

118TH CONGRESS  
1ST SESSION

# S. 1459

To require the Administrator of the Federal Aviation Administration to issue regulations concerning accommodations for powered wheelchairs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 4, 2023

Ms. DUCKWORTH (for herself and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require the Administrator of the Federal Aviation Administration to issue regulations concerning accommodations for powered wheelchairs, 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 “Mobility Aids On  
5 Board Improve Lives and Empower All Act” or the “MO-  
6 BILE Act”.

1 **SEC. 2. REGULATIONS RELATED TO POWERED WHEEL-**  
2 **CHAIRS; OTHER EVALUATIONS REGARDING**  
3 **WHEELCHAIRS.**

4 (a) RULEMAKING.—Not later than 1 year after the  
5 date of enactment of this section, the Secretary of Trans-  
6 portation (in this section referred to as the “Secretary”)  
7 shall issue a notice of proposed rulemaking requiring air  
8 carriers and foreign air carriers (as defined in section  
9 40102 of title 49, United States Code)—

10 (1) to publish, on a prominent and easily acces-  
11 sible place on the website of the carrier, information  
12 describing the dimensions of the cargo holds of all  
13 aircraft types in the air carrier’s fleet, including the  
14 dimensions of the cargo hold entry; and

15 (2) in the case of a qualified individual with a  
16 disability (as defined in section 382.3 of title 14,  
17 Code of Federal Regulations) traveling with a wheel-  
18 chair (including a powered wheelchair, manual  
19 wheelchair, or scooter) who has purchased a ticket  
20 for a flight from the air carrier but who cannot fly  
21 on the existing aircraft because the wheelchair of  
22 such qualified individual cannot fit in the cargo hold,  
23 to offer a refund to such qualified individual of any  
24 previously paid fares, fees, and taxes applicable to  
25 such flight.

1 (b) EVALUATION OF DATA REGARDING MISHANDLED  
2 WHEELCHAIRS.—Not later than 6 months after the date  
3 of enactment of this section, and annually thereafter, the  
4 Secretary shall—

5 (1) evaluate data (which shall be delineated by  
6 type of wheelchair being mishandled, such as pow-  
7 ered wheelchairs, manual wheelchairs, and scooters,  
8 and by type of mishandling, such as damage (includ-  
9 ing the type of damage, such as broken drive wheels  
10 or casters, bent or broken frames, damage to elec-  
11 trical connectors or wires, control input devices,  
12 joysticks, upholstery, or other components, and any  
13 other type of damage deemed appropriate by the  
14 Secretary), delay, or loss) regarding the frequency of  
15 mishandling of wheelchairs (as defined in section  
16 37.3 of title 49, Code of Federal Regulations) occur-  
17 ring on aircraft;

18 (2) determine whether there are issues with re-  
19 spect to such frequency and type of mishandling;  
20 and

21 (3) review and report any claims for which an  
22 air carrier has conclusive evidence of fraud.

23 (c) REPORT ON MISHANDLED WHEELCHAIRS.—Not  
24 later than 6 months after the date of enactment of this  
25 section, the Secretary shall submit to the Committee on

1 Commerce, Science, and Transportation of the Senate and  
2 the Committee on Transportation and Infrastructure of  
3 the House of Representatives a report (which shall be  
4 made publicly available on the website of the Department  
5 of Transportation) regarding the results of each such eval-  
6 uation and determination under subsection (b), including  
7 how the Secretary plans to address such results through  
8 consultation with air carriers, wheelchair manufacturers,  
9 national disability and disabled veterans organizations,  
10 and other relevant stakeholders.

11 (d) FEASIBILITY OF IN-CABIN WHEELCHAIR RE-  
12 STRAINT SYSTEMS.—

13 (1) ROADMAP.—Not later than 1 year after the  
14 date of enactment of this section, the Secretary shall  
15 submit to the Committee on Commerce, Science, and  
16 Transportation of the Senate and the Committee on  
17 Transportation and Infrastructure of the House of  
18 Representatives a publicly available strategic road-  
19 map that describes how the Department of Trans-  
20 portation and the United States Access Board, re-  
21 spectively, shall, in accordance with the rec-  
22 ommendations from the National Academies of  
23 Science, Engineering, and Mathematics Transpor-  
24 tation Research Board Special Report 341—

1 (A) establish a program of research, in col-  
2 laboration with the Rehabilitation Engineering  
3 and Assistive Technology Society of North  
4 America (RESNA), the assistive technology in-  
5 dustry, air carriers, original equipment manu-  
6 facturers, national disability and disabled vet-  
7 erans organizations, and any other relevant  
8 stakeholders, to test and evaluate an appro-  
9 priate selection of WC19-compliant wheelchairs  
10 and accessories in accordance with applicable  
11 Federal Aviation Administration crash-  
12 worthiness and safety performance criteria, in-  
13 cluding the issues and considerations set forth  
14 in Special Report 341; and

15 (B) sponsor studies that assess issues and  
16 considerations, including those set forth in Spe-  
17 cial Report 341, such as—

18 (i) the likely demand for air travel by  
19 individuals who are nonambulatory if such  
20 individuals could remain seated in their  
21 personal wheelchairs in flight; and

22 (ii) the feasibility of implementing  
23 seating arrangements that would accommo-  
24 date passengers in wheelchairs in the main  
25 cabin in flight.

1           (2) STUDY.—If determined to be technically  
2 feasible by the Secretary, not later than 2 years  
3 after making such determination, the Secretary shall  
4 commence a study to assess the economic and finan-  
5 cial feasibility of air carriers and foreign air carriers  
6 implementing seating arrangements that accommo-  
7 date passengers with wheelchairs (including powered  
8 wheelchairs, manual wheelchairs, and scooters) in  
9 the main cabin during flight. Such study shall in-  
10 clude an assessment of—

11                   (A) the cost of such seating arrangements,  
12                   equipment, and installation;

13                   (B) the demand for such seating arrange-  
14                   ments;

15                   (C) the impact of such seating arrange-  
16                   ments on passenger seating and safety on air-  
17                   craft;

18                   (D) the impact of such seating arrange-  
19                   ments on the cost of operations and airfare;  
20                   and

21                   (E) any other information determined ap-  
22                   propriate by the Secretary.

23           (3) REPORT.—Not later than 1 year after the  
24 date on which the study under paragraph (2) is  
25 completed, the Secretary shall submit to the Com-

1        mittee on Commerce, Science, and Transportation of  
2        the Senate and the Committee on Transportation  
3        and Infrastructure of the House of Representatives  
4        a publicly available report describing the results of  
5        the study conducted under paragraph (2), together  
6        with any recommendations the Secretary determines  
7        appropriate.

8        (e) AUTHORIZATION OF APPROPRIATIONS.—There  
9        are authorized to be appropriated such sums as are nec-  
10        essary to carry out this section.

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