

(S. B. 260)

(No. 61)

(Approved August 5, 2009)

AN ACT

To amend Sections 2, 3, and 4 of Act No. 143 of August 1, 2008, known as the “Good Samaritan Act for Collaborators in a Construction Affected by a Natural Disaster,” for the purpose of including land surveyors among the professions covered by this Act.

STATEMENT OF MOTIVES

In mid-20th century, it was necessary to establish the “Good Samaritan” concept due to the fact that doctors were reluctant to provide their professional services in cases of emergency for fear of a malpractice suit. Thus, in 1959 the state of California passed the “Good Samaritan Act,” and became the first state in the United States to approve this kind 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 from civil liability any doctor and health professional who render their services voluntarily and free of charge to any person in an emergency situation should such professional cause any harm to those persons.

On the other hand, one of the essential missions of the Government of the Commonwealth of Puerto Rico is to promote brotherly and courteous behavior among Puerto Ricans to achieve social cohesion.

A step toward achieving the aforesaid is the approval of legislation that enables the protection of persons who render services gratuitously and selflessly from any potential involuntary harm that their actions may cause. Hence, this

measure extends the “Good Samaritan” concept to land surveyors rendering services in works affected by a natural disaster, who are not legally or contractually bound to render their services, but rather have acted voluntarily and free of charge.

The main reason to apply the aforementioned concept and its consequences to construction works collaborators is to foster and encourage such professionals to render their services free of charge in order to collaborate in the reconstruction of a real property that has been affected by a natural disaster. In this manner, the Commonwealth supports the humanitarian and caring behavior of those professionals and protects them from possible construction defects that may subsequently arise, exonerating them from civil liability.

However, the actions of construction professionals shall only be exempted from liability insofar as they do not incur in gross negligence or take actions for the purpose of causing any harm.

For all of the foregoing, this Legislature deems it necessary and convenient to foster and encourage solidarity among the people of Puerto Rico, protecting the persons who render their services selflessly.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 2 of Act No. 143 of August 1, 2008, is hereby amended to read as follows:

“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. Land Surveyor: Shall mean a 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.”

D. 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 2.- Section 3 of Act No. 143 of August 1, 2008, is hereby amended to read as follows:

“Section 3.- Every architect, engineer, land surveyor, 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, architectural, or land surveying 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 3.- Section 4 of Act No. 143 of August 1, 2008, is hereby amended to read as follows:

“Section 4.- This exoneration from responsibility shall only be applicable when the architects, engineers or land surveyors 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 harm.”

Section 4.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 61 (S. B. 260)** of the **1st Session of the 16th Legislature** of Puerto Rico:

AN ACT to amend Sections 2, 3, and 4 of Act No. 143 of August 1, 2008, known as the “Good Samaritan Act for Collaborators in a Construction Affected by a Natural Disaster,” for the purpose of including land surveyors among the professions covered by this Act.

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

In San Juan, Puerto Rico, this 15th day of October, 2010.

Solange I. De Lahongrais, Esq.
Director