

testify to their value, this will be appraised according to its quotation in the local market; however, liability value of Q2.00 per kilogram of the total weight of the merchandise transported.

In the case of loss or theft of merchandise or baggage, the liability of the carrier shall be the same as stipulated above.

*Article 102.* With respect to baggage and merchandise transported, the carrier shall give a choice to the passenger or shipper to fix a reasonable value for his property and shipment, provided that for valuations which exceed the limits mentioned above, the passenger or shipper shall pay the corresponding additional tariffs which have been approved by the Ministry of Communications and Public Works.

*Article 103.* Civil liability of foreign or national carriers in the case of international transport shall be governed by international conventions in force, duly adhered to, and ratified by the Republic of Guatemala, or which may be adhered to and ratified in the future. In the absence of such conventions, this law and the other pertinent laws of the Republic shall govern, when the damage has occurred in the national territory.

*Article 104.* Any agreement between a carrier and its passengers or shippers which stipulates a lesser liability than that prescribed in this law shall be void and without legal effect.

*Article 105.* All air carriers shall be subject to strict liability for any damages caused to persons or private property by reason of the crash of an airplane or forced landings, or objects falling or thrown out of an airplane, when such damages occur in Guatemalan territory. However, the respective indemnifications shall be limited to a maximum for each accident of Q5,000.00 per person and of Q40,000.00 for the total value of persons or property injured, destroyed or damaged.

*Article 106.* In all cases where the person injured or killed, or the owner, shipper or custodian of the merchandise transported or the goods damaged on the ground, is at fault, the liability of the carrier shall be lessened or extinguished depending on the degree to which it is proved that such fault or negligence contributed to, or caused the damages and injuries.

*Article 107.* No carrier may take advantage of the maximum limits of liability fixed by this law when the accident or damages may be imputable to criminal or intentional acts and omissions of said carrier, without thereby affecting the criminal liabilities arising therefrom.

*Article 108.* With respect to accidents caused by an airplane on the ground to third persons or to the property of third persons, or through negligence in the handling of flight equipment or ground transport, or through the fault of ground employees or subordinates of the carrier, the liability of public carriers shall be governed by the common laws of the Republic.

*Article 109.* Every public carrier, foreign as well as national, which operates in the country shall have a duty to take out insurance to cover its liability towards passengers, shippers and third persons, at least up to the maximum amounts established by this law; such policies shall be taken out with insurance companies of recognized solvency.

*Article 110.* With regard to liability toward its employees, laborers or workers in the country, public carriers shall be governed by the existing or future provisions of the laws and regulations of Guatemala on the matter.