

(S. B. 2057)

**(No. 143)**

(Approved August 1, 2008)

**AN ACT**

To establish the “Good Samaritan Act for collaborators in a construction affected by a natural disaster.”

**STATEMENT OF MOTIVES**

Towards the mid of the past century, it became necessary to establish the concept of “Good Samaritan” since physicians were reluctant to provide medical assistance in cases of emergency for fear of being sued for professional malpractice. It is for such reason that in 1959, the State of California passed the “Good Samaritan Law,” thus becoming the first state of the United States to approve this type of legislation.

Act No. 139 of June 3, 1976, as amended, known as the “Good Samaritan Act of 1976,” was approved in Puerto Rico for the purpose of exonerating physicians and health professionals who render their services voluntarily and gratuitously to any person who is involved in an emergency situation of civil responsibility, in the case said physicians should cause injuries to said persons.

On the other hand, one of the essential missions of the Government of the Commonwealth of Puerto Rico is to promote the fraternal and courteous behavior among Puerto Ricans in order to attain a more united society.

A step towards achieving the abovestated is through the approval of legislation that enables protection for those persons that offer their help in a

gratuitous and unselfish manner, from possible and involuntary damages that could result from their actions. Thus, the present measure extends the concept of “Good Samaritan” to those architects and engineers of a work that has been affected by a natural disaster and as a result thereof take action voluntarily and gratuitously, in spite of having no legal or contractual obligation to render their services.

The essential reason for applying the above indicated concept and its consequences to collaborators in construction sites is to motivate and encourage these professionals to render their services without any cost whatsoever in order to collaborate in the reconstruction of a real property that has been affected by a natural disaster. In this manner, the state endorses the humanitarian and supportive conduct of said professionals and protects them of eventual construction defects that could arise subsequently by exonerating them from civil responsibility.

However, the actions of the construction professionals shall only be exempted from responsibility provided they do not incur gross negligence or when their actions are not originated with the purpose of causing any damage.

For the reasons stated above, this Legislature deems it necessary and convenient to encourage and promote solidarity among the Puerto Rican people by protecting the persons who render their services unselfishly.

**BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**

Section 1.- Short Title

This Act may be cited as the “Good Samaritan Act for collaborators in a construction affected by a natural disaster.”

Section 2.- Definitions

The following terms shall have the meaning stated hereinbelow:

- A. Architect: Shall mean that person who is licensed, as provided in Act No. 173 of August 12, 1988, as amended, known as the “Board of Examiners of Engineers, Architects, Surveyors and Landscape Architects of Puerto Rico Act.”
- B. Engineer: Shall mean that person who is licensed, as provided in Act No. 173 of August 12, 1988, as amended, known as the “Board of Examiners of Engineers, Architects, Surveyors and Landscape Architects of Puerto Rico Act.”
- C. State of Emergency: Shall mean those cases in which the Governor of the Commonwealth of Puerto Rico declares a state of emergency caused by a hurricane, earthquake, tornado, fire, explosion, landslide, flooding or other natural or catastrophic disaster.

Section 3.- Every architect, engineer or construction personnel under his/her supervision, who voluntarily without any compensation and by petition or with the approval of an officer or a federal or state employee, a member of the Puerto Rico or Municipal Police or a housing inspector of the Commonwealth of Puerto Rico, acting in his/her official capacity who renders services or architectural, structural, electrical or mechanical inspections or other engineering or architectural service when a state of emergency has been declared by the Governor of the Commonwealth of Puerto Rico, shall not be liable for any type of bodily injury, death or property damage or any other loss related to his/her acts, errors or omissions caused in the performance of his/her functions.

Section 4.- This exoneration from responsibility shall only be applicable when the architects or engineers act free of charge and voluntarily without having any legal or contractual relation whatsoever, and when they have not acted with gross negligence nor have had the purpose of causing any damage.

Section 5.- Effectiveness.- This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 143 (S.B. 2057) of the 7<sup>th</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to establish the “Good Samaritan Act for collaborators in a construction affected by a natural disaster,”

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 30<sup>th</sup> of June of 2009.

Solange I. De Lahongrais  
Director