

**§ 252.8**

flight, or who does not have a confirmed reservation. If a seat is available in the established no-smoking section, however, an air carrier shall seat there any enplaning passenger who so requests, regardless of boarding time or reservation status.

**§ 252.8 Extent of smoking restrictions.**

The restrictions on smoking described in §§252.3 through 252.7 shall apply to all locations within the aircraft.

**§ 252.9 Ventilation systems.**

Air carriers shall prohibit smoking whenever the ventilation system is not fully functioning. Fully functioning for this purpose means operating so as to provide the level and quality of ventilation specified and designed by the manufacturer for the number of persons currently in the passenger compartment.

**§ 252.11 Aircraft on the ground.**

(a) Air carriers shall prohibit smoking whenever the aircraft is on the ground.

(b) With respect to the restrictions on smoking described in §252.5, foreign air carriers shall prohibit smoking from the time an aircraft begins enplaning passengers until the time passengers complete deplaning.

**§ 252.13 Small aircraft.**

Air carriers shall prohibit smoking on aircraft designed to have a passenger capacity of 30 or fewer seats.

NOTE TO §252.13: This section, like the rest of this part, does not apply to on-demand services of air taxi operators; see §252.2 in this part.

**§ 252.15 Cigars and pipes.**

Air carriers shall prohibit the smoking of cigars and pipes aboard aircraft.

**§ 252.17 Enforcement.**

Air carriers and foreign air carriers shall take such action as is necessary to ensure that smoking by passengers or crew is not permitted in the passenger cabin or lavatories on no-smoking flight segments. Air carriers shall take such action as is necessary to ensure that smoking by passengers or

crew is not permitted in no-smoking sections or at other times or places where smoking is prohibited by this part, and to maintain required separation of passengers in smoking and no-smoking areas.

**§ 252.19 Single-entity charters.**

On single-entity charters operated pursuant to §§207.50 or 208.300 of this title, air carriers need not comply with the procedures of this part 252 if such a request is made by the charterer, provided that each passenger on such flights is given notice of the smoking procedures for the flight at the time he or she first makes arrangements to take the flight.

**PART 253—NOTICE OF TERMS OF CONTRACT OF CARRIAGE**

Sec.

- 253.1 Purpose.
- 253.2 Applicability.
- 253.3 Definitions.
- 253.4 Incorporation by reference in the contract of carriage.
- 253.5 Notice of incorporated terms.
- 253.6 Explanation of incorporated terms.
- 253.7 Direct notice of certain terms.
- 253.8 Qualifications to notice requirements.

AUTHORITY: Secs. 204, 403, 404, and 411, Pub. L. 85-726, as amended, 72 Stat. 743, 758, 760, 769; 49 U.S.C. 1324, 1373, 1374, 1381.

SOURCE: ER-1302, 47 FR 52134, Nov. 19, 1982, unless otherwise noted.

**§ 253.1 Purpose.**

The purpose of this rule is to set uniform disclosure requirements, which preempt any State requirements on the same subject, for terms incorporated by reference into contracts of carriage for scheduled service in interstate and overseas passenger air transportation.

**§ 253.2 Applicability.**

This rule applies to all scheduled direct air carrier operations in interstate and overseas air transportation. It applies to all contracts with passengers, for those operations, that incorporate terms by reference.

[ER-1323, 48 FR 6318, Feb. 11, 1983]