

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

Approved
1906 11 24

SENATE

S No. **3373**

(In Substitution of SB Nos. 254 and 2255)

OK

Prepared by the Committee on Games and Amusement, the Committee on Local Government and the Committee on Finance with Senators Trillanes IV, Defensor Santiago, and Pimentel III as authors thereof

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

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

CHAPTER I

GENERAL PROVISIONS

1 **SECTION 1. Short Title.** - This Act shall be known as the "**Amusement**
2 **Industry Safety Board Act.**"

3
4 **SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State
5 to recognize the vital role of the youth in nation-building and to promote and
6 protect their physical, moral, spiritual, intellectual, and social well-being.
7 Towards this end, amusement parks are established primarily for the youth
8 and consequently, an Amusement Industry Safety Board is deemed essential
9 to protect the physical well-being of the youth while they are in
10 amusement parks and rides.

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

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

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

11
12 **SEC. 4. Definition of Terms.** - As used in this Act, the following term, words
13 and phrases shall have the following definitions:

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

32
33 Where the term “amusement ride” or the word “ride” are used in this
34 Act, their meaning shall correspond with the term “amusement device”
35 as herein defined.

- 36 (e) **Board** - refers to the Amusement Industry Safety Board;

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

- 1 3) on an amusement ride before, during, and after its operation;
- 2 4) leaving or approaching an amusement ride or device and in its
- 3 immediate vicinity.

4 5 **CHAPTER II**

6 7 **THE AMUSEMENT INDUSTRY SAFETY BOARD, COMPOSITION, POWERS** 8 **AND FUNCTIONS**

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

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

- 16 1. The Chief of the Bureau of Fire Protection, as Chairperson
- 17 2. Two (2) representatives from small amusement ride business sector
- 18 3. Two (2) representatives from duly recognized industry association of
- 19 fixed amusement ride parks
- 20 4. Two (2) representatives from the engineering profession sector, one of
- 21 whom a mechanical engineer knowledgeable of amusement rides and
- 22 devices and the other knowledgeable of electro-mechanical and
- 23 programmable electronic rides and devices..

24 **SEC. 7. *Term of Office.*** - Each member shall be appointed by the President
25 and shall serve for a term of five (5) years. The President shall fill any vacancy
26 in the Board for the remainder of the unexpired term with a representative
27 from the same sector as that of the member who caused the vacancy.

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

1 **SEC. 9. Allowances and Per Diems.** - The members of the Board and its
2 Advisory Council hereof as referred to in Section 11 of this Act, shall be entitled
3 to per diems for meetings attended pursuant to existing government
4 accounting and auditing rules and regulations. The members of the board and
5 the Advisory Council shall receive no other compensation for their services but
6 they shall be reimbursed for their actual and necessary expenses incurred in
7 the performance of their official duties.

8 **SEC. 10. Powers and Function of the Board.** - The Board shall have the
9 following powers and functions:

- 10 (a) Promulgate national policies, implementing rules and regulations, and
11 safety standards for the effective implementation of this Act including
12 the adoption of internationally accepted standards on the amusement
13 parks, rides and attractions;
- 14 (b) Conduct trainings and issue accreditation to amusement safety
15 inspector who shall be responsible for the certification of the operational
16 worthiness of all amusement rides, devices and attractions;
- 17 (c) Review order for summary closure or stoppage to owner or operator of
18 unsafe amusement parks or a portion thereof, issued by the amusement
19 safety inspector, in accordance with the rules, regulations and
20 standards set forth in this Act;
- 21 (d) Develop and conduct safety program and information dissemination to
22 the public relative to preventive safety measures to be observed in all
23 amusement attractions;
- 24 (e) Study and develop a monitoring research program and evaluation of the
25 effectiveness of the safety standards;
- 26 (f) In coordination with the local government unit having jurisdiction over
27 the amusement park, investigate accidents or injuries, arising from
28 amusement park's operations and recommend or initiate the filing of
29 appropriate charges with the court having jurisdiction;
- 30 (g) Issue subpoena *ad testificandum* and *duces tecum* to any person in
31 connection with its power to conduct investigation;
- 32 (h) Resolve or decide on any issue on the interpretation of the safety
33 standards brought before the Board;
- 34 (i) To require the submission of records of the accident investigation
35 reports relative to the Amusement Industry Safety Standards for the

1 continuing study, research and evaluation of the effectiveness of the
2 safety standards set forth in this Act;

3 (j) And such other powers and functions as may be assigned by the
4 President.

5 **SEC. 11. The Amusement Industry Safety Standards Advisory Council**

6 **(AISSAC).** - There shall be an Amusement Industry Safety Standards Advisory
7 Council (AISSAC) which shall be composed of representatives recommended by
8 the industry sectors directly affected by this Act and duly authorized by the
9 Board. The Council shall advise the Board on relevant issues and concerns for
10 consideration in the formulation of policies, procedures, guidelines, rules and
11 regulations for the effective implementation of the provisions of this Act.

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

- 16 a) Regulate the operation of amusement parks, rides and attractions,
17 pursuant to the policies, guidelines and safety standards promulgated by
18 the Board, including the inspection, monitoring and evaluation in
19 compliance of this Act;
- 20 b) Collect fees and charges, including but not limited to business permit
21 fees;
- 22 c) Identify and send safety practitioners for training on the Safety
23 Standards to be conducted by the Board;
- 24 d) Identify and designate a tourism area for the *peryahan* in its respective
25 physical location development plan;
- 26 e) Within 120 days after the issuance of the Board Guidelines, conduct a
27 survey within its own jurisdiction on certain information, such as but not
28 limited to:
- 29 i) Owners of Rides and Devices;
 - 30 ii) Operators of Rides and Devices;
 - 31 iii) Types of rides and devices, including but not limited to its
32 serial numbers;
 - 33 iv) Training and seminars attended to by the Owners and
34 Operators of rides and devices;
 - 35 v) Number of visitors or patrons per amusement park;

- 1 vi) Employment and livelihood generated from the operation of
2 an amusement park;
3 vii) And such other pertinent information as may be required by
4 the Board.
5

6 **CHAPTER III**

7 **AMUSEMENT INDUSTRY SAFETY STANDARDS**

8 **SEC. 13. General Safety Requirements.** – No owner of an amusement ride,
9 park and device shall cause or allow the amusement ride or device to be
10 operated unless the owner ensures that:

- 11 (a) All equipment, materials and safeguards required are complied with and
12 the same are maintained in good condition;
13 (b) The amusement ride or device is operated and maintained by a
14 competent person and;
15 (c) A required inspection of the amusement ride or device is carried out by
16 an accredited amusement safety inspector as a requirement for the
17 issuance of permit.
18

19 **SEC. 14. Standards and Guidelines.** - The Board, by way of regulation, shall
20 adopt internationally recognized standards, recommendations, set of
21 procedures or guidelines to further ensure the quality and safety of amusement
22 ride and devices.
23

24 **SEC. 15. Insurance Requirements.** – No person, corporation, or any juridical
25 entity shall operate an amusement ride or device unless the same has provided
26 the Local Government Unit having jurisdiction, through the Safety Inspector a
27 documented proof of comprehensive general liability insurance the minimum
28 amount of which shall be determined by the Board. The duration of insurance
29 required shall be maintained for the entire period of the operation of the
30 amusement ride or device. In the event that the insurance required hereof is
31 cancelled, suspended or otherwise becomes invalid, the insurer shall, as soon
32 as is reasonably possible, report the cancellation, suspension or invalidity to
33 the Safety Inspector.
34

35 **SEC. 16. Ride Operator Requirements.** - The owner of an amusement ride
36 or device must have a documented training policy for the operation of an

1 amusement ride or device. The ride or device owner must maintain a
2 written certification for each person controlling the physical operation of
3 an amusement ride or device that the person has received the training for
4 the ride or device as required by the documented training policy or program.

