

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

Office of the Secretary

16 JUL 19 11:18

SENATE

S. No. 467

Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
CREATING THE AMUSEMENT INDUSTRY SAFETY BOARD THEREBY
STRENGTHENING THE AMUSEMENT PARKS AND RIDES INDUSTRY,
INSTITUTING SAFETY STANDARDS AND PROVIDING FUNDS THEREFOR

EXPLANATORY NOTE

Amusement parks usually include a collection of rides and entertainment that caters to adults, teenagers and children. It continues to be visited by many Filipinos and it serves as one of the places of recreation and leisure.

However, there is no single government agency which is primarily tasked to oversee and regulate the operation of amusement parks. Also, there are no specific standards that ensure the safe operation and maintenance of the rides in these theme parks. Although the Local Government Units (LGUs) have the authority to issue a permit to operate to amusement parks, LGUs do not have power over the operation of these establishments to ensure that the rides comply with the highest safety standards.

In recognition of the urgent need to protect the general public patronizing these theme and amusement parks against unreasonable risks, a legislation which the main purpose is to prevent accidents through early identification of unsafe amusement rides is highly important.

This bill seeks to create an Amusement Industry Safety Board which shall serve as the sole regulating body on all matters pertaining to amusement rides and devices. The bill also finds it necessary for the amusement rides to be inspected four (4) times annually by a certified amusement ride inspector, and before daily operation by the owner or operator of the amusement ride. The bill further provides incentives to enterprises engaged in the Amusement Industry.

In view of the foregoing, the immediate approval of this bill is earnestly sought.


ANTONIO "SONNY" F. TRILLANES IV
Senator


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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

CHAPTER 1
GENERAL PROVISIONS

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SECTION 1. Short Title. – This Act shall be known as the “*Amusement Industry Safety Board Act.*”

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to recognize the vital role of the youth in nation-building and to promote and protect their physical, moral, spiritual, intellectual, and social well-being. Towards this end, amusement parks are established primarily for the youth and consequently, an Amusement Industry Safety Board is deemed essential to protect the physical well-being of the youth while they are in amusement parks and rides.

It is, likewise, the policy of the State to recognize the indispensable role of the private sector, encourage private enterprise and provide incentive to needed investments. In the same manner, the State shall provide fiscal incentive systems to encourage needed investments and to reward performance of the business sector contributing to economic development.

SEC. 3. Principles and Objectives. – The State shall ensure the safe operation and maintenance of rides and devices, safety of riders against direct and indirect hazards in amusement parks, and in particular the protection of:

- 1 a. Patrons or riders, tourists against hazards associated with operation of these
2 establishments;
- 3 b. Operators in imposing and enforcing reasonable safety rules against non-
4 compliant behaviour of patrons or riders;
- 5 c. The amusement industry in complying with the recognized standards, set of
6 procedures and guidelines to further ensure the quality and safety of amusement
7 ride and devices.
- 8

9 **SEC. 4. Definition of Terms.** – As used in this Act, the following term, words and
10 phrases shall have the following definitions:

11

- 12 a. *Accredited amusement safety inspector* – refers to an individual who is accredited
13 by the Board and certified by the Bureau of Product Standards of the Department
14 of Trade and Industry, to inspect and certify that the amusement rides and devices
15 pass the safety standards;
- 16
- 17 b. *Amusement Industry* – refers to the collective term for the fairgrounds and
18 amusement park industry which includes the people who design, manufacture,
19 supply, control, operate, attend, maintain and carry out inspection of articles of
20 fairground equipment and other attractions at fairgrounds and amusement parks;
- 21
- 22 c. *Amusement Park* – refers to a fixed tract, area or site principally and commercially
23 used by an enterprise as a permanent location for amusement structures,
24 mechanical rides, devices and attractions, including theme parks;
- 25
- 26 d. *Amusement ride or amusement device* – refers to a device or a combination of
27 devices or elements that carry, convey, or direct a person(s) over or through a
28 fixed or restricted course or within a defined area, for the primary purpose of
29 amusement or entertainment; where the term “amusement ride” or the word “ride”
30 are used in this Act, their meaning shall correspond with the term “amusement
31 device” as herein defined;
- 32
- 33 e. *Board* – refers to the Amusement Industry Safety Board;

