

Sole Paragraph. There shall be no compensation if the aid has been refused expressly and with good reason.

Art. 123. An agreement for aid or rescue made in the moment of peril or while under its influence shall be subject to amendment or annulment by a court whenever the compensation is deemed excessive.

Art. 124. The compensation shall be computed on the following basis:

a) the effectiveness of the rescue, the effort and merit of those who took part in it, the risks which they incurred, the time expended, the expenses or damages which they sustained;

b) the value of the thing or person that has been rescued, limited to a maximum of one hundred thousand cruzeiros (Cr\$100,000.00) for each salvage.

Art. 125. In the case of salvage of an aircraft, the owner of the baggage or merchandise being transported shall contribute an amount proportionate to the respective value.

Art. 126. In the case of salvage operations involving air mail, the carrier thereof shall contribute an amount proportionate to the charges.

CHAPTER VIII—MIDAIR COLLISIONS AND ACCIDENTS

Art. 127. A midair collision shall be deemed any collision between two or more aircraft in motion.

Sole Paragraph. The damages caused by an aircraft in motion to another aircraft also in motion and to persons aboard, shall be deemed losses of midair collision even though they are not the result of a collision.

Art. 128. The duty of indemnification for losses in case of a collision shall attach to the operator of the aircraft at fault.

Art. 129. Whoever has the aircraft within his control and who uses it for his own benefit shall be deemed the operator thereof.

Sole Paragraph. In case that the name of the operator is not recorded in the Brazilian Registry of Aircraft, the owner shall be deemed the operator, absent proof to the contrary.

Art. 130. If both of the aircraft in collision be at fault, the liability shall be divided in proportion to the gravity of the errors committed.

Sole Paragraph. In the event that it is impossible to establish the proportion, the liability shall be divided equally.

Art. 131. Notice of the collision to the authorities at the airport nearest to the accident shall be required for the limits of liability set forth in this Code to be in effect, provided however that the aircraft are subject to the jurisdiction of Brazil.

Sole Paragraph. Over the high seas, this notice shall also be required of Brazilian aircraft.

Art. 132. With respect to a serious accident in commercial aviation, the principles of maritime commercial law shall apply as well as the provisions of mercantile law pertinent to that medium, and in that case the aircraft shall be treated as a ship.

Sole Paragraph. A minor or special accident shall be controlled by the provisions of the common law.