

## CHAPTER 219—S. F. No. 387

*An act relating to aeronautics and to make uniform the law with reference thereto.*

Be it enacted by the Legislature of the State of Minnesota :

**Section 1. Definitions.**—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 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.

**Sec. 2. Sovereignty of air in state.**—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. Air rights of surface owner.**—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. Regulation of flight of aircraft.**—Flight in aircraft over the lands and waters of this state is lawful, unless at such low altitudes 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 or damaging 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. Owners of aircraft liable for injuries.**—The owner of every aircraft which is operated over the lands or waters of this state is absolutely liable for injuries or damage to persons or prop-

erty 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 or damage is caused in whole or in part by the negligence of the person injured, or of the owner or bailee of the property damaged. If the aircraft is leased at the time of the injury or damage to person or property, both the 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 damaged property, shall have a lien on the aircraft causing the injury or damage to the extent of such injury or damage caused by the aircraft or objects falling from it.

**Sec. 6. State law to govern as to crimes, etc., in 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. Contractual relations effective.**—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. Occupants of aircraft to be equipped with parachutes.**—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. Acrobatic flying prohibited in certain cases.**—Each occupant of any aircraft engaged in acrobatic or stunt flying shall be equipped with a parachute, and any aeronaut so operating such aircraft without the occupants being so equipped shall be guilty of a misdemeanor.

**Sec. 10. Certain acts 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.

**Sec. 11. Certain acts a misdemeanor.**—Any aeronaut or passenger who, while in flight within this state, shall intentionally kill or attempt to kill any birds or animals excepting those on which the state pays a bounty, shall be guilty of a misdemeanor.

**Sec. 12. Interpretation and construction.**—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. 13. Uniform state law for aeronautics.**—This act may be cited as the uniform state law for aeronautics.

**Sec. 14. Application.**—The provisions of this act shall not apply to naval or military aircraft whether owned by or used in the service of this state or the United States.

**Sec. 15. Inconsistent acts repealed.**—All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Approved April 17, 1929.

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#### CHAPTER 220—S. F. No. 837

*An act to amend Laws 1927, Chapter 329, being an act authorizing the Commissioner of Forestry and Fire Prevention, Department of Conservation, on behalf of the State of Minnesota, to accept as gifts, or to purchase in certain cases, small tracts of land for the use of the State in forestry and fire prevention work.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Commissioner of forestry may accept gifts.**—That Section 1 of Laws 1927, Chapter 329, be and the same hereby is amended so as to read as follows:

“Sec. 1. That the Commissioner of forestry and fire prevention, department of conservation, be and he hereby is authorized, on behalf of the State of Minnesota, to accept as gifts to the state the