denied boarding involuntarily.

(a) Subject to the exceptions provided in §250.6, a carrier to whom this part applies as described in §250.2 shall pay compensation in interstate air transportation to passengers who are denied boarding involuntarily from an oversold flight as follows:

(1) No compensation is required if the carrier offers alternate transportation that, at the time the arrangement is made, is planned to arrive at the airport of the passenger’s first stopover, or if none, the airport of the passenger’s final destination not later than one hour after the planned arrival time of the passenger’s original flight;

(2) Compensation shall be 200% of the fare to the passenger’s destination or first stopover, with a maximum of $650, if the carrier offers alternate transportation that, at the time the arrangement is made, is planned to arrive at the airport of the passenger’s first stopover, or if none, the airport of the passenger’s final destination more than one hour but less than two hours after the planned arrival time of the passenger’s original flight; and

(3) Compensation shall be 400% of the fare to the passenger’s destination or first stopover, with a maximum of $1,300, if the carrier does not offer alternate transportation that, at the time the arrangement is made, is planned to arrive at the airport of the passenger’s first stopover, or if none,