5

6

CHAPTER IV

7

SCOPE OF INSPECTION

8

9 **SEC. 17. *Scope of Application.*** – This Code shall apply to all enterprises where
10 amusement ride and device are designed, manufactured, constructed, installed,
11 operated, inspected and transferred. The safety of fairgrounds and amusement
12 parks shall be ensured of adequate protection and safety of amusement ride and
13 device in order to avoid injuries or the infliction of unnecessary pain or distress to
14 patrons and riders during the operation of amusement ride and device.

15

16 **SEC. 18. *Authorized Officers to Conduct Inspection of Amusement Ride***
17 ***and Device.*** – Only amusement ride inspector duly accredited by the Board
18 are authorized to conduct amusement rides and devices inspection work. All
19 persons involved in the said inspection work shall undergo training conducted
20 by the Board.

21 The certified amusement ride inspector must be either:

22 (i) an employee of the insurance company that insures the
23 amusement ride or device; or

24 (ii) an independent inspection service provider that the
25 insurance company or owner has contracted with, or an employee
26 of the independent inspection service provider.

27

28 **SEC. 19. *Annual Inspections.*** –

29 (a) An amusement ride or device must be inspected at least four (4) times
30 annually or quarterly by a certified amusement ride inspector.

31 (b) Amusement rides or devices that are not operated on a continual
32 year-round basis must be inspected in the same calendar year and
33 prior to July 1, or the first operation in the country, whichever is
34 later. Amusement rides that do not pass an inspection required by this
35 section in the previous year must be re-inspected before being operated
36 in the country;

1 (c) If an inspection reveals that an amusement ride or device does not meet
2 the safety standards, the insurer or independent inspection service
3 provider must notify the owner of all defects of the ride or device;

4 (d) No person shall operate an amusement ride or device unless:

5 (i) the amusement ride or device passed the most recent annual
6 inspection required by this section; and

7 (ii) all defects identified during the most recent annual inspection have
8 been corrected and the amusement ride or device passed a re-
9 inspection;

10 (e) All inspections and re-inspections required by this section must include
11 evaluation consistent with the safety standards of amusement rides. All
12 owners and operators must permit reasonable inspection of an
13 amusement ride by the certified amusement ride inspector selected by
14 the insurer or independent inspection service provider;

15 (f) The inspections required by this section are in addition to and
16 supplementary to any other inspections required or permitted by law;

17 (g) Before the amusement ride or device is operated, an owner of an
18 amusement ride must submit to each sponsor, lessor, landowner, or
19 other person who has contracted for the amusement ride to be offered to
20 any rider or patron, an inspection certificate showing that the
21 amusement ride passed the most recent inspection or re-inspection
22 required by this section. The inspection certificate shall identify the
23 amusement ride by name, manufacturer, and serial number, the
24 date inspection was performed, and the inspector's name and
25 certification number;

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

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

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

6
7 **SEC. 22. *Inspection after an Injury or Illness.*** - An amusement ride OR
8 DEVICE must be inspected by a certified amusement ride inspector before it
9 can be operated following an injury or illness involving the ride.

10
11 **SEC. 23. *Availability for Inspection and Information.*** - The owner of an
12 amusement ride must make the ride or device available for inspection at all
13 reasonable times and places requested by any law enforcement agency. All
14 relevant information on the operation of an amusement ride or device shall also
15 be made available at all times.

16
17 **SEC. 24. *Recording and Reporting.*** -

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

22 (i) name, address, age and telephone number of the rider receiving
23 emergency health care service or treatment;

24 date the injury or illness occurred;

25 (ii) description of the injury or illness and the first-aid service or
26 treatment administered;

27 (iii) manufacturer's name and serial number of the amusement ride
28 involved in the incident or illness and;

29 (iv) any other pertinent information, as may be required by law.

30 (b) An owner shall maintain the first-aid incident report log for a period of
31 not less than three (3) years, and shall make the first-aid incident report
32 log available upon request by any interested party. An owner of an
33 amusement ride or device shall provide a report to the local law
34 enforcement agency of any accident or incident arising from the use or
35 operation of an amusement ride or device resulting in serious rider injury
36 or illness.

