

2) For purposes of this article, "weight" shall mean the maximum weight of the aircraft as authorized for take-off by its certificate of airworthiness.

3) The compensation in case of death or injuries shall not exceed eight thousand three hundred *balboas* (B/8,300.00) per person killed or injured.

Article 187. Total Indemnity.

When two (2) or more persons are liable for the damage or in case of a registered owner who, without being the operator, is considered liable pursuant to the provisions of Article 183, third paragraph, the persons who suffer the damage shall not have a right to an indemnity, against any of the persons liable, greater than the maximum which may be specified in the provisions of this Law.

Article 188. Distribution of Compensation.

If the total compensation specified exceeds the limit of applicable liability pursuant to the provisions of this Law, the following rules shall apply with due regard to the provisions of Section 3 of Article 186:

a) If the compensation refers solely to death or injuries or solely to property damage, it shall be reduced in proportion to the respective amounts;

b) If the compensation refers to both death or injury and to property damage, half of the distributable amount shall first be applied to cover the compensation for death and injury and if the amount is insufficient, it shall be distributed proportionately among the creditors in the case. The remainder of the total distributable amount shall be pro-rated between the compensation due for property damage and the unpaid portion of the other compensations.

CHAPTER III. LIABILITY IN COLLISION CASES

Article 189. Liability for Collision.

When two (2) or more aircraft in flight collide or damage each other, the liability shall be determined as follows:

a) If the evidence shows that negligence by the operator of one of the aircraft or of his agents acting in the performance of their functions, to be the cause of the damage to the other aircraft or of injury to persons or objects aboard it or them, the operator shall be liable for all damages;

b) If the damage was caused by negligence of the operators of two (2) or more aircraft, each one is liable with respect to the others for damages suffered by them proportionate to the gravity of his respective negligence.

Article 190. Limits of Liability for Collision.

With the exception of Article 200, the liability of any aircraft operator involved in a collision may not be higher than the following limits:

a) for destruction of or damage to the other aircraft, the value of the aircraft prior to the collision, or the cost of repairs if the latter is the lesser amount of the two;

b) for deprivation of use of the aircraft, 10% of the amount specified in Section (a) above;