

Air Travel with a Disability

Air Carriers Access Act

The Air Carriers Access Act (ACAA) requires airlines to provide equal treatment for people with disabilities. Since people with disabilities are a diverse group, it is important for each individual to understand what accommodations they will need and communicate them to airline staff.

Before You Fly

Some accommodations require a 48-hour advance notice and a 1-hour advance check-in. These accommodations include:

- medical oxygen (72-hour advance notice)
- a hook up for a respirator
- an electric wheelchair
(14 C.F.R. §382.27)

Although it's not required for all accommodations, it is good practice to let the airline know in advance that you intend to fly and that you will need assistance. Airline staff are required to assist you with boarding and exiting a plane, moving between gates, and the airport. (14 C.F.R. §382.91)

The airline cannot charge you extra because of your disability. Service animals are permitted, and additional pet charges do not apply.
(14 C.F.R. §382.117)

A.) air carriers must permit a service animal to accompany a passenger with a disability.

B.) as evidence that an animal is a service animal, carriers must accept identification cards, other written documentation, presence of harnesses, tags, or the credible verbal assurances of a qualified individual with a disability using the animal.

C.) emotional support or psychiatric service animal-carriers are not required to accept the animal for



transportation in the cabin UNLESS the passenger provides you with current documentation (no older than one year from the date of the passenger's scheduled initial flight) on the letterhead of a licensed mental health professional stating the following:

1. The passenger has a mental or emotional disability, recognized in the DSM V;
2. The passenger needs the emotional support or psychiatric service animal as an accommodation for air travel and/or for activity at the passenger's destination;
3. The individual providing the assessment is a licensed mental health professional, and the passenger is under his or her professional care;
4. The date and type of the mental health professional's license and the state or other jurisdiction in which it was issued.

D.) Carriers are never required to accommodate certain unusual service animals (e.g., snakes, other reptiles, ferrets, rodents and spiders) as service animals in the cabin. With respect to all other animals, including unusual or exotic animals that are presented as service animals (e.g. miniature horses, pigs, monkeys) a carrier must determine whether any factors preclude their traveling in the cabin as a service animals (too heavy/large, direct threat to health or safety, disruption of cabin service, prohibited from entering country of destination). If no such factors preclude the animal from traveling in the cabin, carriers must permit it to do so. However, foreign

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carriers are not required to carry service animals other than dogs.

E.) whenever carriers decide not to accept an animal as a service animal, they must explain the reason for the decision to the passenger and document it in writing.

Medical Certification and Attendants

The airline is allowed to require medical certification for people with disabilities ONLY in rare occasions. These include:

- traveling in a stretcher;
- traveling with an incubator;
- requiring oxygen during a flight;
- requiring medical assistance during a flight;
- when traveling with a communicable disease.

(14 C.F.R. §382.23)

In some situations, an airline may also require a person with a disability to fly with an attendant. When the carrier and the passenger disagree about whether an attendant is necessary, the carrier may require the attendant but cannot charge for the attendant's transportation.

(14 C.F.R. §382.29)

Upon Arrival

People with disabilities have to go through security like all other passengers. Security is entitled to look through all the passenger's belongings, including their assistive devices. Airlines may not make passengers sign liability waivers for their wheelchairs, or other devices.

(14 C.F.R. §382.35)

Airlines have to let a person with a disability have their assistive devices close to their seat and cannot count these assistive devices as carry-on items.

(14 C.F.R. §382.121)

Sometimes wheelchairs will have to be stored away from the passenger. All air carriers are legally required to have a Complaint Resolution Official (CRO) available to travelers at all times.

(14 C.F.R. §382.151)

The CRO's job is to resolve any violations of the ACAA. If you feel discriminated against because of your disability, then you will be able to contact the CRO immediately. If you are still not happy with the service, you may file a formal complaint by sending a written complaint. The official written complaint should include all flight information, the name of the CRO who assisted you, the date of travel and copies of any written response received from the CRO. The airline will have 30 days to respond to the complaint.

If you are dissatisfied with the resolution, you may contact the Department of Transportation (DOT) at Department of Transportation, Aviation Consumer Protection Division, C-75, 400 Seventh St, S.W., Washington, D.C. 20590. Make sure to include copies of all correspondence related to the matter.

For more information

If you have further questions, or would like more information in general, please contact Disability Rights Montana. Our services are offered statewide and free of charge.

Call 1-800-245-4743 or visit our office to speak confidentially with an Advocate. Office hours are Monday-Friday, 8:00 AM to 4:00 PM.



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