

for an amount exceeding the limitations applicable to his aircraft, unless his liability is unlimited as provided for in Article 125.

Article 127. If the amount of compensations fixed exceeds the applicable limitations on liability, the following rules shall be observed, taking into consideration the provisions of Article 124, paragraph 2:

a) If the compensation refers solely to cases of death or injury, or solely to damage to property, the respective amounts shall be proportionately reduced;

b) If the compensation refers to both death or injury and to damages to property, one-half the amount to be distributed shall be destined to cover the compensation for death or injury, and if this sum is inadequate, shall be distributed proportionately among the various debts in the case. The remainder of the total amount to be distributed shall be prorated between the compensation due for damage to property and the uncompensated proportion of the other compensations.

Article 128. The provisions of this Code shall not be applicable:

a) To damages caused to an aircraft in flight or to persons or property on board same;

b) To damages on ground if the liability is governed by a contract between the person suffering the same and the operator or person who has the right to use the aircraft at the time the damage occurs, or by labor laws applicable to the labor contract celebrated between such persons.

CHAPTER III. DAMAGES CAUSED DURING GRATUITOUS TRANSPORTATION

Article 129. In cases of damage caused on occasions of gratuitous transportation by an air carrier, the provisions of Chapter I of this Title shall apply.

Article 130. In transportation made by private persons on a basis of friendship or courtesy, the liability shall be limited to damages arising from acts or omissions of the carrier or his employees with intention to cause the damage, or with recklessness and knowledge that they probably would cause damage.

TITLE IX. COLLISIONS AND AVERAGES

CHAPTER I. MIDAIR COLLISIONS

Article 131. 1) By collision shall be understood a collision between two or more aircraft in motion. Collision shall also be deemed the causing of damages to aircraft in motion even if there is not a true collision. An aircraft shall be deemed in motion when it lifts from the land surface by its own power or when it is in flight. An aircraft shall be in flight from the moment it applies power to rise until it completes its landing run.

2) The damages which give an operator a right to reparation in accordance with this Chapter, shall include compensation paid on a compulsory basis by such operator as a direct consequence of the collision.

3) With the exception of cases of recovery actions between the operator of the aircraft or his employees, and the operator of another