

110TH CONGRESS  
2D SESSION

# S. 3736

To amend chapter 417 of title 49, United States Code, to require air carriers and ticket brokers to notify consumers of taxes, fees, charges, and fuel surcharges in a timely manner, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 11 (legislative day, DECEMBER 10), 2008

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend chapter 417 of title 49, United States Code, to require air carriers and ticket brokers to notify consumers of taxes, fees, charges, and fuel surcharges in a timely manner, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AIRLINE TICKET FEE NOTIFICATION REQUIRE-**  
4 **MENT.**

5 (a) IN GENERAL.—Section 41712 of title 49, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing:

1       “(c) NOTICE OF TAXES, FEES, CHARGES, AND FUEL  
2 SURCHARGES.—(1) It shall be an unfair or deceptive prac-  
3 tice under subsection (a) for any air carrier, foreign air  
4 carrier, or ticket broker—

5           “(A) to display the price of a ticket for air  
6 transportation without simultaneously displaying all  
7 taxes, fees, charges, and fuel surcharges applicable  
8 to such ticket; or

9           “(B) to fail to provide an online purchaser of  
10 a ticket for air transportation with information, in-  
11 cluding the amount and description, of each tax, fee,  
12 charge, and fuel surcharge applicable to such ticket  
13 before requiring such purchaser to provide any per-  
14 sonal information, including name, address, phone  
15 number, e-mail address, and credit card information.

16       “(2) It shall be an unfair or deceptive practice under  
17 subsection (a) for any air carrier or foreign air carrier—

18           “(A) to fail to provide an online purchaser of a  
19 ticket for air transportation with information re-  
20 garding fees for checked baggage, seating assign-  
21 ments, and optional in-flight goods and services; or

22           “(B) to increase the price of a ticket for air  
23 transportation through a fuel surcharge that is not  
24 correlated to the price of fuel paid by the air carrier

1 or the amount of fuel used by such air carrier for  
2 such air transportation.”.

3 (b) RULEMAKING.—The Secretary of Transportation,  
4 in consultation with the Administrator of the Federal  
5 Aviation Administration, shall promulgate regulations to  
6 carry out section 41712(c) of title 49, United States Code,  
7 as added by subsection (a), including establishing a proce-  
8 dure for determining whether fuel surcharges of an air  
9 carrier or foreign air carrier are sufficiently correlated to  
10 the fuel costs of such air carrier.

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