- 1 f. *Carnival or "Peryahan"* – refers to a mobile enterprise principally devoted to
2 offering amusement or entertainment to the public in, upon, or by means of
3 portable or movable amusement rides or devices or temporary structures in any
4 number combination, whether or not associated with other structures or forms of
5 public attraction, including but not limited to "peryahan" on special occasions like
6 school fairs, fiestas, and "tiangges";
7
- 8 g. *Fairground* – refers to any part of premises which is for the time being used
9 wholly or mainly for the operation of any fairground equipment other than a coin
10 operated ride or non-powered children playground equipment. It includes both
11 fixed amusement park and temporary sites;
12
- 13 h. *Illness* – refers to a personal discomfort as a result of food poisoning, drug abuse,
14 toxic inhalation, insect sting or other similar occurrence that requires treatment;
15
- 16 i. *Injury* – refers to a sustained bodily harm resulting in treatment such as, but not
17 limited to trauma, cuts, bruises, burns and sprains;
18
- 19 j. *Installation* – refers to the actual act of onsite construction or the physical setting
20 up and making ready for use of an amusement ride or device;
21
- 22 k. *Major Modification or alteration* – refers to any change in either the structural or
23 operational characteristics of the ride of device which will alter its performance from
24 that specified in the manufacturer's design criteria;
25
- 26 l. *Minor Injuries/illness* – refers to an injury and illness that may or may not require
27 emergency first aid or significant treatment, or both;
28
- 29 m. *Owner* – refers to a person who owns, leases, or manages the operation of
30 amusement ride or device;
31
- 32 n. *Ride Attendant* – refers to any person who is appointed to work under the control
33 and direction of an operator to assist in the operation of an amusement device;

1 o. *Ride Operator* – refers to any individual having direct control of the starting,
2 stopping, or speed control or proper functioning of an amusement ride or device;
3 and

4
5 p. *Rider/patron* – refers to an individual who is:

- 6 1. waiting in the immediate vicinity of an amusement park or carnival;
- 7 2. boarding an amusement ride or attraction;
- 8 3. on an amusement ride before, during and after its operation;
- 9 4. leaving or approaching an amusement ride or device and in its immediate
10 vicinity.

11 CHAPTER II

12 THE AMUSEMENT INDUSTRY SAFETY BOARD, COMPOSITION, PWOERS AND 13 FUNCTIONS 14

15
16 **SEC. 5. *Creation of the Amusement Industry Safety Board.*** – There is hereby
17 established an “Amusement Industry Safety Board” hereinafter referred to here as the Board,
18 which shall be directly under the administrative supervision of the Office of the President. It
19 shall serve as the sole national regulating body on all matters pertaining to the amusement
20 rides and devices.

21
22 **SEC. 6. *Membership of the Board.*** – The Board shall be composed of seven (7)
23 members or their duly designated representatives:

- 24 a) The Chief of the Bureau of Fire Protection, as Chairperson;
- 25 b) Two (2) representatives from small amusement ride business sector;
- 26 c) Two (2) representatives from duly recognized industry association of fixed
27 amusement ride parks; and
- 28 d) Two (2) representatives from the engineering profession sector, one of whom a
29 Mechanical engineer knowledgeable of amusement rides and devices and the
30 other knowledgeable of electro-mechanical and programmable electronic rides
31 and devices.
32

33
34 **SEC. 7. *Term of Office.*** – Each member shall be appointed by the President and shall

1 serve for a term of five (5) years. The President shall fill any vacancy in the Board for the
2 remainder of the unexpired term with a representative from the same sector as that of the
3 member who caused the vacancy.

