

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1192



INTRODUCED BY: HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

The State recognizes the importance of youth in nation-building as stated in Article II, Section 13 of the Constitution, and to achieve this the state needs to protect their physical well-being. Thus, various measures are crafted to ensure that our youth is safe. For example, there is Republic Act No. 7610 or the "Special Protection of Children against Abuse, Exploitation and Discrimination Act" and Presidential Decree No. 603 also known as the "Children and Youth Welfare Code."

Despite the foregoing existing measures, however, there is a need to propose a law for the protection of children riding in amusement rides. In September 2006, a kid fell from the Wild River Ride of Star City in Pasay, while in December the same year, another child was killed and several others were injured following an accident at a mini carnival in Marikina City.

The abovementioned cases are just some of the incidents that could have been prevented had there been a board that monitors and approves carnival rides aside from the Local Civil Engineer.

Hence, this proposal aims to create an amusement ride board which will ensure that rides at any amusement park in the country is safe for children.

Premises considered, approval of this bill is earnestly sought.

MARCELINO "MARCY" R. TEODORO
Representative, 1st District
City of Marikina

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 1192

INTRODUCED BY HON. MARCELINO "MARCY" R. TEODORO

AN ACT
PROVIDING FOR THE SAFETY STANDARDS IN THE AMUSEMENT PARKS
AND FAIRGROUNDS INDUSTRY, CREATING THE AMUSEMENT INDUSTRY
SAFETY BOARD, AND PROVIDING FUNDS THEREFOR

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

Section 1. Short Title. This Act shall be known as the "Amusement Parks and Fairgrounds Safety Act."

Section 2. Declaration of Policy. It is hereby declared the policy of the State to provide public safety to all citizens of the Republic in amusement parks and fairgrounds pursuant to the following guiding principles:

a. *Protection of the Youth.* - The State shall promote and protect the physical, moral, spiritual, intellectual, and social well-being of the youth. The State shall ensure holistic development by safeguarding the social, cultural and ecological well-being of the people. For this purpose, the State shall institute consultations with the affected communities which shall be conducted whenever necessary.

b. *Promotion of General Welfare.* - The State shall ensure the maintenance of peace and order, the protection of life, liberty, and property and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy. The State shall pursue a trade policy that serves the general welfare and utilizes all forms and arrangements of exchange on the basis of equality and reciprocity. Services must not cause hazard to the health or property of consumers using services, nor may they cause hazard or nuisance to bystanders and passers-by.

c. *Economic Agents' Contributions to the Common Good.* - The use of property bears a social function, and all economic agents shall contribute to the common good. Individual and private groups, including corporations, cooperatives, and similar collective organizations, shall have the right to own, establish and operate economic enterprises, subject to the duty of the State to promote distributive justice and to intervene when the common good so demands.

d. *Private Sector's Role.* - The State recognizes the indispensable role of the private sector and considers the private sector as the prime mover for economic growth. In this regard, private initiative and self-regulation in the industry is encouraged.

e. *Tourism Investments.* - The State encourages Filipino and foreign investments in the amusement and attractions industry and recognizes its role in contributing employment, land use, and increase in land values.

f. *Incentives.* - The State recognizes the system of incentives in the reinforcement of compliance of the set standards in the industry as a reward for performance without which shall imperil the attainment of this Act's objectives. The system of incentives must be cost-efficient and simple to administer.

g. *Government Role.* - The State recognizes its role as a strategic partner in the development of the amusement industry and the promotion of local tourism in the country. The State shall support the industry by providing a dynamic and attractive business climate that shall accelerate the development of the industry.

Section 3. Definition of Terms. - As used in this Act, the following terms shall have the following definitions:

(a) "Amusement Park" is a fixed site where consumers either pay separately, either in tokens or with money, or pay a single fee to enter and do not pay any additional fees for individual rides, amusement structures, mechanical rides, devices and attractions. For the purpose of this Act, theme parks, water parks, and theme parks are included in this definition.

(b) "Attendant" or "Ride Attendant" is a person who is employed to assist the ride operator but who does not operate the controls. They may, for example, help passengers to board the rides and provide safety information.

(c) "Controller" or "Ride Controller" is a person or company who assumes overall responsibility for one or more rides, and who may or may not physically operate the ride on a day-to-day basis. A ride controller may employ people to operate a ride on their behalf.

(d) "Fairground" is a site where mobile, travelling fairs set up their rides for a limited amount of time. This may include amusement rides in malls, subdivisions, condominiums, museums, universities, schools, science parks, and other establishments that offer such attractions to the public. This may also be referred to as "Carnival" or "Peryahan".

