

# THE LAWS

## AERONAUTICS

### CHAPTER 1.

SENATE BILL NO. 64

#### AERONAUTICS.

An Act Concerning Aeronautics and to make uniform the law with Reference Thereto.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. DEFINITION OF TERMS) In this Act, "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 then 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.

Sec. 2. SOVEREIGNTY IN SPACE.) 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.

Sec. 3. OWNERSHIP OF SPACE.) 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 4.

Sec. 4. LAWFULNESS OF FLIGHT.) 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 5.

Sec. 5. DAMAGE ON LAND.) The owner of every aircraft which is operated over the lands or waters of this State is absolutely liable for injuries to persons or property on the land or water beneath, caused by the 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 on the aircraft causing the injury to the extent of the damage caused by the aircraft or objects falling from it.

Sec. 6. COLLISION OF AIRCRAFT.) 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.

Sec. 7. JURISDICTION OVER 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.

Sec. 8. JURISDICTION OVER 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.

Sec. 9. DANGEROUS FLYING A MISDEMEANOR.) 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 \$500.00 or imprisonment for not more than one year or both.

Sec. 10. HUNTING FROM AIRCRAFT A MISDEMEANOR.) 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 \$100.00, or by imprisonment for not more than thirty days, or both.

Sec. 11 UNIFORMITY OF INTERPRETATION.) This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it, and to harmonize, as far as possible, with Federal laws and regulations on the subject of aeronautics.

Sec. 12. SHORT TITLE.) This Act may be cited as the Uniform State Law for Aeronautics.

Sec. 13. REPEAL.) All Acts or parts of Acts which are inconsistent with the provisions of this Act are hereby repealed.

Approved February 5th, 1923.