

# PUBLICATION

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## Department of Transportation Delays Enforcement of Wheelchair Rule

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On September 30, 2025, the U.S. Department of Transportation (DOT) issued a notice that it will delay enforcement of four specific provisions of the "Ensuring Safe Accommodations for Air Travelers with Disabilities Using Wheelchairs" (the Wheelchair Rule) until December 31, 2026, while it conducts a new rulemaking – informally referred to as "Wheelchair Rule II." This delay stems from legal challenges, policy reviews, and DOT's determination that further consideration of certain requirements of the Wheelchair Rule is necessary.

### Practical Implications

While air carriers are relieved from immediate compliance with the four regulations listed above, they must still comply with the remaining requirements of the Wheelchair Rule and Part 382 that are outside the scope of this enforcement delay. Air carriers should anticipate that DOT will revisit these four areas through Wheelchair Rule II, with potential modification or reaffirmation of the original provisions after rulemaking concludes. Such rulemakings typically provide 60 days from their issuance to provide comment, before a final rule is issued.

### The Wheelchair Rule

By way of background, on December 17, 2024, DOT issued the Wheelchair Rule, which included several requirements from the FAA Reauthorization Act of 2024 and expanded airline obligations concerning passengers with disabilities, particularly those traveling with wheelchairs or other assistive devices. Among other things, the Wheelchair Rule addressed training standards for air carrier staff and contractors, procedures for assisting passengers during boarding and terminal movement, and air carrier liability for mishandled mobility devices. The Wheelchair Rule applies to air carriers operating under Federal Aviation Regulations (FAR) Parts 121 and 129, as well as charter operators operating under FAR Part 135.

The rule took effect on January 16, 2025, with staggered compliance deadlines extending into June 2026. However, the enforcement of the Wheelchair Rule has been delayed twice already, with the last delay being issued on June 10, 2025, and pushing enforcement until August 1, 2025. Although the latest enforcement delay has expired, the DOT has not taken enforcement action against any carrier for non-compliance with the Wheelchair Rule to date.

### The Delayed Regulations

Enforcement of the following provisions of the Wheelchair Rule have been delayed:

1. **Air Carrier Liability (14 CFR 382.130(a)):** The presumption that the air carrier is responsible when wheelchairs or other assistive devices that are not returned to passengers in their original condition after a flight.
2. **Refresher Training (14 CFR 382.141(a)(6)):** The frequency of required training for air carrier personnel, which would be once every 12 months for personnel physically assisting passengers with disabilities, and once every three years for all other personnel.

3. **Pre-Departure Notifications (14 CFR 382.125(e)):** The requirement to inform passengers who check a wheelchair or other assistive devices of their rights to contact one of the air carrier's Complaint Resolution Officials and file a claim if their wheelchairs or other assistive devices are mishandled.
4. **Fare Difference Reimbursements (14 CFR 382.132):** The requirement to compensate passengers for the fare difference between their preferred flight and the flight they had to take when their preferred flight could not accommodate their wheelchair/assistive devices.

## History of Enforcement

DOT enforcement actions against carriers for violations of the Part 382 Non-Discrimination on the Basis of Disability in Air Travel regulations have historically been modest, with significant exceptions. In 2024, DOT imposed a \$50 million penalty against American Airlines for violations of laws and regulations protecting air carrier passengers with disabilities between 2019 and 2023. (Order 2024-10-15.) These violations include unsafe physical assistance, undignified treatment of wheelchair users, failures to provide prompt wheelchair assistance, and damaged or delayed wheelchairs. The \$50 million penalty was 25 times larger than DOT's previous largest air carrier penalty for violations of disability protections. The next most recent enforcement action for violations of disability-related regulations was in November 2022, when Etihad Airways was fined \$200,000 for improper handling of disability-related complaints, inaccuracies in the reporting of those complaints, and shortcomings in disability-related trainings. (Order 2022-11-7.)

The second Trump administration has yet to announce any enforcement action focused on the Wheelchair Rule specifically or violations of Part 382 more broadly. The DOT brought four enforcement actions for Part 382 violations under the first Trump administration, ranging in penalties from \$125,000 to \$400,000.

## Wheelchair Rule II

While the delay of the Wheelchair Rule is in effect, the DOT is evaluating another rulemaking that would directly address the Delayed Enforcement Regulations listed above. In the Spring 2025 Unified Agenda of Regulatory and Deregulatory Actions, the DOT published its intent to issue a Notice of Proposed Rulemaking for Wheelchair Rule II in August 2026, formally titled "Airline Obligations to Accommodate Air Travelers with Disabilities Using Wheelchairs," which will include:

5. the air carriers' liability when passengers' wheelchairs or other assistive devices are not timely returned in the condition they were received;
6. the frequency of required refresher training of air carrier employees and contractors;
7. pre-departure notifications to passengers who check wheelchairs or other assistive devices of their right to contact a Complaint Resolution Official and file a claim; and
8. reimbursements of the difference between the fare on a flight a wheelchair or assistive device user took, and the fare on a flight that the wheelchair or assistive device user would have taken if his or her wheelchair or scooter had been able to fit on the flight.

## Conclusion

This alert provides a brief overview of the DOT's delay in enforcement of the Wheelchair Rule, and the upcoming rulemaking for the Wheelchair Rule II. Please note there are additional, complex aspects of the Wheelchair Rule and Part 382, and the summary above is not intended to be comprehensive.

Baker Donelson will continue to track the anticipated Wheelchair II rulemaking, and issue an updated client alert once the Wheelchair Rule II NPRM is published, but if you or your company have any questions about compliance with the new regulations or any other DOT consumer protection regulations, please contact [Alexander T. Marriott](#), [Samuel Cottle](#), or a member of Baker Donelson's Aviation Team.