37

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

7
8 **CHAPTER V**

9 **PENALTIES AND SANCTIONS**

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

12
13 **SEC. 27. Cease and Desist Order.** - The Board is authorized to issue after due
14 process except in instances when the continued operation causes imminent
15 danger to public safety, a "cease and desist order" to any amusement ride and
16 device operator, person, enterprise, firm, or corporation engaged, in the business
17 in the amusement industry if found to be in violation of any of the provisions of
18 this act, should the continued operation of said entity, as the certified amusement
19 safety inspector finds that a ride is unsafe to operate and would pose risk to
20 public safety.

21
22 **CHAPTER VI**

23 **INCENTIVES**

24
25 **SEC. 28. Tax Incentives on Importation.** - All enterprises engaged in
26 Amusement Industry as duly accredited by the Board, in consultation with the
27 Department of Finance and the Board of Investments, shall, for five (5) years
28 after the effectivity of this Act and thereafter, be exempted from the payment of
29 tariff and duties for the importation of all types of amusement theme parks and
30 amusement rides inputs, devices, equipment and machineries, including spare
31 parts of all carnival ride equipment and renewable energy systems such as
32 solar panels; *Provided*, however, that the imported inputs, devices, equipment
33 and machineries shall be for the exclusive use of the importing enterprise.
34 *Provided further*, That such are not manufactured domestically in sufficient
35 quantity and comparable quality. This is without prejudice to other fiscal and

1 non-fiscal incentives that the said enterprises may qualify to avail from other
2 existing laws.

3
4 **SEC. 29. Assistance to Mobile Operators.** - Government Financial
5 Institutions (GFIs) shall provide loan provisions for mobile operators or
6 *peryahan* operators. Mobile Operators or *Peryahan* Operators shall secure a
7 favourable endorsement from the Board to avail of the said loan provisions.
8 Existing mobile operators or *Peryahan* Operators shall, to avail of the said loan
9 provisions, obtain a certificate of safety compliance from the Board.

10
11 **SEC. 30. Penalty on Illegal Importation.** - Any person, partnership,
12 corporation, association and other juridical entity found violating the
13 provisions of Section 28 of this Act, shall suffer the penalty of imprisonment for
14 a period of not less than six (6) months but not more than six (6) years, or a
15 fine equivalent to two hundred percent (200%) of the value of imported
16 materials or both, at the discretion of the court and the accessory penalties of
17 confiscation of the imported goods in favour of the government and the
18 revocation of the privileges given under this Act. In cases where the violation is
19 committed by a juridical entity, the officers responsible shall suffer the penalty
20 prescribed herein.

21 The importation of goods equivalent to or exceeding the declared assets
22 of the enterprise or partnership; or the authorized capital stock in case of
23 corporations, and/or resale of the imported goods shall be a prima facie
24 evidence of the violation of Section 28 of this Act.

25 26 **CHAPTER VII**

27 **TRANSITORY AND FINAL PROVISIONS**

28
29 **SEC. 31. Appropriations.** - The amount necessary for the implementation of this
30 Act shall be included in the General Appropriations Act.

31
32 **SEC. 32. Mandatory Review.** - The Congress of the Philippines shall undertake a
33 mandatory review of this Code at least once every five (5) years and as often as it
34 may deem necessary, to ensure that amusement ride and devices inspection
35 policies, rules and regulations remain responsive to changing circumstances.

36 **SEC. 33. Implementing Rules and Regulations.** - The Chairman, within ninety
37 (90) days after the effectivity of this Act, through a technical working committee,

1 and in consultation with the private sector concerned shall formulate the
2 implementing rules and regulations for the full implementation of this Act. Copies
3 of the formulated rules and regulations shall be submitted to the Committee on
4 Games and Amusement of both Houses of Congress. Such rules and regulations
5 shall take effect fifteen (15) days upon publication in a newspaper of general
6 circulation.

7

8 **SEC. 34. Separability Clause.** - If any provision of this Act shall at any time
9 be found to be unconstitutional or invalid, the remainder thereof not
10 affected by such declaration shall remain in full force and effect.

11

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

15

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

18 *Approved,*