

THIRD SECTION. DAMAGES TO THIRD PERSONS OR PROPERTY ON THE GROUND

Article 245. The operator of any civil aircraft that flies over Honduran territory shall be liable for damages and injuries that may be caused to third persons or property on the ground.

Any person who suffers damages shall have the right to payment therefor under the conditions established in this law by proving that the damages were caused by an aircraft in flight or by a person or thing falling from the aircraft. However, no payment shall be in order if the damages are not the direct consequence of the event that caused such damages or if they are due to the mere fact of passage of the aircraft through the air space, in conformity with the regulations on air flight.

Article 246. For purposes of the liability specified in the preceding article, the operator shall be deemed to be:

- a) The air transportation company;
- b) The carrier;
- c) The natural or legal person to whom the authorization was granted, insofar as paid private air services are concerned; and,
- d) The owner of the aircraft when private aircraft used for the private purposes of the owner without remuneration is concerned.

Article 247. For the purposes of this law, an aircraft shall be considered in flight from the time that it applies its engines to take off until it finishes landing. If it concerns an aircraft lighter than the air, the expression "in flight" shall be applied to the period covered from the time it leaves the ground until the time when it is again secured to the ground.

Article 248. Any person who, without having the use of an aircraft, uses it without the consent of the operator, shall be liable for any damages caused. The operator who has not taken adequate measures to avoid unlawful use of his aircraft shall be jointly liable with the person who causes the damage.

Article 249. No person liable for damages to third parties under this section shall be liable for damages that are the direct consequences of armed conflict or civil disturbance or if he has been deprived of the use of the aircraft by an act of a public authority.

Article 250. Liability for damages to third parties may be excluded or diminished when the person who has suffered the damages has caused, or contributed to causing them.

Article 251. Compensation due for damages and injuries under Article 245 by persons liable under this law shall not exceed for each accident:

- a) Twenty thousand lempiras for an aircraft whose weight does not exceed 1,000 kilograms;
- b) Twenty thousand lempiras, plus twenty lempiras for each kilogram over one thousand kilograms for aircraft that weigh more than one thousand but not exceed six thousand kilograms;
- c) Eighty thousand lempiras, plus twelve lempiras for each kilogram over six thousand kilograms for aircraft that weigh more than six thousand but not exceeding twenty thousand kilograms;