

ACT 326

H.B. NO. 1688

A Bill for an Act Relating to Uniform Aeronautics Act (Modified).

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 263-5, Hawaii Revised Statutes, is amended to read as follows:

“§263-5 Damage on land. The owner of every aircraft which is operated over the lands or waters of the State is [absolutely] presumed liable, except the owner of every aircraft operated for commercial use 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 the 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 the aeronaut’s own negligence. The injured person, or owner or bailee of 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.”

SECTION 2. Section 263-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Commercial use” includes the carriage in air commerce of persons or property for compensation or hire, and the lease or rental of any aircraft.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 26, 1987.)