

general usage in this title (cf., §5-101 (j) of this title) and avoids a construction that would make this section apply to a mere passenger in an aircraft, even if he has no control over the manner in which it is operated.

In subsection (b) (1) of this section, the phrase "lawful existing use of the land ..." is substituted for "existing use to which the land ... is put by the owner", for clarity and to avoid an unintended reading that, for example, would permit interference with a lessee or other person lawfully using the property.

In subsection (c) (2) of this section, the term "a person" is substituted for "the owner or lessee ... {or} the airman" for simplicity.

The only other changes are in style.

As to subsection (b) (2) of this section, the Commission notes that the provision is limited only to danger to persons or property "lawfully" on the land or water. The General Assembly might consider whether or not the issue of lawful presence ought not be solely a matter between the owner of the property and the person using or on it. A pilot is rarely in the position to know whether the presence of persons on property below is in fact lawful, and, arguably, any reasonable belief that persons or property are below should be sufficient reason for caution against imminently dangerous flight.

As to subsection (c) (1) of this section, the Commission notes that the term "forced landing" has a technical - possibly unintended - narrow meaning, referring only to a mechanically necessary landing. A better term might be "emergency landing", which would include any landing required to preserve lives or property. For example, an aircraft about to run out of fuel short of its destination might have to make an "emergency landing"; this, in an appropriate spot of the pilot's choosing. A "forced landing" would occur only after the aircraft actually was out of fuel, leaving the pilot no real choice as to where to land.

5-1002. REGISTRATION OF AIRCRAFT.

(A) REGISTRATION REQUIRED.

EXCEPT AS OTHERWISE PROVIDED IN RULES AND