

CHAPTER XIII—LIABILITY FOR DAMAGES

Section One—Damages to passengers

Article 342. Carriers holding licenses and permits for the public air transportation service, both scheduled and non-scheduled, shall be liable for damages caused by such transportation, as follows:

a). For the death and injuries to passengers, or other damage suffered;

b). For destruction of, or damage to passengers' baggage;

c). For delays in transportation.

For the purposes of this Law, it shall be understood that damage has been caused by transportation if it results from events occurring from the moment the passenger boards the plane until he disembarks, whether at the termination of the trip provided for in the transportation contract or in case of forced or accidental landing.

Article 343. In the cases provided for in clause a) of the preceding Article, the carrier must pay to the victim:

I. The sum of \$50,000.00 [pesos] for death or permanent total disability;

II. Up to a maximum of \$20,000.00 [pesos] for injuries causing permanent partial disability;

III. Up to a maximum of \$10,000.00 [pesos] for injuries causing partial temporary disability.

The amount of the damages payable in the cases provided for in clauses II and III of this Article shall be determined in accordance with the table of indemnities contained in the Regulations.

The carrier shall guarantee payment of the damages provided for in this Article at the time it obtains the license or permit, in any of the following forms:

a). By means of insurance obtained from a duly authorized company, in such a way that its liability is covered to the satisfaction of the Secretariat of Communications;

b). By means of a deposit in cash with *Nacional Financiera S.A.* for such amount as will guarantee the risk, in accordance with the provisions of the Regulations.

Without prejudice to the damages mentioned in the preceding paragraphs of this Article, the company shall be in addition, liable to a maximum of \$75,000.00 [pesos] in case of death or permanent total disability up to \$25,000.00 [pesos] for other injuries to a person.

Nevertheless the carrier shall not be granted the benefit of a limitation of liability provided for by this Article if it is proved that the damages were due to fraud of the carrier, its clerks or employees.

Article 344. The indemnity for destruction of or damage to passengers' baggage shall be limited to a maximum of \$100.00 [pesos]. There shall be no limitation as herein established if it is proved that there was fraud or gross negligence on the part of the carrier, its clerks or employees.

Article 345. The carrier must pay compensation to the passenger for any damage caused to him due to delays in transportation. This damage shall be limited to a maximum equal to the agreed price for the transportation.

Article 346. The carrier shall be exempt from liability under this Section in the following cases: