

IC 8-21-4

Chapter 4. Uniform State Law for Aeronautics

IC 8-21-4-1

Definitions

Sec. 1. 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.

"Pilot" means the person who has final authority and responsibility for the operation and safety of an aircraft in flight.

(Formerly: Acts 1927, c.43, s.1.) As amended by P.L.66-1984, SEC.141; P.L.102-2015, SEC.5.

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Sovereignty

Sec. 2. 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.

(Formerly: Acts 1927, c.43, s.2.)

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Ownership of air space

Sec. 3. 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 of this chapter.

(Formerly: Acts 1927, c.43, s.3.) As amended by P.L.66-1984, SEC.142.

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Use of air space; landing on private property

Sec. 4. 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 water 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.

(Formerly: Acts 1927, c.43, s.4.)

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Collisions; liability

Sec. 5. The liability of the owner of one aircraft to the owner of another aircraft, or to aeronauts or passengers on either aircraft, for damages caused by collision on land, or in the air, shall be determined by the rules of law applicable to torts on land.

(Formerly: Acts 1927, c.43, s.6.)

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Liability; vicarious liability

Sec. 6. (a) All offenses, torts, and other wrongs committed by or against an aeronaut or passenger while in flight over Indiana shall be governed by Indiana laws; and the question whether damage occasioned by or to an aircraft while in flight over Indiana constitutes an offense, tort, or other wrong by or against the owner of the aircraft shall be determined by Indiana laws.

(b) This article does not impose vicarious liability for damages on an owner of an aircraft who is not the pilot unless:

- (1) the owner engages in negligent, reckless, knowing, intentional, or unlawful conduct that is the proximate cause of the damages;
- (2) an agency relationship exists between the owner and the person who proximately caused the damages; or
- (3) the owner's liability is based on the doctrine of respondeat superior.

(c) This article is not intended to modify or amend Indiana law with respect to:

- (1) bailments; or
- (2) bailor liability.

(Formerly: Acts 1927, c.43, s.7.) As amended by Acts 1978, P.L.2, SEC.861; P.L.102-2015, SEC.6.

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Contracts entered while in flight

Sec. 7. All contractual and other legal regulations 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.

(Formerly: Acts 1927, c.43, s.8.)

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Operation of aircraft while under influence of liquor or drugs; health disorder; dropping objects while in flight; offenses

Sec. 8. It is a Class B misdemeanor for a person to operate an aircraft while he is under the influence of intoxicating liquor or a

controlled substance. It is a Class B misdemeanor for a person to operate an aircraft if he has been diagnosed by a physician as having an active case of epilepsy or similar disorders characterized by lapses of consciousness, or if he is under the influence of any drug or medicine for treatment of such a disorder which may bring about lapses of consciousness. It is a Class B misdemeanor for a person in an aircraft to drop anything from an aircraft in flight which may create any hazard to persons or property.

(Formerly: Acts 1927, c.43, s.9; Acts 1947, c.42, s.1; Acts 1951, c.39, s.1.) As amended by Acts 1978, P.L.2, SEC.862.

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Killing any birds or animals; offense

Sec. 9. A person who, while in flight in an aircraft, intentionally kills a bird or animal commits a Class B misdemeanor.

(Formerly: Acts 1927, c.43, s.10.) As amended by Acts 1978, P.L.2, SEC.863.

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Construction of chapter

Sec. 10. This chapter 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.

(Formerly: Acts 1927, c.43, s.11.) As amended by P.L.66-1984, SEC.143.

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Title

Sec. 11. This chapter may be cited as the "Uniform State Law for Aeronautics".

(Formerly: Acts 1927, c.43, s.12.) As amended by P.L.66-1984, SEC.144.