

# AIR CARRIER ACCESS ACT OF 1986 as amended



## Effective May 13, 2009

Incorporates information from the U.S. Department of Transportation's "A Guide to Air Carrier Access Act (ACAA) and its Implementing Regulation" 14 CFR Part 382 (Part 382)

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### What is the purpose of the Air Carrier Access Act (ACAA)?

The ACAA and its implementing regulations ensure that individuals with disabilities will be treated without discrimination and require U.S. and foreign air carriers (under certain conditions) to make aircraft, other facilities, and services accessible and take steps to accommodate a passenger with a disability.



### Who must comply with the requirements for nondiscrimination?

- 1) A U.S. air carrier and its employees (such as ticket agents, gate agents, flight attendants, pilots and baggage handlers) with respect to all operations and aircraft, regardless of where those operations take place.
- 2) A foreign air carrier, and its employees and its aircraft for flights that begin or end at a U.S. airport.
- 3) An authorized agent of a carrier (such as a travel agent).
- 4) An organization and its employees that have business arrangements with a carrier to provide disability-related services (for example, wheelchair service, baggage handling).
- 5) An indirect air carrier and its employees (such as a public charter operator) that provide facilities or services for other carriers that are covered by the regulations.

### Who is protected?

The ACAA protects individuals with a physical or mental impairment that, on a permanent or temporary basis, substantially limits one or more major life activities; individuals with a record of such impairment; and individuals who are regarded as having such impairments, whether they have the impairment or not.



## What is generally prohibited?

An air carrier must ensure that it (either directly or indirectly through its contractual, licensing, or other arrangements) does not discriminate against qualified individuals with a disability by reason of such disability in provision of air transportation. In addition, the carrier is responsible for ensuring that its employees and also employees of any company or entity performing functions on behalf of the carrier comply with the ACAA and its implementing regulations.

Specifically, the carrier must not:

- require a passenger with a disability to accept special services (including pre-boarding) they do not request,
- exclude a passenger with a disability from or deny the individual the benefit of any air transportation or related services that are available to other persons,
- take any adverse action against an individual, such as refusing transportation, because an individual asserts, on his or her own behalf, or on behalf of another individual, rights protected under the law, and
- limit the number of passengers with disabilities on a particular flight.

An air carrier is not required to make modifications that would constitute an undue burden or would fundamentally alter its program.

## Must carriers permit passengers with a disability to travel with service animals?

A service animal is an animal individually trained to perform functions to assist a person with a disability or the animal has been shown to have the innate ability to assist a person with a disability (seizure alert dog) or an emotional support or psychiatric service animal. There are many different types of service animals that perform a range of tasks for individuals with a disability.

Carriers must permit a service animal to accompany a passenger with a disability. On a flight segment scheduled to take 8 hours or more, carriers may, as a condition of permitting a service animal to travel in the cabin, require the passenger to provide documentation that the animal will not need to relieve itself on the flight, or that the animal can relieve itself in a way that does not create a health or sanitation issue on the flight. Carriers are never required to accommodate certain unusual service animals (e.g. snakes, other reptiles, ferrets, rodents, and spiders) in the cabin. With respect to other unusual or exotic service animals (e.g. miniature horses, pigs, monkeys) a carrier must determine whether any factors preclude their traveling in the cabin as service animals.



Carriers may require 48 hour advance notice by passengers traveling with an emotional support animal. Carriers also may require that passengers traveling with emotional support or psychiatric service animals present current documentation (no older than one year from date of the passenger's scheduled initial flights) on the letterhead of a licensed mental health professional, including a medical doctor, specifically treating the passenger's mental or emotional disability.

Foreign carriers are normally only required to accommodate dogs as service animals. However, if a foreign carrier participates in a codesharing arrangement with a U.S. carrier on flights between two foreign points, the service provision, with respect to passengers traveling under the U.S. carrier's code, would be in effect on the codeshare flight. In such instances a foreign carrier would have to accommodate service animals other than dogs.

### **What are the requirements concerning priority cabin stowage for manual wheelchairs and other assistive devices?**

A passenger with a disability who uses a wheelchair and who takes advantage of the opportunity to preboard the aircraft can stow his or her wheelchair with priority over other passenger items or crew luggage brought on board. A carrier must make room for a passenger's wheelchair, even if items were stored in the priority stowage area before the passenger seeking to stow the wheelchair boarded. Assistive technology devices have the same priority over other items or crew luggage, except for wheelchairs. This requirement applies to any aircraft with 100 or more passenger seats.

If a passenger with a disability does not take advantage to preboard the aircraft, the use of this priority space is on a first-come, first-serve basis along with other passengers seeking to stow items in this space.

### **What procedures apply to stowage of battery-powered mobility aids?**

Whenever baggage compartment size and aircraft airworthiness considerations do not prohibit doing so, a carrier must accept a passenger's battery-powered wheelchair or other similar mobility devices, including the battery, as checked baggage and may require checking in one hour before the check-in time for the general public.

If the battery has been labeled by the manufacturer as non-spillable or if a battery-powered wheelchair with a spillable battery can be loaded, stored, secured and unloaded in an upright position, a carrier must not require that the battery be removed and separately packaged. A carrier must not drain batteries. However, a carrier must remove and package the battery separately if a battery is not adequately secured to a wheelchair, or if a wheelchair with a spillable battery cannot be loaded, stowed, secured and unloaded in an upright position. A damaged or leaking battery cannot be transported.



## What are the requirements for providing Complaints Resolution Officials?

The Complaints Resolution Official (CRO) is intended to be the carrier's "expert" in compliance with the requirements of the Air Carrier Access Act. Carriers providing scheduled or non-scheduled service using aircraft with 19 or more passenger seats must designate one or more CROs. U.S. carriers must make CROs available at each airport served during times of operation. Foreign carriers must make CROs available at each airport serving flights that begin or end at U.S. airports.

Carriers must make passengers with a disability aware of the availability of a CRO and how to contact the CRO when any person complains or raises concerns about discrimination, accommodations, or service with respect to passengers with a disability, and carrier personnel do not immediately resolve the issue to the passenger's satisfaction or provide the requested accommodation.

## How are complaints filed with the U.S. Department of Transportation?

Any person believing that a carrier violated any provisions of the Air Carrier Access Act may seek assistance or file an informal complaint at the U.S. Department of Transportation no later than 6 months after the date of the incident. Complaints can be filed by (1) going to the web site at the Department's Aviation Consumer Protection Division at <http://airconsumer.ost.dot.gov> and selecting "Air Travel Problems and Complaints" or (2) by writing to the U.S. Department of Transportation, Aviation Consumer Protection Division (C-75), 1200 New Jersey Avenue, SE, Washington, D.C. 20590.



### DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Blvd., Room 101 • Honolulu, HI 96814  
Oahu: (808) 586-8121 (Voice/TTY), (808) 586-8129 (Fax)

Call toll free from:

Maui: 984-2400, ext. 6-8121# (Voice)  
Molokai & Lanai: 1(800) 468-4644,  
ext. 6-8121# (Voice)

Kauai: 274-3141, ext. 6-8121# (Voice)  
Big Island: 974-4000,  
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E-mail: [dcab@doh.hawaii.gov](mailto:dcab@doh.hawaii.gov) • Web Site: [hawaii.gov/health/dcab](http://hawaii.gov/health/dcab)

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