

118TH CONGRESS
1ST SESSION

S. _____

To require the Administrator of the Federal Aviation Administration to issue regulations concerning accommodations for powered wheelchairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. DUCKWORTH (for herself and Mr. THUNE) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To require the Administrator of the Federal Aviation Administration to issue regulations concerning accommodations for powered wheelchairs, 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. SHORT TITLE.**

4 This Act may be cited as the “Mobility Aids On
5 Board Improve Lives and Empower All Act” or the “MO-
6 BILE Act”.

1 **SEC. 2. REGULATIONS RELATED TO POWERED WHEEL-**
2 **CHAIRS; OTHER EVALUATIONS REGARDING**
3 **WHEELCHAIRS.**

4 (a) RULEMAKING.—Not later than 1 year after the
5 date of enactment of this section, the Secretary of Trans-
6 portation (in this section referred to as the “Secretary”)
7 shall issue a notice of proposed rulemaking requiring air
8 carriers and foreign air carriers (as defined in section
9 40102 of title 49, United States Code)—

10 (1) to publish, on a prominent and easily acces-
11 sible place on the website of the carrier, information
12 describing—

13 (A) the dimensions of the cargo holds of all
14 aircraft types in the air carrier’s fleet, including
15 the dimensions of the cargo hold entry; and

16 (B) the air carrier’s policies regarding the
17 time period for prior notification to the air car-
18 rier by any passenger traveling in a powered
19 wheelchair, which may not exceed a period of
20 48 hours prior to a flight; and

21 (2) in the case of a qualified individual with a
22 disability (as defined in section 382.3 of title 14,
23 Code of Federal Regulations) traveling with a wheel-
24 chair (including a power wheelchair, manual wheel-
25 chair, or scooter) who has purchased a ticket for a
26 flight from the air carrier but who cannot fly on the

1 existing aircraft because the wheelchair of such
2 qualified individual cannot fit in the cargo hold, to
3 offer a refund to such qualified individual of any
4 previously paid fares, fees, and taxes applicable to
5 such flight.

6 (b) EVALUATION OF DATA REGARDING MISHANDLED
7 WHEELCHAIRS.—Not later than 6 months after the date
8 of enactment of this section, and annually thereafter, the
9 Secretary shall—

10 (1) evaluate data (which shall be delineated by
11 type of wheelchair being mishandled, such as power
12 wheelchairs, manual wheelchairs, and scooters, and
13 by type of mishandling, such as damage (including
14 the type of damage, such as broken drive wheels or
15 casters, bent or broken frames, damage to electrical
16 connectors or wires, control input devices, joysticks,
17 upholstery, or other components, and any other type
18 of damage deemed appropriate by the Secretary),
19 delay, or loss) regarding the frequency of mis-
20 handling of wheelchairs (as defined in section 37.3
21 of title 49, Code of Federal Regulations) occurring
22 on aircraft;

23 (2) determine whether there are issues with re-
24 spect to such frequency and type of mishandling;
25 and

1 (3) review and report any claims for which an
2 air carrier has conclusive evidence of fraud [on the
3 part of the passenger].

4 (c) REPORT ON MISHANDLED WHEELCHAIRS.—Not
5 later than [SLC Note: To be provided] after the date of
6 enactment of this section, the Secretary shall submit to
7 the Committee on Commerce, Science, and Transportation
8 of the Senate and the Committee on Transportation and
9 Infrastructure of the House of Representatives a report
10 (which shall be made publicly available on the website of
11 the Department of Transportation) regarding the results
12 of each such evaluation and determination under sub-
13 section (b), including how the Secretary plans to address
14 such results through consultation with air carriers, wheel-
15 chair manufacturers, national disability and disabled vet-
16 erans organizations, and other relevant stakeholders.

17 (d) FEASIBILITY OF IN-CABIN WHEELCHAIR RE-
18 STRAINT SYSTEMS.—

19 (1) ROADMAP.—Not later than 1 year after the
20 date of enactment of this section, the Secretary shall
21 submit to the Committee on Commerce, Science, and
22 Transportation of the Senate and the Committee on
23 Transportation and Infrastructure of the House of
24 Representatives a publicly available strategic road-
25 map that describes how the Department of Trans-

1 portation and the United States Access Board, re-
2 spectively, shall, in accordance with the rec-
3 ommendations from the National Academies of
4 Science, Engineering, and Mathematics Transpor-
5 tation Research Board Special Report 341—

6 (A) establish a program of research, in col-
7 laboration with the Rehabilitation Engineering
8 and Assistive Technology Society of North
9 America (RESNA), the assistive technology in-
10 dustry, air carriers, original equipment manu-
11 facturers, national disability and disabled vet-
12 erans organizations, and any other relevant
13 stakeholders, to test and evaluate an appro-
14 priate selection of WC19-compliant wheelchairs
15 and accessories in accordance with applicable
16 Federal Aviation Administration crash-
17 worthiness and safety performance criteria, in-
18 cluding the issues and considerations set forth
19 in Special Report 341; and

20 (B) sponsor studies that assess issues and
21 considerations, including those set forth in Spe-
22 cial Report 341, such as—

23 (i) the likely demand for air travel by
24 individuals who are nonambulatory if such

1 individuals could remain seated in their
2 personal wheelchairs in flight; and

3 (ii) the feasibility of implementing
4 seating arrangements that would accommo-
5 date passengers in wheelchairs in the main
6 cabin in flight.

7 (2) STUDY.—If determined to be technically
8 feasible by the Secretary, not later than 2 years
9 after making such determination, the Secretary shall
10 commence a study to assess the economic and finan-
11 cial feasibility of air carriers and foreign air carriers
12 implementing seating arrangements that accommo-
13 date passengers with wheelchairs (including power
14 wheelchairs, manual wheelchairs, and scooters) in
15 the main cabin during flight. Such study shall in-
16 clude an assessment of—

17 (A) the cost of such seating arrangements,
18 equipment, and installation;

19 (B) the demand for such seating arrange-
20 ments;

21 (C) the impact of such seating arrange-
22 ments on passenger seating and safety on air-
23 craft;

1 (D) the impact of such seating arrange-
2 ments on the cost of operations and airfare;
3 and

4 (E) any other information determined ap-
5 propriate by the Secretary.

6 (3) REPORT.—Not later than 1 year after the
7 date on which the study under paragraph (2) is
8 completed, the Secretary shall submit to the Com-
9 mittee on Commerce, Science, and Transportation of
10 the Senate and the Committee on Transportation
11 and Infrastructure of the House of Representatives
12 a publicly available report describing the results of
13 the study conducted under paragraph (2), together
14 with any recommendations the Secretary determines
15 appropriate.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated such sums as are nec-
18 essary to carry out this section.