

REVISOR'S NOTE: This section presently appears as Art. 1A, §3-306.

The more general term "person" is substituted for "airman or passengers" since the latter is unnecessarily - and, apparently, unintentionally - overly limited in its scope.

The only other changes are in style.

The Commission is unsure of the reasons, if any, for this section's silence as to the liability of a pilot or lessee/operator of aircraft. (Compare this section with, e.g., §5-1005 of this subtitle.) Clarification might be appropriate.

5-1005. INJURIES TO PERSON OR PROPERTY; LIEN FOR DAMAGE.

(A) PRIMA FACIE LIABILITY OF OWNER AND LESSEE OF AIRCRAFT.

THE OWNER AND LESSEE OF AN AIRCRAFT OPERATED ABOVE THE LANDS AND WATERS OF THIS STATE ARE EACH PRIMA FACIE LIABLE, JOINTLY AND SEVERALLY, FOR ANY INJURY TO PERSONS OR PROPERTY ON THE LAND OR WATER BENEATH THAT IS CAUSED BY THE OPERATION OF THE AIRCRAFT OR BY THE FALLING OF ANY OBJECT FROM THE AIRCRAFT, UNLESS:

(1) THE INJURY IS CAUSED IN WHOLE OR IN PART BY THE NEGLIGENCE OF THE INJURED PERSON OR OF THE OWNER OR BAILEE OF THE INJURED PROPERTY; OR

(2) AT THE TIME OF THE INJURY, THE AIRCRAFT IS BEING USED WITHOUT CONSENT OF THE OWNER OR THE LESSEE, AS THE CASE MAY BE.

(B) PRESUMPTION REBUTTABLE.

THE PRESUMPTION OF LIABILITY ON THE PART OF THE OWNER OR LESSEE MAY BE REBUTTED BY PROOF THAT THE INJURY WAS NOT CAUSED BY NEGLIGENCE ON THE PART OF:

(1) THE OWNER OR THE LESSEE, AS THE CASE MAY BE;

(2) ANY PERSON OPERATING THE AIRCRAFT WITH THE PERMISSION OF THE OWNER OR LESSEE; OR

(3) ANY PERSON MAINTAINING OR REPAIRING THE AIRCRAFT WITH THE PERMISSION OF THE OWNER OR LESSEE.

(C) LIABILITY OF PERSON NOT OWNER OR LESSEE.

A PERSON WHO IS NOT THE OWNER OR LESSEE OF THE AIRCRAFT IS LIABLE ONLY FOR THE CONSEQUENCES OF HIS OWN NEGLIGENCE.