4
5 **SEC. 8. Meetings and Quorum.** – The Chairperson shall call the first meeting of the
6 Board within sixty (60) days after all members have been appointed and qualified. After the
7 initial meeting, the Board shall meet at the call of the Chairperson, at least four (4) times in
8 one year. Five members of the board, shall constitute a quorum. The vote of a majority of all
9 the members shall be necessary for the adoption of any rule, resolution or decision of the
10 Board.

11
12 **SEC. 9. Allowances and Per Diems.** – The members of the Board and its Advisory
13 Council hereof as referred to in Section 11 of this Act, shall be entitled to per diems for
14 meetings attended pursuant to existing government accounting and auditing rules and
15 regulations. The members of the board and the Advisory Council shall receive no other
16 compensation for their services but they shall be reimbursed for their actual and necessary
17 expenses incurred in the performance of their official duties.

18
19 **SEC. 10. Powers and Functions of the Board.** – The Board shall have the following
20 powers and functions:

- 21
22 a) Promulgate national policies, implementing rules and regulations, and safety
23 standards for the effective implementation of this Act including the adoption of
24 internationally accepted standards on the amusement parks, rides and attractions;
25
26 b) Conduct trainings and issue accreditation to amusement safety inspector who shall
27 be responsible for the certification of the operational worthiness of all amusement
28 rides, devices and attractions;
29
30 c) Review order for summary closure or stoppage to owner or operation of unsafe
31 amusement parks or a portion thereof, issued by the amusement safety inspector, in
32 accordance with the rules, regulations and standards set forth in this Act;

- 1 d) Develop and conduct safety program and information dissemination to the public
2 relative to preventive safety measures to be observed in all amusement attractions;
3
4 e) Study and develop a monitoring research program and evaluation of the
5 effectiveness of the safety standards;
6
7 f) In coordination with the local government unit having jurisdiction over the
8 amusement park, investigate accidents or injuries arising from amusement park's
9 operations and recommend or initiate the filing of appropriate charges with the
10 court having jurisdiction;
11
12 g) Issue subpoena *ad testificandum* and *duces tecum* to any person in connection with
13 its power to conduct investigation;
14
15 h) Resolve or decide on any issue on the interpretation of the safety standards brought
16 before the Board;
17
18 i) To require the submission or records of the accident investigation reports relative
19 to the Amusement Industry Safety Standards for the continuing study,
20 research and evaluation of the effectiveness of the safety standards set forth in this
21 Act; and
22
23 j) And such other powers and functions as may be assigned by the President.
24

25 **SEC. 11. *The Amusement Industry Safety Standards Advisory Council (AISSAC).*** –

26 There shall be an Amusement Industry Safety Standards Advisory Council (AISSAC) which
27 shall be composed of representatives recommended by the industry sectors directly affected
28 by this Act and duly authorized by the Board. The Council shall advise the Board on relevant
29 issues and concerns for consideration in the formulation of policies, procedures, guidelines,
30 rules and regulations for the effective implementation of the provisions of this Act.
31

32 **SEC. 12. *Role and Responsibilities of the Local Government Units.*** – The Local
33 Government Unit (LGU), pursuant to the provisions of Republic Act 7160 otherwise known
34 as the Local Government Code of 1991, and other relevant and existing laws, shall:

- 1 a) Regulate the operation of amusement parks, rides and attractions, pursuant to the
2 policies, guidelines and safety standards promulgated by the Board, including the
3 inspection, monitoring and evaluation in compliance of this Act;
4
- 5 b) Collect fees and charges, including but not limited to business permit fees;
6
- 7 c) Identify and send safety practitioners for training on the Safety Standards to be
8 conducted by the Board;
9
- 10 d) Identify and designate a tourism area for the *peryahan* in its respective physical
11 location development plan; and
12
- 13 e) Within 120 days after the issuance of the Board Guidelines, conduct survey within
14 its own jurisdiction on certain information, such as but not limited to:
15 i. Owners of rides and devices;
16 ii. Operators of rides and devices;
17 iii. Types of rides and devices, including but not limited to its serial
18 numbers
19 iv. Training and seminars attended to by the owners and operators of rides and
20 devices;
21 v. Number of visitors or patrons per amusement park;
22 vi. Employment and livelihood generated from the operation of an
23 amusement park; and
24 vii. Such other pertinent information as may be required by the Board.
25

