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Legal Knowledge is Power for Travelers

Getting From Point A to Point B Hassle-Free: Priceless

By Jeff Isaac

With consumers collectively spending billions of dollars annually for travel and tourism, far too few know what their legal “rights and obligations” are before making their travel-related purchase, which can render them vulnerable – even to severe unforeseen legal consequences.

While the intricacies of travel law are vast, below boils down a few key considerations to help road warriors and vacationers avoid – or appropriately deal with – travel trouble:

- **Ensure your travel agent is legit.** Before booking, ensure your travel agent or agency is compliant with state requirements. While ‘seller of travel’ regulations vary from state to state, many require registration, fees and compliance with some financial security regulation or statute. Some states even have specific laws for the regulation, registration, or bonding of sellers of travel, so it’s important to know if you agency is adhering to such requirements.

- **Leverage available support resources.** Purchase travel with your credit card rather than cash or a debit card. Under U.S. law, credit card holders have the right to request a “chargeback,” essentially a refund, on their accounts for travel services that are not delivered as promised. Of course, the credit card company must agree that your situation is chargeback-worthy.

- **Find out if your state has a restitution fund.** Seek out travel-related consumer advocate groups. The California Travel Consumer Restitution Fund (TCRF), for example, compensates consumers who purchased air or sea travel, either alone or in conjunction with other travel serv-

ices, from a registered California travel agent, and who did not receive what had been promised. Those believing they are eligible to receive compensation can submit a claim with the organization for consideration.

- **Consider travel protection.*** Protecting large travel investments and property with a travel protection plan can insure you against possible supplier default, bankruptcy, medical evacuation and treatment, cancellations and other such vacation disruptions. Just be sure you purchase travel insurance from a reputable provider – one that is NOT self-insured lest their shortcomings become yours.

- **Heed TSA regulations.** If you mistakenly pack a “prohibited item” in your carry-on bag, you could be assessed a TSA fine up to \$10,000! Carrying certain prohibited items could even result in both a civil and criminal enforcement action. Arguing with a TSA screener could also result in a substantial fine, so stay calm, cool and collected when you find yourself in a possible contraband situation.

- **Check baggage at your own risk.** Legal recourse for mishandled baggage claims is largely futile in light of the large number of airline tariffs (restrictions), albeit listed in the fine print on the back of an airline ticket that usually go unnoticed or unread by travelers. Airline regulations prohibit compensation for almost any claim, particularly for high dollar and/or somewhat fragile items such as laptop computers, jewelry and electronics.

- **Invoke Rule 240 when delayed.** Rule 240 – an airline’s delay-and-cancellation policy – covers delays that are the airline’s fault, such as mechanical problems or

schedule changes. Under this rule, the major carriers must try to book you on the next available flight at no extra charge, even if it means putting you on a competitor’s plane in a higher class of service. They must also get you a hotel room as well as meals or ground transportation, or both, for overnight delays or for those exceeding 4-hours for diverted flights.

- **Know your “bump” rights.** The Department of Transportation requires each airline to give all involuntarily bumped passengers a written statement of their rights along with an explanation of the carrier’s policy on overbooked flights. Airlines must first ask for volunteers to give up seats, in return for compensation, before they deny boarding to a ticket-holder. Involuntarily bumped passengers may be entitled to an on-the-spot payment of denied boarding compensation up to \$400 based on the price of their ticket and the length of the delay. Airlines must also refund the ticket price if you ultimately choose not to travel.

- **Document any incidents.** Should you need to seek legal assistance for a travel-related incident, be sure to detail a chronology of events leading up to the problem and be able to provide your attorney with all documents relating to the issue.

- **Consider alternative dispute resolution.** Should you have an escalated travel-related dispute that for which a legal proceeding-is in order, a courtroom trial, often a deterrent, is not your only recourse. Alternative Dispute Resolution, Arbitration and Mediation are other means of settling the case quicker, easier and more economically.

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