

SENATE BILL No. 911

November 8, 2007, Introduced by Senators OLSHOVE, GLEASON, CHERRY, PRUSI, ANDERSON, BRATER, PAPPAGEORGE, BARCIA, PATTERSON, BASHAM, SWITALSKI and THOMAS and referred to the Committee on Transportation.

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," (MCL 259.1 to 259.208) by amending the title, as amended by 2002 PA 90, and by adding part VIIIA.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act relating to aeronautics in this state; providing for the development and regulation thereof; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, or registration, or supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining thereto; prescribing a

1 privilege tax for the use of the aeronautical facilities on the
2 lands and waters of this state; providing for the acquisition,
3 development, and operation of airports, landing fields, and other
4 aeronautical facilities by the state, by political subdivisions, or
5 by public airport authorities; providing for the incorporation of
6 public airport authorities and providing for the powers, duties,
7 and obligations of public airport authorities; **PROVIDING RIGHTS OF**
8 **COMMERCIAL AIRLINE PASSENGERS WITHIN THE AIRPORT; ESTABLISHING THE**
9 **OFFICE AND PRESCRIBING POWERS AND DUTIES FOR AN AIRLINE CONSUMER**
10 **ADVOCATE**; providing for the transfer of airport management to
11 public airport authorities, including the transfer of airport
12 liabilities, employees, and operational jurisdiction; providing
13 jurisdiction of crimes, torts, and contracts; providing police
14 powers for those entrusted to enforce this act; providing for civil
15 liability of owners, operators, and others; making hunting from
16 aircraft unlawful; providing for repair station operators lien;
17 providing for appeals from rules or orders issued by the
18 commission; providing for the transfer from the Michigan board of
19 aeronautics to the aeronautics commission all properties and funds
20 held by the board of aeronautics; providing for a state aeronautics
21 fund and making an appropriation therefor; prescribing penalties;
22 and making uniform the law with reference to state development and
23 regulation of aeronautics.

24 **PART VIIIA**

25 **PASSENGER RIGHTS**

26 **SEC. 161. AS USED IN THIS PART:**

27 **(A) "AIRLINE CONSUMER ADVOCATE" MEANS THE OFFICE OF AIRLINE**

1 CONSUMER ADVOCATE CREATED IN SECTION 163.

2 (B) "CARRIER" MEANS A PARTNERSHIP, CORPORATION, OR OTHER
3 BUSINESS ENTITY REGULATED BY THE FEDERAL AVIATION ADMINISTRATION
4 THAT CONDUCTS SCHEDULED PASSENGER AIR TRANSPORTATION.

5 (C) "PASSENGER" MEANS A PERSON WHO BOARDS A CARRIER'S AIRCRAFT
6 UNDER A CONTRACT FOR CARRIAGE FOR A REGULARLY SCHEDULED COMMERCIAL
7 FLIGHT.

8 SEC. 162. (1) A CARRIER SHALL PROVIDE ALL OF THE FOLLOWING, AS
9 NEEDED, TO A PASSENGER WHO HAS BOARDED THE CARRIER'S AIRCRAFT AND
10 IS DELAYED 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 8 HOURS BEFORE TAKEOFF TO EXIT
18 THE AIRCRAFT WITHOUT FORFEITING THE OTHER BENEFITS OF THE AIRFARE
19 OR TICKET. THE CARRIER SHALL ACCOMMODATE A PASSENGER WHO EXERCISES
20 THIS RIGHT TO EXIT ON THE NEXT SIMILAR ROUTE.

21 SEC. 163. (1) THE OFFICE OF AIRLINE CONSUMER ADVOCATE IS
22 CREATED IN THE DEPARTMENT OF TRANSPORTATION WITH ALL OF THE
23 FOLLOWING POWERS AND DUTIES:

24 (A) TO ASSIST CUSTOMERS IN RESOLVING PROBLEMS WITH AIRLINE
25 CARRIERS.

26 (B) TO IDENTIFY AREAS IN WHICH CUSTOMERS HAVE PROBLEMS IN
27 DEALINGS WITH CARRIERS.

1 (C) TO PROPOSE SOLUTIONS, INCLUDING ADMINISTRATIVE CHANGES TO
2 PRACTICES AND PROCEDURES OF THE CARRIER OR AIRPORT.

3 (D) TO PRESERVE AND PROMOTE THE RIGHTS OF AIRLINE CUSTOMERS.

4 (E) TO PROMOTE OPEN AND DIRECT COMMUNICATIONS.