(e) "Inspector" or "Ride Inspector" is a competent person employed by the Ride Controller or Owner to perform specified checks in the amusement rides and attractions in the amusement park and fairground.

(f) "Board" refers to the Amusement Industry Safety Board.

(g) "Amusement Industry" refers to the collective term for the fairgrounds and amusement parks industry. It includes the persons, whether natural or juridical, who design, manufacture, supply, control, operate, attend, maintain, and carry out inspection of articles of fairground equipment and other attractions at fairgrounds and amusement parks.

(h) "Amusement Safety Practitioner" refers to the duly authorized safety inspector of the Local Government Unit or a Private Safety practitioner or Inspector authorized by the insurance company as provided in Section 15 of this Act and certified by the Board with appropriate qualifications, experience and training who is independent of the designer, manufacturer, or controller of an amusement ride, and who undertakes specified checks.

(i) "Kiddie rides" refer to slow moving rides designed for small children.

(j) "Operator" or "Ride Operator" is the person who physically operates the ride on a day-to-day basis, who may either be the ride controller or a person employed by the ride controller.

(k) "Owner" or "Lessor" refers to a person, natural or juridical, who owns or is the registered owner or the administrator or agent of the owner of the amusement ride. It may also include civil law lessee, usufructuary, or legal possessor, who lets or grants another the use of the amusement ride.

(l) "Rider" or "Patron" refers to an individual who is:

1. Waiting in the immediate vicinity of an attraction;
2. Getting on or off an amusement ride or attraction;
3. On an amusement ride before, during, and after its operation;
4. Leaving or approaching an amusement ride and who is in its immediate vicinity.

(m) "Serious injury or illness" refers to an injury or illness that results in death, dismemberment, disfigurement, compound fracture, or permanent loss of the use of a body organ, member, function, or system, or that requires hospital admission within twenty-four (24) hours after the accident or incident.

(n) "Attractions" refer to anything provided for the entertainment of the public at a fairground or amusement park, including rides, games, and catering stalls.

(o) "Secretary" shall refer to the Secretary of the Department of Trade and Industry.

Section 4. Scope and Coverage. - This Act shall be limited to amusement parks and fairgrounds which are premises or part of the premises where services offered to consumers against a fee mainly include the use of fairground equipment or amusement rides designed to be in motion for entertainment purposes with members of the public on or inside it. This also includes any plant which is designed to be used by consumers for entertainment purposes which may include slides, or attractions for bouncing upon, swings, dodgems, bumper cars, and other plant which is designed to be in motion wholly or partly under the control of, or to be put in motion by, a member of the public. This Act shall also include coin-operated children's rides.

RIGHTS OF THE PATRONS, RIDERS, AND PERSONS WITHIN THE AMUSEMENT PARKS OR FAIRGROUNDS

Section 5. Rights of the Patrons and Riders. This Act enumerates the rights of the patrons or riders in the amusement parks and fairgrounds such as the following.

(a) *Right to Information.* - Every patron or rider has a right to be informed of the general safety requirements, safe use of rides and attractions, health conditions required, physical restrictions such as height and weight limitations of each ride or attraction, safe loading and unloading, emergency procedures and evacuation plans in case of fire, earthquakes, floods, or crowd stampede and other disasters, proper use of passenger containment system, information on reporting accidents and incidents, availment of first aid, and procedures to avoid hazards and the consequences of failure to follow instructions. These shall be provided through means that are easily accessible and noticeable, which should always include at on-site, ride-specific orientation, and in a language that the patrons or riders understand.

(b) *Right to Safety.* - Every patron or rider has a right to a safe ride and use of attractions. This is attained by ensuring compliance to standards set by the Board and the local government unit where the amusement park or fairground is doing business. This right also refers to the right to have access and to use emergency and safety devices, to avail medical assistance, and proper application of first aid procedures. This also includes the proper training of operators, attendants, employees on safety, and the regular inspection of attractions by a certified inspector as may be required by the Board. The amusement park or fairground shall prevent harm and hazards to the patrons, riders, and persons in the amusement park and fairground.

(c) *Right to Redress.* - Every patron or rider has a right, without fear of retribution, to bring complaints or take action against the amusement park, its owners, operators, attendants, and employees, for a wrong or injury caused to the patron or rider or his or her spouse and minor children. The patron or rider has a right to satisfaction or relief from a wrong or injury as the case may be. Satisfaction of a wrong or injury may be done through rectifying the problem, providing compensation, conducting an investigation, or extending a formal apology to the patron or rider.

