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DOT INCREASES DOMESTIC BAGGAGE LIABILITY MINIMUM LIMIT

The Department of Transportation (“DOT”) today issued a final rule revising upward the minimum limit on domestic baggage liability (the “liability minimum”), from \$2800 to \$3000. The new liability minimum becomes effective on February 27, 2007.

DOT regulations require that it periodically assess and revise the liability minimum in accordance with changes to the Consumer Price Index for Urban Consumers. DOT last adjusted the liability minimum in 2004.

DOT’s regulations provide that (for most flight segments) air carriers may not limit their liability for “provable direct or consequential damages” to less than the

domestic baggage liability minimum limit amount.

Airlines must provide “conspicuous written” notice to their passengers of the liability minimum, either on or with their tickets.

DOT has given carriers an unspecified “grace period” during which DOT will “defer enforcement” of the revised minimum to permit carriers to use up or replace their existing written notices (e.g., ticket stock and envelopes), provided that carriers observe, and otherwise provide proper notice of the new liability minimum, following the effective date of the rule.

A copy of the Department’s rulemaking notice may be found at

<http://www.zsrlaw.com/publications/articles/PDF/DOTbaggage.pdf>

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