

117TH CONGRESS
1ST SESSION

S. 1124

To amend title 49, United States Code, to add a definition for the term “common carrier”, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2021

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

A BILL

To amend title 49, United States Code, to add a definition for the term “common carrier”, 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 “Flight Sharing Free-
5 dom Act”.

6 **SEC. 2. DEFINITIONS.**

7 Section 40102(a) of title 49, United States Code, is
8 amended by adding at the end the following:

9 “(48) ‘common carrier’ means a service pro-
10 vided by a person that meets the following elements:

1 “(A) holding out of a willingness to;
2 “(B) transport persons or property;
3 “(C) from place to place;
4 “(D) for compensation; and
5 “(E) without refusal unless authorized by
6 law.

7 In applying subparagraph (D), the term ‘compensa-
8 tion’ requires the intent to pursue monetary profit
9 but does not include flights in which the pilot and
10 passengers share aircraft operating expenses or the
11 pilot receives any benefit.”.

12 **SEC. 3. REGULATIONS.**

13 Not later than 60 days after the date of enactment
14 of this Act, the Secretary of Transportation shall issue or
15 revise regulations to comply with this Act and to ensure
16 that a person who holds a pilot certificate may commu-
17 nicate with the public, in any manner the person deter-
18 mines appropriate, to facilitate an aircraft flight for which
19 the pilot and passengers share aircraft operating expenses
20 in accordance with section 61.113(e) of title 14, Code of
21 Federal Regulations (or any successor regulation) and
22 that such flight-sharing operations under section
23 61.113(e) of title 14, Code of Federal Regulations (or any
24 successor regulation) shall not be deemed a common car-
25 rier, as defined in paragraph (48) of section 40102(a) of

- 1 title 49, United States Code, or a commercial operation
- 2 requiring a certificate under part 119 or 135 of title 14,
- 3 Code of Federal Regulations (or any successor regulation).