(d) *Right against Discrimination.* - Every patron or rider shall have all the rights provided in this Act without regard to religion, sex, gender, income, color, physical characteristics, and other circumstances that have no relation whatsoever to the safety of the patron or riders and the persons in the amusement parks and fairgrounds. However, the amusement parks and fairgrounds can impose restrictions on the patrons or riders and any person within the

amusement park or fairground if it will affect the safety of any person. Right to safety is paramount.

(e) *Right to Exit.* - Every patron or rider shall have the right to exit or disembark any ride or attraction when he or she deems himself or herself in danger, unsafe, or unable to withstand the ride due to health reasons without any humiliation or embarrassment from the ride operator or attendant or any employee of the amusement parks and fairgrounds.

THE AMUSEMENT INDUSTRY SAFETY BOARD

Section 6. Creation of the Amusement Industry Safety Board. Within thirty (30) days from the effectivity of this Act, there is hereby established an Amusement Industry Safety Board hereinafter referred to as the "Board", which shall be directly under the administrative supervision of the Office of the President.

Section 7. Membership of the Board. - The Board shall be composed of eight (8) members. The Secretary or his duly authorized representative from a relevant bureau of the department shall be the Chairperson of the Board, and the Members shall be composed of representatives each from the Department of Tourism, Bureau of Fire Protection, League of Cities of the Philippines, League of Municipalities of the Philippines, two (2) Representatives from the Amusement industry composed of one representative from the amusement park and one representative from fairground who shall be appointed by the President or the Secretary after being recommended by a registered industry organization, and one technical representative who should be a certified safety engineer or of similar competency who shall be appointed by the President or the Secretary.

Section 8. Term of Office. - Each member shall serve for a term of five (5) years. Any vacancy shall be filled by the Secretary for the remainder of the unexpired term with a representative of the same interest as that of the member whose term is vacant.

Section 9. Meetings and Quorum. - The Chairman shall call the first meeting of the Board within sixty (60) days after the effectivity of the this Act. After the initial meeting, the Board shall meet at the call of the Chairperson, and shall meet at least four (4) times per year. Five members shall constitute a quorum. The vote of a majority of all the members shall be necessary for the adoption of any rule, resolution or decision of the Board.

Section 10. Allowances and Per Diems. - The Members of the Board shall be entitled to per diems for meetings attended, set under the existing accounting rules and regulations. The members of the board shall receive no other compensation for their services but they shall be reimbursed for the actual and necessary expenses incurred in the performance of their official duties.

Section 11. Powers and Functions of the Board. The Board shall have the following powers and functions:

(a) Promulgate national policies, implementing rules and regulations, and safety standards for the effective implementation of this Act including the adoption of internationally accepted standards on the amusement parks, rides, and attractions.

(b) Conduct trainings and issue accreditation to amusement safety practitioner who shall be responsible for the certification of the operational worthiness of all amusement attractions.

(c) Issue order for summary closure or stoppage of ride operation to owner or administrator of unsafe amusement parks or a portion thereof, in accordance with the rules, regulations and standards set forth in this Act.

(d) Develop and conduct safety program and information dissemination to the public relative to preventive safety measures to be observed in all amusement attractions.

(e) Study and develop a monitoring research program and evaluation of the effectiveness of the safety standards.

(f) In coordination with the local government unit having jurisdiction, investigate accidents or injuries, arising from amusement operations and recommend or initiate the filing of appropriate charges with the court having jurisdiction therein.

(g) Issue subpoena to any person in connection with its power to conduct investigation.

(h) Resolve or decide on any issue regarding safety standards brought before the Board.

(I) To require the submission of the records of the accident investigation reports relative to Amusement Attractions Safety Standards for the continuing study, research, and evaluation of the effectiveness of the safety standards set forth in this Act.

(m) Develop a mechanism for the reporting of accidents or incidents in the amusement parks or fairgrounds and implement such.

(n) Form a Secretariat who shall assist the Board in its exercise of powers and duties.

(o) Draft and issue an Amusement Ride Operators' and Attendants' Safety Handbook which shall cover not only the technical and critical aspects of ride safety but also the non-technical aspects i.e. ride management or the layout of queue areas and crowd control i.e. access routes and barriers and ensure that amusement parks and fairgrounds have operations and safety manual from the manufacturers of the rides that it operates in a language that is understandable by the operators and attendants.

