

**FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )**

OFFICE OF THE SECRETARY

10 JUL -6 11:17

**SENATE**

**S. No. 254**

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**Introduced by Senator Antonio "Sonny" F. Trillanes IV**

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**EXPLANATORY NOTE**

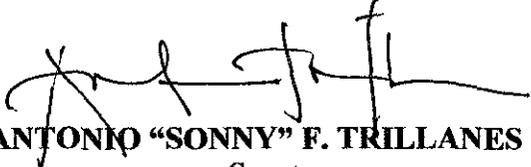
Amusement parks usually include a collection of rides that entertains and caters to adults, teenagers and children. Since these places continue to serve as places of recreation and leisure, amusement parks have continued to be visited by many Filipinos.

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 amusement parks permit to operate, 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 main purpose is to prevent accidents through early identification of unsafe amusement rides is highly important.

This bill finds it necessary for the amusement rides to be inspected at least once annually and before daily operation by the owner or operator of the amusement ride. The bill further requires the owners to have a documented training policy for the operation of rides. Under this bill, a ride operator or owner may impose and enforce reasonable safety rules with respect to unlikely behaviors of the riders.

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

  
**ANTONIO "SONNY" F. TRILLANES IV**  
Senator

FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
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OFFICE OF THE CLERK

15 - 6 - 2010

SENATE

S. No. 254

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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AN ACT  
REQUIRING AMUSEMENT RIDES OWNERS TO HAVE ANNUAL AND DAILY RIDE  
INSPECTIONS

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

1           **SECTION 1. Title.** – This Act shall be known as the "*Amusement Rides Inspection Act*  
2 *of 2010*".

3  
4           **SEC. 2. Definition of Terms.** – As used in this Act, the following terms shall have the  
5 following definitions:

6           (a) "Certified amusement ride inspector" means an individual who is certified as an  
7 inspector amusement ride and device inspector by the Bureau of Fire Protection;

8           (b) "Operator" means an individual having direct control of the starting, stopping, or  
9 speed control of an amusement ride;

10          (c) "Owner" means a person who owns, leases, or manages the operation of an  
11 amusement ride;

12          (d) "Rider" means an individual who is in the immediate vicinity of an amusement ride,  
13 including an individual:

- 14               1) waiting in the immediate vicinity of an amusement ride;
- 15               2) getting on an amusement ride;
- 16               3) on an amusement ride before, during, and after its operation;

- 1           4) getting off an amusement ride; or  
2           5) leaving or approaching an amusement ride and in its immediate vicinity.

3           "Rider" does not include:

- 4           1) any operator while operating the amusement ride or any employees, agents, or  
5           servants of an operator while engaged in the duties of employment; or  
6           (2) any owner or any employees, agents, or servants of an owner while engaged in  
7           the duties of employment.

8           (e) "serious injury or illness" means an injury or illness that results in death,  
9           dismemberment, disfigurement, compound fracture, or permanent loss of the use of  
10          a body organ, member, function, or system, or that requires hospital admission  
11          within twenty-four (24) hours of the accident or incident.

12  
13          **SEC. 3. *Insurance Requirements.*** – No person shall operate an amusement ride unless  
14          there is an insurance policy in force, written by an insurance company authorized to do business  
15          in the country, insuring all owners against liability for injury to a rider in connection with the  
16          amusement ride. Before an amusement ride is operated, an owner of the amusement ride must  
17          file with each sponsor, lessor, landowner, or other person who has contracted for the amusement  
18          ride to be offered to any riders a copy of the insurance policy or a certificate stating that the  
19          insurance required by this section is in effect.

20          The copy of the insurance policy, insurance certificate, or attached schedule shall identify  
21          each amusement ride included in the coverage by name, manufacturer, and serial number.  
22          An owner of the amusement ride must file a certificate stating the insurance required by this  
23          section is in effect. If the amusement ride is not operated on a continual year-round basis, an  
24          owner must file the insurance certificate not later than thirty (30) days before the first operation  
25          of the amusement ride in any calendar year. If the amusement ride is operated on a continual  
26          year-round basis, an owner must file the insurance certificate with the commissioner not later  
27          than ten (10) days after the effective date of the insurance.

1           **SEC. 4. Ride Operator Requirements.** – The owner of an amusement ride must have a  
2 documented training policy for the operation of an amusement ride. The ride owner must  
3 maintain a written certification for each person controlling the physical operation of an  
4 amusement ride that the person has received the training for the ride that is required by the  
5 documented training policy.

6

7           **SEC. 5. Annual Inspections.** –

8           (a) An amusement ride must be inspected at least once annually by a certified amusement  
9 ride inspector. The certified amusement ride inspector must be either:

10                   (1) an employee of the insurance company that insures the amusement ride; or

11                   (2) an independent inspection service provider that the insurance company or  
12 owner has contracted with, or an employee of the independent inspection service  
13 provider. If the certified amusement ride inspector is not an employee or agent of the  
14 insurance company that insures the amusement ride, then the independent inspection  
15 service provider must, before performing the inspection, provide proof of liability  
16 insurance to the insurance company or owner with whom the independent service  
17 provider has contracted.

