

PART IV. LEGAL REGULATIONS DERIVED FROM AIR
NAVIGATION

TITLE I. LIABILITY

Article 99. All companies and other entities and persons who, for profit, operate any aviation equipment in civil transportation, shall be liable up to the amount of twenty thousand *colonos* on the life of each passenger or crew member who suffers an accident caused fortuitously or through *force majeure*, from which injury or death results caused by the transportation. Such liability must be covered by insurance against all risks which cause bodily injury, organic or functional, total or partial disability, permanent or temporary; death caused by external and accidental causes, or as result of suppurative infections in wounds directly received during the transport service.

Article 100. In all air accidents which cause death or injury to passengers or crew members, the insurer shall pay immediately the respective indemnities, as soon as these have been determined to be a consequence of the disaster. In case of death, the principal sum shall be delivered to the competent civil authority in order that he may distribute it to the legal heirs in accordance with the provisions on succession. In the absence of insurance, the carrier shall pay the indemnities which are in order, in the manner above prescribed.

Article 101. Without prejudice to the provisions of Article 99, the victim of an accident or his successors may claim legally the compensation which other laws establish, when the competent judicial authority has declared in the respective case that there has been fraud or negligence in the observance of this law or the regulations issued thereunder on report of the airline company, person, entity, or by members of the crew and employees.

Article 102. The carrier incurs no liability for accidents intentionally caused by the victim or occurring on entering or leaving the aircraft when it is stationary or in motion, if there is gross carelessness or negligence on the part of the injured person, or if it is caused by his own violations of safety measures.

Article 103. Every civil aviation company shall be liable for damages and injuries caused to persons or private property as a result of a forced landing, or the crash of an aircraft or of objects falling or thrown therefrom. This liability, as well as that arising from accidents caused by an aircraft on the ground to persons or property unrelated to its operations or arising from negligence in the handling of flight equipment or land transportation, or from gross negligence of the companies' employees or agents, shall be governed by the general laws of the Republic. In cases of loss of, or damage to merchandise and baggage, the provisions of the Transportation Law shall govern and the carrier's liability shall be limited to the declared value.

Article 104. Civil liability of foreign or national companies in international transportation shall be governed primarily by the international conventions in force in the Republic.

Article 105. For purposes of compensation it shall be presumed, unless proved to the contrary, that death has occurred in the case of passengers and crew members of any aircraft whose disappearance has occurred three months previously and whose location remains unknown.