26 CHAPTER III

27 AMUSEMENT INDUSTRY SAFETY STANDARDS

28
29 **SEC. 13. *General Safety Requirements.*** – No owner of an amusement ride, park and
30 device shall cause or allow the amusement ride or device to be operated unless the owner
31 ensures that:
32

- 33 a. All equipment, materials and safeguards required are complied with and the same
34 are maintained in good condition;

1 **SEC. 18. *Authorized Officers to Conduct Inspection of Amusement Ride and Device.* -**

2 Only amusement ride inspector duly accredited by the Board are authorized to
3 conduct amusement rides and devices inspection work. All persons involved in the said
4 inspection work shall undergo training conducted by the Board.

5
6 The certified amusement ride inspector must be either:

- 7 i. an employee of the insurance company that insures the amusement ride or
8 device; or
9 ii. an independent inspection service provider that the insurance company or
10 owner has contracted with, or an employee of the independent inspection
11 service provider.

12
13 **SEC. 19. *Annual Inspections.* -**

- 14 a) An amusement ride or device must be inspected at least four (4) times annually or
15 quarterly by a certified amusement ride inspector;
16
17 b) Amusement rides or devices that are not operated on a continual year-round basis
18 must be inspected in the same calendar year and prior to July 1, or the first operation
19 in the country, whichever is later. Amusement rides that do not pass an inspection
20 required by this section in the previous year must be re-inspected before being
21 operated in the country;
22
23 c) If an inspection reveals that an amusement ride or device does not meet the safety
24 standards, the insurer or independent inspection service provider must notify the
25 owner of all defects of the ride or device;
26
27 d) No person shall operate an amusement ride or device unless:
28 i. the amusement ride or device passed the most recent annual inspection required
29 by this section; and
30 ii. all defects identified during the most recent annual inspection have been
31 corrected and the amusement ride or device passed re-inspection;
32
33 e) All inspections and re-inspections required by this section must include evaluation
34 consistent with the safety standards of amusement rides. All owners and operators

1 must permit reasonable inspection of an amusement ride by the certified amusement
2 ride inspector selected by the insurer or independent inspection service provider;

3
4 f) The inspections required by this section are in addition to and supplementary to any other
5 inspections required or permitted by law;

6
7 g) Before the amusement ride or device is operated, an owner of an amusement ride
8 must submit to each sponsor, lessor, landowner, or other person who has contracted
9 for the amusement ride to be offered to any rider or patron, an inspection certificate
10 showing that the amusement ride passed the most recent inspection or re-inspection
11 required by this section. The inspection certificate shall identify the amusement
12 ride by name, manufacturer, and serial number, the date inspection was performed,
13 and the inspector's name and certification number; and

14
15 h) An owner of an amusement ride must also file the certificate of inspection with the
16 Board not later than ten (10) days after the completion of each inspection as required
17 by this section.

18
19 **SEC. 20. Daily Inspections.** - No person shall operate an amusement ride or device
20 unless a daily inspection has been performed. Each daily inspection shall be recorded in a
21 logbook for each amusement ride or device and shall be kept for a period of not less than
22 three (3) years. An owner or operator shall not knowingly operate, or permit to be operated,
23 an amusement ride or device that has not passed a daily inspection.

24
25 **SEC. 21. Inspection after Alteration or Modification.** - An amusement ride or device
26 that has been modified or altered in a manner that changes its dynamics or control system
27 from the original manufacturer's design or specification since its last annual inspection
28 must be inspected by a certified amusement ride inspector before it can be operated.

29
30 **SEC. 22. Inspection after an Injury or Illness.** - An amusement ride or device must be
31 inspected by a certified amusement ride inspector before it can be operated following an
32 injury or illness involving the ride.

