

## Article - Transportation

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§5–1005.

(a) 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 them 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) 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) A person who is not the owner or lessee of the aircraft is liable only for the consequences of his own negligence.

(d) (1) The injured person or the owner or bailee of the injured property has a lien on the aircraft to the extent of the damage caused by the aircraft or the object falling from it, if he registers and records with the Administration a sworn notice of the lien within 30 days from the date of the injury. The notice of lien shall set forth in detail the injury or damage sustained by him or his property.

(2) A notice of a lien not so recorded is void against subsequent good faith purchasers and mortgagees without actual notice. The lien terminates on rebuttal of the prima facie liability by the owner or lessee of the aircraft.

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