

## § 293.12

(a) “Rules herein containing general conditions of carriage are not part of the official U.S. D.O.T. tariff.”

(b) “The rules and provisions contained herein apply only to the passenger fares and charges that the U.S. Department of Transportation requires to be filed as tariffs.”

### § 293.12 Revocation of exemption.

(a) The Department, upon complaint or upon its own initiative, may, immediately and without hearing, revoke, in whole or in part, the exemption granted by this part with respect to a carrier or carriers, when such action is in the public interest.

(b) Any such action will be taken in a notice issued by the Assistant Secretary for Aviation and International Affairs, and will identify the tariff matter to be filed, and the deadline for carrier compliance.

(c) Revocations under this section will have the effect of reinstating all applicable tariff requirements and procedures specified in the Department’s Regulations for the tariff material to be filed, unless otherwise specified by the Department.

### Subpart C—Effect of Exemption

#### § 293.20 Rule of construction.

To the extent that a carrier holds an effective exemption from the duty to file tariffs under this part, it shall not, unless otherwise directed by order of the Department, be subject to tariff posting, notification or subscription requirements set forth in 49 U.S.C. 41504 or 14 CFR part 221, except as provided in § 293.21.

#### § 293.21 Incorporation of contract terms by reference.

Carriers holding an effective exemption from the duty to file tariffs under this part may incorporate contract terms by reference (*i.e.*, without stating their full text) into the passenger ticket or other document embodying the contract of carriage for the scheduled transportation of passengers in foreign air transportation, provided that:

(a) The notice, inspection, explanation and other requirements set forth in 14 CFR 221.107, paragraphs (a),

## 14 CFR Ch. II (1–1–07 Edition)

(b), (c) and (d) are complied with, to the extent applicable;

(b) In addition to other remedies at law, a carrier may not claim the benefit under this section as against a passenger, and a passenger shall not be bound by incorporation of any contract term by reference under this part, unless the requirements of paragraph (a), of this section are complied with, to the extent applicable; and

(c) The purpose of this section is to set uniform disclosure requirements, which preempt any State requirements on the same subject, for incorporation of terms by reference into contracts of carriage for the scheduled transportation of passengers in foreign air transportation.

#### § 293.22 Effectiveness of tariffs on file.

(a) One hundred and eighty days after the date of effectiveness of the Assistant Secretary’s notice, passenger tariffs on file with the Department covered by the scope of the exemption will cease to be effective as tariffs under 49 U.S.C. 41504 and 41510, and the provisions of 14 CFR part 221, and will be canceled by operation of law.

(b) One hundred and eighty days after the date of effectiveness of the Assistant Secretary’s notice, pending applications for filing and/or effectiveness of any passenger tariffs covered by the scope of the exemption, will be dismissed by operation of law. No new filings or applications will be permitted after the date of effectiveness of the Assistant Secretary’s notice except as provided under § 293.12.

## PART 294—CANADIAN CHARTER AIR TAXI OPERATORS

### Subpart A—General

Sec.

294.1 Applicability and purpose.

294.2 Definitions.

294.3 General requirements for Canadian charter air taxi operators.

### Subpart B—Exemption

294.10 Exemption authority.

### Subpart C—Registration for Exemption

294.20 Applying for registration.

## Office of the Secretary, DOT

## § 294.2

294.21 Procedure on receipt of registration form.

294.22 Notification to the Department of change in operations or identifying information.

### Subpart D—General Rules for Registrants

294.30 Scope of service and equipment authorized.

294.31 Use of business name.

294.32 Security arrangements for operating Public Charters.

294.33 Compliance with the regulations of the Federal Aviation Administration.

294.34 Advance approval by the Department.

### Subpart E—Insurance Requirements

294.40 Aircraft accident liability insurance requirements.

### Subpart F—Cancellation of Registration and Presidential Review

294.50 Cancellation, revocation, or suspension of registration.

294.51 Presidential review.

### Subpart G—Authorizations and Waivers

294.60 Applications for authorization to conduct individual operations or programs not otherwise permitted by this part.

294.61 Waivers.

### Subpart H—Violations

294.70 Enforcement.

### Subpart I—Terms, Conditions, and Limitations of This Part

294.80 Waiver of sovereign immunity.

294.81 Local traffic prohibited.

294.83 Compliance with certain international agreements.

294.84 Air competency requirements.

294.85 Charterworthiness standards.

294.86 Industrial/agricultural/other non-transport air operations prohibited.

294.87 Compliance with Canadian licenses.

AUTHORITY: 49 U.S.C. Chapters 401, 417.

SOURCE: ER-1257, 46 FR 52591, Oct. 27, 1981, unless otherwise noted.

## Subpart A—General

### § 294.1 Applicability and purpose.

This part establishes a classification of foreign air carriers known as “Canadian charter air taxi operators,” and establishes registration procedures for these carriers operating or seeking to operate transborder services between

Canada and the United States. This part also exempts Canadian charter air taxi operators from certain provisions of the Subtitle VII of Title 49 of the United States Code (Transportation), and establishes rules applicable to their operations in the United States. This part does not provide exemption from the safety regulatory provisions of the Statute that are administered by the U.S. Department of Transportation through the Federal Aviation Administration (FAA), and Canadian charter air taxi operators in the conduct of their operations must observe all applicable safety standards and requirements.

[ER-1257, 46 FR 52591, Oct. 27, 1981, as amended at 60 FR 43526, Aug. 22, 1995]

### § 294.2 Definitions.

As used in this part:

(a) *Agreement* means the *Air Transport Agreement Between the Government of the United States and the Government of Canada*, signed at Ottawa, February 24, 1995, with Annexes and any amendments, supplements, reservations, or supersessions to it.

(b) *Canadian charter air taxi operator* means a foreign air carrier that is substantially owned and effectively controlled by Canadian citizens, the Government of Canada, or both, whose foreign air transportation operations are limited to charter air service between points in Canada and points in the United States, and that does not use large aircraft in those operations.

(c) *Charter air service* means non-scheduled commercial air transportation of persons and their accompanied baggage, and of property, on a time, mileage, or trip basis where the entire planeload capacity of one or more aircraft has been engaged, or the transportation of mail by aircraft.

(d) *Large aircraft* means any aircraft that are not *small aircraft* as defined in this section.

(e) *Maximum authorized takeoff weight* has the meaning assigned to it in regulations of the Canadian Transport Commission.

(f) *Maximum certificated takeoff weight* means the maximum takeoff weight authorized by the terms of the aircraft airworthiness certificate. This weight may be found in the airplane operating