33
34 **SEC. 23. Availability for Inspection and Information.** - The owner of an amusement

1 ride must make the ride or device available for inspection at all reasonable times and places
2 requested by any law enforcement agency. All relevant information on the operation of an
3 amusement ride or device shall also be made available at all times.

4
5 **SEC. 24. Recording and Reporting.** –

6 a. An owner shall maintain a first-aid incident report log for all injuries or illnesses
7 sustained by a rider or patron resulting from the operation of an amusement ride or
8 device. The recorded information shall include the following:

- 9 i. name, address, age and telephone number of the rider receiving
10 emergency health care service or treatment; date the injury or illness
11 occurred;
- 12 ii. description of the injury or illness and the first-aid service or
13 treatment administered;
- 14 iii. manufacturer's name and serial number of the amusement ride involved
15 in the
- 16 iv. incident or illness and;
- 17 v. any other pertinent information, as may be required by law.

18
19 b. An owner shall maintain the first-aid incident report log for a period of not less than
20 three (3) years, and shall make the first-aid incident report log available upon request
21 by any interested party. An owner of an amusement ride or device shall provide a
22 report to the local law enforcement agency of any accident or incident arising from
23 the use or operation of an amusement ride or device resulting in serious rider injury
24 or illness. Not less than three (3) years, and shall make the first-aid incident report
25 log available upon request by any interested party. An owner of an amusement ride
26 or device shall provide a report to the local law enforcement agency of any accident
27 or incident arising from the use or illness.

28
29 **SEC. 25. Operator Enforcement.** - A ride operator, owner, sponsor, lessor, landowner,
30 or other person who has contracted for the amusement ride or device to be offered to any
31 rider or patron, may impose and enforce reasonable safety rules regarding the behaviour of
32 riders or patrons. It may prohibit a person from riding a ride or may remove a rider from a
33 ride for violations of those rules.

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CHAPTER V
PENALTIES AND SANCTIONS

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SEC. 26. *Administrative Fines.* - The Board by way of regulation, shall issue a schedule of administrative fines for violations of any provisions of this Code.

SEC. 27. *Cease and Desist Order.* - The Board is authorized to issue after due process except in instances when the continued operation causes imminent danger to public safety, a "cease and desist order" to any amusement ride and device operator, person, enterprise, firm, or corporation engaged in the business in the amusement industry if found to be in violation of any of the provisions of this act, should the continued operation of said entity, as the certified amusement safety inspector finds that a ride is unsafe to operate and would pose risk to public safety.

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CHAPTER VI
INCENTIVES

SEC. 28. *Tax Incentives on Importation.* - All enterprises engaged in Amusement Industry as duly accredited by the Board, in consultation with the Department of Finance and the Board of Investments, shall, for five (5) years after the effectivity of this Act and thereafter, be exempted from the payment of tariff and duties for the importation of all types of amusement theme parks and amusement rides inputs, devices, equipment and machineries, including spare parts of all carnival ride equipment and renewable energy systems such as solar panels; *Provided*, however, that the imported inputs, devices, equipment and machineries shall be for the exclusive use of the importing enterprise. *Provided further*, That such are not manufactured domestically in sufficient quantity and comparable quality. This is without prejudice to other fiscal and non-fiscal incentives that the said enterprises may qualify to avail from other existing laws.

SEC. 29. *Assistance to Mobile Operators.* Government Financial Institutions (GFIs) shall provide loan provisions for mobile operators or peryahan operators. Mobile operators or *peryahan* operators shall secure a favourable endorsement from the Board to avail of the said loan provisions. Existing mobile operators or *peryahan* operators shall, to avail of the said loan provisions, obtain a certificate of safety compliance from the Board.

1 remain in full force and effect.

2

3 **SEC. 35. *Repealing Clause.*** - All laws, decrees, rules or regulations inconsistent with
4 the provisions of this Act are hereby repealed or modified accordingly.

5

6 **SEC. 36. *Effectivity Clause.*** - This Act shall take effect after fifteen (15) days
7 following its complete publication in two (2) newspapers of general circulation.

Approved,