

115TH CONGRESS
2D SESSION

S. 2812

To improve consumer protections for customers of air ambulance operators,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 10, 2018

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

A BILL

To improve consumer protections for customers of air
ambulance operators, 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 “Air Ambulance Con-
5 sumer Protection Act”.

6 **SEC. 2. ADVISORY COMMITTEE FOR TRANSPARENCY IN AIR**
7 **AMBULANCE INDUSTRY.**

8 (a) IN GENERAL.—Not later than 90 days after the
9 date of enactment of this Act, the Secretary of Transpor-

1 tation shall establish an advisory committee to make rec-
2 ommendations for a rulemaking—

3 (1) to require air ambulance operators to clear-
4 ly disclose charges for air transportation services
5 separately from charges for non-air transportation
6 services within any invoice or bill; and

7 (2) to provide other consumer protections for
8 customers of air ambulance operators.

9 (b) COMPOSITION OF THE ADVISORY COMMITTEE.—

10 The advisory committee shall be composed of the following
11 members:

12 (1) The Secretary of Transportation.

13 (2) One representative, to be appointed by the
14 Secretary, of each of the following:

15 (A) Each relevant Federal agency, as de-
16 termined by the Secretary.

17 (B) State insurance regulators.

18 (C) Health insurance providers.

19 (D) Consumer groups.

20 (3) Three representatives, to be appointed by
21 the Secretary, to represent the various segments of
22 the air ambulance industry.

23 (c) RECOMMENDATIONS.—The advisory committee
24 shall make recommendations with respect to each of the
25 following:

1 (1) Cost-allocation methodologies needed to en-
2 sure that charges for air transportation services are
3 separated from charges for non-air transportation
4 services.

5 (2) Cost- or price-allocation methodologies to
6 prevent commingling of charges for air transpor-
7 tation services and charges for non-air transpor-
8 tation services in bills and invoices.

9 (3) Formats for bills and invoices to ensure
10 that customers and State insurance regulators can
11 clearly distinguish between charges for air transpor-
12 tation services and charges for non-air transpor-
13 tation services.

14 (4) Data or industry references related to air-
15 craft operating costs to be used in determining the
16 proper allocation of charges for air transportation
17 services and charges for non-air transportation serv-
18 ices.

19 (5) Guidance materials to instruct States, polit-
20 ical subdivisions of States, and political authorities
21 of 2 or more States on referring to the Secretary al-
22 legations of unfair or deceptive practices or unfair
23 methods of competition by air ambulance operators.

24 (6) Protections for customers of air ambulance
25 operators, after consideration of the circumstances

1 in which the services of air ambulance operators are
2 used.

3 (7) Protections of proprietary cost data from
4 inappropriate public disclosure.

5 (8) Such other matters as the Secretary deter-
6 mines necessary or appropriate.

7 (d) REPORT.—Not later than 180 days after the date
8 of the first meeting of the advisory committee, the advi-
9 sory committee shall submit to the Secretary, the Com-
10 mittee on Transportation and Infrastructure of the House
11 of Representatives, and the Committee on Commerce,
12 Science, and Transportation of the Senate a report con-
13 taining the recommendations made under subsection (c).

14 (e) RULEMAKING.—Not later than 180 days after the
15 date of receipt of the report under subsection (d), the Sec-
16 retary shall consider the recommendations of the advisory
17 committee and issue a final rule—

18 (1) to require air ambulance operators to clear-
19 ly disclose charges for air transportation services
20 separately from charges for non-air transportation
21 services within any invoice or bill; and

22 (2) to provide other consumer protections for
23 customers of air ambulance operators.

24 (f) DEFINITIONS.—In this section, the following defi-
25 nitions apply:

1 (1) AIR AMBULANCE OPERATOR.—The term
2 “air ambulance operator” means an air carrier oper-
3 ating pursuant to part 135 of title 14, Code of Fed-
4 eral Regulations, that provides medical, ambulance,
5 or related services.

6 (2) NON-AIR TRANSPORTATION SERVICES.—The
7 term “non-air transportation services” means those
8 services provided by air ambulance operators but not
9 other air carriers operating pursuant to part 135 of
10 title 14, Code of Federal Regulations.

11 (g) TERMINATION.—The advisory committee shall
12 terminate on the date of submission of the report under
13 subsection (d).

14 (h) NATURE OF AIR AMBULANCE SERVICES.—The
15 non-air transportation services of air ambulance operators
16 and prices thereof are neither services nor prices of an
17 air carrier for purposes of section 41713 of title 49,
18 United States Code.

19 **SEC. 3. AIR AMBULANCE COMPLAINTS.**

20 (a) CONSUMER COMPLAINTS.—Section 42302 of title
21 49, United States Code, is amended—

22 (1) in subsection (a) by inserting “(including
23 transportation by air ambulance)” after “air trans-
24 portation”;

25 (2) in subsection (b)—

1 (A) in the matter preceding paragraph

2 (1)—

3 (i) by inserting “, and an air ambu-
4 lance operator,” after “passenger seats”;
5 and

6 (ii) by inserting “or operator” after
7 “Internet Web site of the carrier”; and

8 (B) in paragraph (2) by inserting “or op-
9 erator” after “mailing address of the air car-
10 rier”; and

11 (3) by striking subsection (c) and inserting the
12 following:

13 “(c) NOTICE TO PASSENGERS ON BOARDING OR
14 BILLING DOCUMENTATION.—

15 “(1) AIR CARRIERS AND FOREIGN AIR CAR-
16 RIERS.—An air carrier or foreign air carrier pro-
17 viding scheduled air transportation using any air-
18 craft that as originally designed has a passenger ca-
19 pacity of 30 or more passenger seats shall include
20 the hotline telephone number established under sub-
21 section (a) on—

22 “(A) prominently displayed signs of the
23 carrier at the airport ticket counters in the
24 United States where the air carrier operates;
25 and

1 “(B) any electronic confirmation of the
2 purchase of a passenger ticket for air transpor-
3 tation issued by the air carrier.

4 “(2) AIR AMBULANCE OPERATORS.—An air am-
5 bulance operator shall include the hotline telephone
6 number established under subsection (a) on any in-
7 voice, bill, or other communication provided to a
8 passenger or customer of the operator.”.

9 (b) UNFAIR AND DECEPTIVE PRACTICES AND UN-
10 FAIR METHODS OF COMPETITION.—Section 41712(a) of
11 title 49, United States Code, is amended—

12 (1) by inserting “air ambulance customer,”
13 after “foreign air carrier,” the first place it appears;
14 and

15 (2) by adding at the end the following: “In this
16 subsection, the term ‘air carrier’ includes an air am-
17 bulance operator and the term ‘air transportation’
18 includes any transportation provided by an air am-
19 bulance.”.

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