5 (F) TO INITIATE, INVESTIGATE, ATTEMPT TO RESOLVE, AND, IF
6 NECESSARY, REFER TO THE ATTORNEY GENERAL ANY MATTERS OR COMPLAINTS
7 RECEIVED UNDER THIS ACT.

8 (G) TO SUBPOENA DOCUMENTS AND RECORDS NECESSARY TO AN
9 INVESTIGATION.

10 (2) A COMPLAINT REGARDING A PROBLEM WITH A CARRIER MAY BE
11 FILED WITH THE AIRLINE CONSUMER ADVOCATE. IN CONDUCTING AN
12 INVESTIGATION OF A COMPLAINT, THE AIRLINE CONSUMER ADVOCATE MAY
13 REQUEST THE PRODUCTION OF RELEVANT DOCUMENTS AND RECORDS. TRADE
14 SECRETS AND PROPRIETARY BUSINESS INFORMATION CONTAINED IN THE
15 DOCUMENTS OR RECORDS RECEIVED BY THE AIRLINE CONSUMER ADVOCATE IN
16 THE COURSE OF AN INVESTIGATION ARE CONFIDENTIAL AND EXEMPT FROM
17 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
18 15.231 TO 15.246.

19 (3) THE AIRLINE CONSUMER ADVOCATE SHALL OBTAIN INFORMATION TO
20 DETERMINE IF THE REASON FOR DELAY OR CANCELLATION OF A FLIGHT WAS
21 BECAUSE OF WEATHER CONDITIONS OR MECHANICAL OR PERSONNEL PROBLEMS
22 IF NECESSARY TO DETERMINE IF THE CARRIER HAS PROVIDED PASSENGERS
23 WITH PROPER COMPENSATION AND ACCOMMODATION.

24 (4) IF THE INVESTIGATION INDICATES THAT THE CARRIER ACTED
25 PROPERLY, THE AIRLINE CONSUMER ADVOCATE SHALL DISMISS THE
26 COMPLAINT. IF THE INVESTIGATION INDICATES THAT A CARRIER LIKELY
27 VIOLATED ITS DUTY TO A PASSENGER, THE AIRLINE CONSUMER SHALL

1 ATTEMPT TO RESOLVE THE MATTER BY SETTLEMENT, WHICH MAY INCLUDE,
2 AMONG OTHER REMEDIES OR COMPENSATION, THE REASONABLE COSTS AND
3 EXPENSES OF THE AIRLINE CONSUMER ADVOCATE'S INVESTIGATION. IF THE
4 AIRLINE CONSUMER ADVOCATE IS UNABLE TO RESOLVE THE COMPLAINT BY A
5 SETTLEMENT AND IT INVOLVES AN ALLEGED VIOLATION OF SECTION 162, THE
6 COMPLAINT SHALL BE REFERRED TO THE ATTORNEY GENERAL FOR FURTHER
7 PROCEEDINGS.

8 SEC. 164. (1) A CARRIER SHALL PROVIDE CLEAR AND CONSPICUOUS
9 NOTICE OF CONSUMER COMPLAINT CONTACT INFORMATION THROUGH SIGNS OR
10 FORMS POSTED AT ALL THE CARRIER'S SERVICE DESKS AND OTHER PLACES
11 THAT THE AIRLINE CONSUMER ADVOCATE PRESCRIBES.

12 (2) THE AIRLINE CONSUMER ADVOCATE SHALL PRESCRIBE THE
13 INFORMATION THAT SHALL BE INCLUDED IN THE NOTICE, WHICH SHALL
14 INCLUDE, AT A MINIMUM, ALL OF THE FOLLOWING:

15 (A) A TELEPHONE NUMBER AND MAILING ADDRESS OF THE OFFICE OF
16 THE AIRLINE CONSUMER ADVOCATE, THE AVIATION CONSUMER PROTECTION
17 DIVISION, AND THE OFFICE OF AVIATION ENFORCEMENT OF THE UNITED
18 STATES DEPARTMENT OF TRANSPORTATION.

19 (B) EXPLANATIONS OF THE RIGHTS OF AIRLINES PASSENGERS.

20 (C) BASIC INFORMATION CONCERNING THE OFFICE OF AIRLINE
21 CONSUMER ADVOCATE.

22 Enacting section 1. This amendatory act takes effect May 8,
23 2008.

24 Enacting section 2. This amendatory act does not take effect
25 unless Senate Bill No. 912

26 of the 94th Legislature is enacted into law.