

115TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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Mrs. MCCASKILL introduced the following bill; which was read twice and  
referred to the Committee on \_\_\_\_\_

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## **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.”.