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CH. 3 LIABILITY OF OFFICERS AND EMPLOYEES

CHAPTER 3
LIABILITY OF OFFICERS AND EMPLOYEES

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§ 3101. Definition: Local Governing Body.

As used in this Chapter, local governing body means the government of Guam and any other political subdivision of this Territory which hereafter may be created.

SOURCE: GC § 3200.

§ 3102. Same: Public Property.

As used in this Chapter, public property means public street, highway, bridge, building, park, grounds, works or property.

SOURCE: GC § 3201.

§ 3103. Duty or Liability Not Enlarged.

This Chapter shall not be construed as enlarging the duty or liability of any public officer.

SOURCE: GC § 3202.

§ 3104. Liability of Officer for Damage or Injury From Defective or Dangerous Condition of Public Property.

No officer of a local government body is liable for any damage or injury to any person or property resulting from the defective or dangerous condition of any public property, unless all of the following first appear:

- (a) The injury sustained was the direct and proximate result of such defective or dangerous condition.
- (b) The officer had notice of such defective or dangerous condition or such defective or dangerous condition was directly

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attributable to work done by him, or under his direction, in a negligent, careless or unworkmanlike manner.

(c) He had authority and it was his duty to remedy such condition at the expense of the local governing body and that funds for that purpose were immediately available to him.

(d) Within a reasonable time after receiving such notice and being able to remedy such condition, he failed to take reasonable steps to give adequate warning of such condition.

(e) The damage or injury was sustained while such public property was being carefully used, and due care was being exercised to avoid the danger due to such condition.

SOURCE: GC § 3203.

§ 3105. Liability of Officer for Moneys Stolen.

No officer of a local governing body is liable for moneys stolen from his custody unless the loss was sustained because the officer failed to exercise due care.

SOURCE: GC § 3204.

§ 3106. Personal Liability for Negligence of Others.

No officer of a local governing body whose sole compensation by virtue of his office is a fixed salary established by the Legislature or local governing body shall be personally liable for the negligent act or omission of any deputy or employee serving under him and performing the duties of his office, where the appointment or qualification of such deputy or employee is required to be and has been approved by the local governing body, unless the officer failed to exercise due care in the selection, appointment or supervision of such deputy or employee, or negligently failed to suspend or secure the discharge of such deputy or employee after knowledge or notice of his inefficiency or incompetency.

Nothing in this Section shall be interpreted as placing any liability upon the principal officer for the act of a deputy or employee unless such liability is otherwise imposed upon the principal officer by law.

SOURCE: GC § 3205.

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§ 3107. Same: Appointee or Employee.

No member of any local governing body is liable for the negligent act or omission of any appointee or employee appointed or employed by him in his official capacity, whether the appointment or employment was made singly or in conjunction with other members of the local governing body, unless the member or members of the local body making the appointment either:

(a) Knew or had noticed that the person appointed or employed was inefficient and incompetent to perform or render the service or services for which he was appointed or employed.

(b) Retained such inefficient or incompetent person after knowledge or notice of such inefficiency or incompetency.

SOURCE: GC § 3206.

§ 3108. Acts Pursuant to Invalid Law.

If any officer, agent or employee of a local governing body acts in good faith and without malice under the apparent authority of any law of Guam declared to be null and void as in conflict with either the Organic Act of Guam or the Constitution of the United States, he is not civilly liable in any action in which he would not have been liable if the law had not been declared unconstitutional, nor is he liable to any greater extent than he would have been if the law had not been declared unconstitutional.

SOURCE: GC § 3207.