18           (b) Amusement rides that are not operated on a continual year-round basis must be  
19 inspected in the same calendar year and prior to July 1, or the first operation in the country,  
20 whichever is later. Amusement rides that did not pass an inspection required by this section in  
21 the previous year must be inspected before being operated in the country;

22           (c) If an inspection reveals that an amusement ride does not meet the safety standards of  
23 amusement rides, the insurer or independent inspection service provider must notify the owner of  
24 all defects;

25           (d) No person shall operate an amusement ride unless: (1) the amusement ride passed the  
26 most recent annual inspection required by this section; or (2) all defects identified during the

1 most recent annual inspection have been corrected and the amusement ride passed a reinspection;

2 (e) All inspections and reinspections required by this section must include evaluation  
3 consistent with the safety standards of amusement rides. All owners and operators must permit  
4 reasonable inspection of an amusement ride by the certified amusement ride inspector selected  
5 by the insurer or independent inspection service provider;

6 (f) The inspections required by this section are in addition to any other inspections  
7 required or permitted by law;

8 (g) Before the amusement ride is operated, an owner of an amusement ride must file with  
9 each sponsor, lessor, landowner, or other person who has contracted for the amusement ride to be  
10 offered to any riders an inspection affidavit attesting that the amusement ride passed the most  
11 recent inspection or reinspection required by this section. The inspection affidavit shall identify  
12 the amusement ride by name, manufacturer, and serial number, the date inspection was  
13 performed, and the inspector's name and certification number;

14 (h) An owner of an amusement ride must also file the affidavit of inspection with the  
15 commissioner not later than ten days after the completion of each inspection, required by this  
16 section, that the amusement ride passes.

17

18 **SEC. 6. Daily Inspections.** – No person shall operate an amusement ride unless a daily  
19 inspection has been performed according to this section on the day of operation. An owner or  
20 operator of the amusement ride or certified amusement ride inspector shall perform the daily  
21 inspection before the ride is put into operation that day. The daily inspection shall be consistent  
22 with the safety standards of amusement rides. Each daily inspection shall be recorded in a daily  
23 logbook kept for each amusement ride. An owner of the amusement ride shall maintain the  
24 record of daily inspections for a period of not less than three (3) years, and shall make the record  
25 of daily inspections. An owner or operator shall not knowingly operate, or permit to be operated,  
26 an amusement ride that has not passed the most recent daily inspection.

1           **SEC. 7. *Inspection after Alteration or Modification.*** – An amusement ride that has been  
2 modified or altered in a manner that changes its dynamics or control system from the original  
3 manufacturer's design or specification since its last annual inspection must be inspected by a  
4 certified amusement ride inspector before it may be operated.

5  
6           **SEC. 8. *Inspection after Serious Injury or Illness.*** – An amusement ride must be  
7 inspected by a certified amusement ride inspector before it may be operated following a serious  
8 injury or illness involving the ride.

9  
10           **SEC. 9. *Availability for Inspection.*** – The owner of an amusement ride must make the  
11 ride available for inspections at all reasonable times and places requested by any law  
12 enforcement agency.

13  
14           **SEC. 10. *Recording and Reporting.*** –

15           (a) An owner shall maintain a first-aid incident report log for all rider injuries or illnesses  
16 resulting from the operation of an amusement ride, other than minor injuries or illnesses. The  
17 recorded information shall include the following:

- 18                   (1) date the injury or illness occurred;
- 19                   (2) name, address, and telephone number of the rider receiving emergency health  
20                   care service or treatment;
- 21                   (3) age of the rider;
- 22                   (4) manufacturer's name and serial number of the amusement ride involved in the  
23                   incident or illness;
- 24                   (5) description of the injury or illness;
- 25                   (6) description of the first-aid service or treatment administered; and
- 26                   (7) any other pertinent information.

1 (b) An owner shall maintain the first-aid incident report log for a period of not less than  
2 three (3) years, and shall make the first-aid incident report log available upon request. An owner  
3 of an amusement ride shall provide a report to a local law enforcement agency of any accident or  
4 incident arising from the use or operation of an amusement ride resulting in serious rider injury  
5 or illness. The accident involving the serious injury or illness must be investigated by the local  
6 law enforcement agency.

7  
8 **SEC. 11. *Inspector/s Information Requests.*** — Each owner of an amusement ride shall  
9 cooperate with the inspector/s and shall, upon the inspector's request, provide information  
10 regarding the operation of the amusement ride. When an inspector requests information about the  
11 operation of an amusement ride, that inspector shall identify a reasonable time limit for a  
12 response to the said request.

13  
14 **SEC. 12. *Injunctions.*** — An injunction or other equitable relief of an amusement ride  
15 may be obtained against an actual or threatened violation of this Act.

16  
17 **SEC. 13. *Operator Enforcement.*** — A ride operator, owner, a sponsor, lessor,  
18 landowner, or other person who has contracted for the amusement ride to be offered to any riders  
19 may impose and enforce reasonable safety rules regarding the behavior of riders. An operator,  
20 owner, a sponsor, lessor, landowner, or other person who has contracted for the amusement ride  
21 to be offered to any riders, or its agents, may prohibit a person from riding a ride or may remove  
22 a rider from a ride for violations of those rules.

23  
24 **SEC. 14. *Inspector's Order.*** — An inspector may issue an order requiring an amusement  
25 ride operator to cease operation of a ride if the inspector himself finds that a ride is unsafe to  
26 operate.

1           **SEC. 15. *Separability Clause.*** – If any provision of this Act shall at any time be found to  
2 be unconstitutional or invalid, the remainder thereof not affected by such declaration shall  
3 remain in full force and effect.

4

5           **SEC. 16. *Repealing Clause.*** – All laws, decrees, rules or regulations inconsistent with  
6 the provisions of this Act are hereby repealed or modified accordingly.

7

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

Approved,