



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4034

by Rep. Peter Breen

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Airline Passenger Protection Act. Provides that an employee or contractor of this State or any unit of local government in this State shall not involuntarily remove a passenger from an aircraft by force when that passenger is seated in a seat confirmed by a valid paid or awarded ticket unless: (1) the passenger has committed a breach of the peace; (2) the passenger presents a danger to himself or herself or others; or (3) a public emergency exists. Provides that no criminal charges may be brought or civil liability attach against a passenger who refuses to yield his or her seat unless certain conditions exist. Provides that the State of Illinois or any unit of local government in this State shall not make travel arrangements with, do business with, or have any investments in any commercial airline or a company owning a commercial airline that has a policy allowing the involuntary removal of a passenger from an aircraft to allow an employee traveling on a non-revenue ticket to use the passenger's seat. Awards attorney's fees and costs to a passenger who prevails in an action brought against a commercial airline for a violation of the Act. Effective immediately.

LRB100 12383 AXK 25159 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Airline Passenger Protection Act.

6 Section 5. Public policy. Passengers place their total  
7 trust in our nation's commercial airlines to bring them safely  
8 from one place to another. Without this special trust, our  
9 nation's transportation system would be crippled, harming our  
10 business community and our tourism industry. A commercial  
11 airline that removes validly seated customers without serious  
12 cause breaches the sacred trust between passengers and their  
13 airlines. In particular, passengers at airports in Chicago and  
14 throughout the State of Illinois should be able to travel to  
15 and through our State without any fear of ill treatment. Thus,  
16 the General Assembly enacts the following protections to ensure  
17 that the government is not misused to enforce improper  
18 commercial airline policies and to give the strongest available  
19 protections to passengers when commercial airlines violate  
20 their trust with their policies.

21 Section 10. State employees. An employee or contractor of  
22 this State or any unit of local government in this State shall

1 not involuntarily remove a passenger from an aircraft by force  
2 when that passenger is seated in a seat confirmed by a valid  
3 paid or awarded ticket, or has a physically claimed a seat with  
4 a valid paid or awarded ticket on a commercial airline with an  
5 open seating policy, unless: (1) the passenger has committed a  
6 breach of the peace; (2) the passenger presents a danger to  
7 himself or herself or others; or (3) a public emergency exists.

8 Section 15. Liability; criminal and civil. No criminal  
9 charges may be brought or civil liability attach against a  
10 passenger on an aircraft who refuses to yield his or her seat  
11 when seated in seat confirmed by a valid paid or awarded  
12 ticket, or has physically claimed a seat with a valid paid or  
13 awarded ticket on a commercial airline with an open seating  
14 policy, unless: (1) the airline has inadvertently confirmed 2  
15 passengers in the same seat who are not employees of the  
16 airline traveling on a non-revenue ticket; (2) the passenger  
17 has committed a breach of the peace; (3) the passenger presents  
18 a danger to himself or herself or others; or (4) a public  
19 emergency exists.

20 Section 20. Conducting business. The State of Illinois or  
21 any unit of local government in this State shall not make  
22 travel arrangements with, do business with, or have any  
23 investments in any commercial airline or a company owning a  
24 commercial airline that has a policy allowing the involuntary

1 removal of a passenger from an aircraft to allow an employee  
2 traveling on a non-revenue ticket to use the passenger's seat  
3 when the passenger is seated in seat confirmed by a valid paid  
4 or awarded ticket or has physically claimed a seat with a valid  
5 paid or awarded ticket on a commercial airline with an open  
6 seating policy.

7 Section 25. Attorney's fees; costs. A passenger who  
8 prevails in an action brought against a commercial airline for  
9 a violation of this Act shall be awarded attorney's fees and  
10 costs using the same structure under the Illinois Civil Rights  
11 Act of 2003.

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.