

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3935
OFFERED BY MR. STANTON OF ARIZONA**

At the end of subtitle A of title VII, insert the following:

1 **SEC. ____ . ON-BOARD WHEELCHAIRS.**

2 (a) REQUIREMENTS.—

3 (1) IN GENERAL.—In the case an aircraft that
4 is required to be equipped with an on-board wheel-
5 chair in accordance with section 382.65 of title 14,
6 Code of Federal Regulations, an air carrier and a
7 foreign air carrier shall provide in a prominent place
8 on a publicly available internet website of the car-
9 rier, and in any place where a passenger can make
10 a reservation, information regarding the rights and
11 responsibilities of both passengers on such aircraft
12 and the air carrier or foreign air carrier, including—

13 (A) that an air carrier or foreign air car-
14 rier is required to equip aircraft that have more
15 than 60 passenger seats and that have an ac-
16 cessible lavatory (whether or not having such a
17 lavatory is required by section 382.63 of such
18 title 14) with an on-board wheelchair unless an

1 exception described in such section 382.65 ap-
2 plies;

3 (B) that a qualified individual with a dis-
4 ability may request an on-board wheelchair on
5 aircraft with more than 60 passenger seats even
6 if the lavatory is not accessible and that the
7 basis of such request must be that the indi-
8 vidual can use an inaccessible lavatory but can-
9 not reach it from a seat without using an on-
10 board wheelchair;

11 (C) that the air carrier or foreign air car-
12 rier may require the qualified individual with a
13 disability to provide the advance notice specified
14 in section 382.27 of such title 14 in order for
15 the individual to be provided with the on-board
16 wheelchair; and

17 (D) if the air carrier or foreign air carrier
18 requires the advance notice described in sub-
19 paragraph (C), information on how a qualified
20 individual with a disability can make such a re-
21 quest.

22 (2) ANNUAL TRAINING.—An air carrier and a
23 foreign air carriers shall require that all personnel
24 who regularly interact with the traveling public, in-
25 cluding contractors, complete annual training re-

1 regarding assisting qualified individual with a dis-
2 ability, including regarding the availability of acces-
3 sible lavatories and on-board wheelchairs and such
4 individual’s right to request an on-board wheelchair.

5 (3) PUBLIC AWARENESS CAMPAIGN.—The Sec-
6 retary shall conduct a public awareness campaign on
7 the rights of qualified individuals with a disability,
8 including with respect to accessible lavatories and
9 such individual’s right to request an on-board wheel-
10 chair in accordance section 382.65 of title 14, Code
11 of Federal Regulations.

12 (4) QUALIFIED INDIVIDUAL WITH A DISABILITY
13 DEFINED.—In this subsection, the term “qualified
14 individual with a disability” has the meaning given
15 such term in section 382.3 of title 14, Code of Fed-
16 eral Regulations.

17 (5) PENALTIES.—The Secretary may assess a
18 civil penalty in accordance with section 46301 of
19 title 49, United States Code, to any air carrier or
20 foreign air carrier who fails to meet the require-
21 ments under paragraph (1) or (2).

22 (b) INCREASED CIVIL PENALTIES.—

23 (1) IN GENERAL.—Section 46301(a)(7) of title
24 49, United States Code, is amended—

1 (A) in the paragraph heading, by striking
2 “TO HARM” ; and

3 (B) in subparagraph (A)—

4 (i) in the heading, by striking “BOD-
5 ILY HARM OR DAMAGE TO WHEELCHAIR OR
6 OTHER MOBILITY AID” and inserting
7 “DAMAGE TO WHEELCHAIR OR OTHER MO-
8 BILITY AID, BODILY HARM, OR FAILURE TO
9 EQUIP AIRCRAFT WITH A WHEELCHAIR”;
10 and

11 (ii) by striking “or injury to a pas-
12 senger with a disability” and inserting “,
13 injury to a passenger with a disability, or
14 a failure to equip an aircraft with an on-
15 board wheelchair pursuant to section
16 382.65 of title 14, Code of Federal Regula-
17 tions (or a successor regulation)”.

18 (2) EFFECTIVE DATE.—The amendments made
19 by paragraph (1) shall apply to flights occurring on
20 or after the effective date of the revision described
21 in subsection (a).

