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CHAPTER 3.

UNIFORM STATE LAW FOR AERONAUTICS

**SECTION 55‑3‑10.** Short title.

This chapter may be cited as the Uniform State Law for Aeronautics.

HISTORY: 1962 Code Section 2‑1; 1952 Code Section 2‑1; 1942 Code Section 7111; 1932 Code Section 7111; 1929 (36) 220.

**SECTION 55‑3‑20.** Definitions.

In this chapter, "aircraft" includes balloon, airplane, hydroplane and every other vehicle used for navigation through the air. A hydroplane, while at rest on water and while being operated on or immediately above water, shall be governed by the rules regarding water navigation; while being operated through the air otherwise than immediately above water, it shall be treated as an aircraft. "Aeronaut" includes aviator, pilot, balloonist and every other person having any part in the operation of aircraft while in flight. "Passenger" includes any person riding in an aircraft but having no part in its operation.

HISTORY: 1962 Code Section 2‑2; 1952 Code Section 2‑2; 1942 Code Section 7100; 1932 Code Section 7100; 1929 (36) 220.

**SECTION 55‑3‑30.** Sovereignty.

Sovereignty in the space above the lands and waters of this State is declared to rest in the State, except where granted to and assumed by the United States pursuant to a constitutional grant from the people of this State.

HISTORY: 1962 Code Section 2‑3; 1952 Code Section 2‑3; 1942 Code Section 7101; 1932 Code Section 7101; 1929 (36) 220.

**SECTION 55‑3‑40.** Ownership.

The ownership of the space above the lands and waters of this State is declared to be vested in the several owners of the surface beneath, subject to the right of flight described in Section 55‑3‑50.

HISTORY: 1962 Code Section 2‑4; 1952 Code Section 2‑4; 1942 Code Section 7102; 1932 Code Section 7102; 1929 (36) 220.

**SECTION 55‑3‑50.** Flights and landings.

Flight in aircraft over the lands and waters of this State is lawful, unless at such a low altitude as to interfere with the then existing use to which the land or water, or the space over the land or water, is put by the owner or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the lands or waters of another without his consent is unlawful, except in the case of a forced landing. For damages caused by a forced landing, however, the owner or lessee of the aircraft or the aeronaut shall be liable, as provided in Section 55‑3‑60.

HISTORY: 1962 Code Section 2‑5; 1952 Code Section 2‑5; 1942 Code Section 7103; 1932 Code Section 7103; 1929 (36) 220.

**SECTION 55‑3‑60.** Liability and lien for damages.

The owner of every aircraft which is operated over the land or waters of this State is absolutely liable for injuries to persons or property on the land or water beneath caused by ascent, descent or flight of the aircraft or the dropping or falling of any object therefrom, whether such owner was negligent or not, unless the injury is caused in whole or in part by the negligence of the person injured or of the owner or bailee of the property injured. If the aircraft is leased at the time of the injury to person or property both owner and lessee shall be liable and they may be sued jointly or either or both of them may be sued separately. An aeronaut who is not the owner or lessee shall be liable only for the consequences of his own negligence. The injured person or owner or bailee of the injured property shall have a lien next in priority to the lien for State and county taxes on the aircraft causing the injury to the extent of the damage caused by the aircraft or object falling from it. A chattel mortgagee, conditional vendor or trustee under an equipment trust of any aircraft out of possession shall not be deemed an owner or lessee within the provisions of this section.

HISTORY: 1962 Code Section 2‑6; 1952 Code Section 2‑6; 1942 Code Section 7104; 1932 Code Section 7104; 1929 (36) 220; 1946 (44) 1371.

**SECTION 55‑3‑70.** Collisions.

Subject to the provisions of Section 55‑1‑10, the liability of the owner of one aircraft to the owner of another aircraft, or to aeronauts or passengers on either aircraft, for damage caused by collision on land or in the air shall be determined by the rules of law applicable to torts on land.

HISTORY: 1962 Code Section 2‑7; 1952 Code Section 2‑7; 1942 Code Section 7105; 1932 Code Section 7105; 1929 (36) 220.

**SECTION 55‑3‑80.** Crimes and torts.

All crimes, torts and other wrongs committed by or against an aeronaut or passenger while in flight over this State shall be governed by the laws of this State; and the question whether damage occasioned by or to an aircraft while in flight over this State constitutes a tort, crime or other wrong by or against the owner of such aircraft shall be determined by the laws of this State.

HISTORY: 1962 Code Section 2‑8; 1952 Code Section 2‑8; 1942 Code Section 7106; 1932 Code Section 7106; 1929 (36) 220.

**SECTION 55‑3‑90.** Contracts.

All contractual and other legal relations entered into by aeronauts or passengers while in flight over this State shall have the same effect as if entered into on the land or water beneath.

HISTORY: 1962 Code Section 2‑9; 1952 Code Section 2‑9; 1942 Code Section 7107; 1932 Code Section 7107; 1929 (36) 220.

**SECTION 55‑3‑100.** Trick flying and other misuse of aircraft.

Any aeronaut or passenger who, while in flight over a thickly inhabited area or over a public gathering within this State, shall engage in trick or acrobatic flying or in any acrobatic feat or shall, except while in landing or taking off, fly at such a low level as to endanger the persons on the surface beneath or drop any object except loose water or loose sand ballast shall be guilty of a misdemeanor and punishable by a fine of not more than one hundred dollars, or imprisonment for not more than thirty days, or both.

HISTORY: 1962 Code Section 2‑10; 1952 Code Section 2‑10; 1942 Code Sections 1130, 7108; 1932 Code Sections 1130, 7108; 1929 (36) 220.

**SECTION 55‑3‑110.** Hunting from aircraft.

Any aeronaut or passenger who, while in flight within this State, shall intentionally kill or attempt to kill any birds or animals shall be guilty of a misdemeanor and punishable by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or both.

HISTORY: 1962 Code Section 2‑11; 1952 Code Section 2‑11; 1942 Code Section 7109; 1932 Code Section 7109; 1929 (36) 220.

**SECTION 55‑3‑120.** Construction.

This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact substantially identical legislation and to harmonize, as far as possible, with Federal laws and regulations on the subject of aeronautics.

HISTORY: 1962 Code Section 2‑12; 1952 Code Section 2‑12; 1942 Code Section 7110; 1932 Code Section 7110; 1929 (36) 220.