(p) Determine major amusement rides and other classification of amusement rides and determine the safety standards and requirements for inspection for each classification and list of excluded rides if applicable.

(q) Formulate and impose a standard of personnel and safety training and the supervision required for the amusement rides.

(r) Formulate the rules and implement the same on the importation of amusement rides, devices, inputs, equipment and materials, the sale, lease, and other exercise of the rights of ownership and impose sanctions thereof.

(s) Impose administrative sanctions on violations of the safety standards required by it.

(t) Exercise such other powers and functions reasonably necessary for the proper and effective implementation of this Act.

Section 12. Role and Responsibilities of the Local Government Unit (LGU). -

Pursuant to the provisions of the Local Government Code of 1991 and other relevant and existing laws, the local government unit (LGU) having jurisdiction over the amusement parks and fairgrounds shall regulate the operation of amusement parks, rides, and attractions, pursuant to the policies, guidelines and safety standards promulgated by the Board, including the inspection, monitoring, and evaluation of the compliance of this Act.

The local government unit (LGU) shall only issue business permits to owners or operators of the rides with a certificate of compliance from the Board for amusement parks or its duly certified Amusement Safety Practitioners for fairgrounds, certificate of membership in a duly recognized and registered organization in the industry, and certificate of compliance with the requirement of Section 15 of this Act. The owner or operator of amusement ride must affiliate itself with a duly recognized and registered association in the industry within three (3) years from the implementation of this Act.

Section 13. Nationwide Registration. - Within one hundred twenty (120) days from the

issuance of the Board Guidelines, the local government unit (LGU) shall conduct an annual and continuing nationwide survey and registration of the following:

- a. Owner of Rides and Devices
- b. Operators of Rides and Devices
- c. Types and details of Rides and Devices
- d. Types of Accidents
- e. Available incentives and the utilization of such incentives by the parks and fairgrounds
- f. Employment and Livelihood generated
- g. Others as may be required by the Board

AMUSEMENT INDUSTRY SAFETY STANDARDS

Section 14. Amusement Industry Safety Standards. - Within ninety (90) days after the effectivity of this Act and upon duly organizing the Board, the latter shall promulgate a set of amusement industry safety standards that shall be implemented nationally by the LGUs as specified under Section 12 of this Act through the promulgation of an ordinance adopting such standards issued by the Board. Such standards shall conform with the internationally accepted norms and practices as a response to the global requirement to make the Philippines competitive globally.

Section 15. Insurance Requirements. - No person shall operate an amusement ride unless there is an insurance policy in force, written by an insurance company to cover the:

(a) Enterprise authorized to do business in the country which owns the amusement rides and devices, insuring all owners against damages, liability for injury to a rider, operator, or any third party in connection with the amusement ride and devices.

(b) Enterprise authorized to do business in the country which operates the amusement rides and devices, insuring all owners against damages, liability for injury to a rider, operator, or any third party in connection with the amusement ride and devices.

Before an amusement ride is operated, the policy-holder of the insurance shall file with each sponsor, lessor, owner, landowner, or other person who has contracted for the amusement ride to be offered to any rider, a copy of the insurance policy or a certificate stating that the insurance required by this Section is in effect.

The copy of the insurance policy, insurance certificate, or attached schedule shall identify each amusement ride included in the coverage by name, manufacturer, and serial number.

An owner of the amusement ride must file a certificate stating the insurance required by this Section is in effect with the Board and with the LGU. If the amusement ride is not operated on a continual year-round basis, an owner must file the insurance certificate not later than thirty (30) days before the first operation of the amusement ride in any calendar year. If the amusement ride is operated on a continual year-round basis, an owner must file the insurance certificate with the Board and LGU not later than ten (10) days after the effective date of the insurance.

Section 16. Ride Operator Requirements. - The owner of an amusement ride must have a documented training policy for the operation of an amusement ride. The ride owner must maintain a written certification for each person controlling the physical operation of an amusement ride that the person has received the training for the ride that is required.

Section 17. Inspections. - An amusement ride must be inspected at least once annually by a certified amusement ride practitioner. The Board shall promulgate rules and regulations on the annual, quarterly, monthly, weekly, daily inspection of the rides or as may be necessary and who are the persons required to conduct such inspection and the recording of such inspection. The owner of the amusement ride shall maintain the record of inspections for a period provided by the Board. An owner or operator shall not

knowingly operate, or permit to be operated, an amusement ride that has not passed most recent daily inspection.

Section 18. Relocating Amusement Rides. The Board shall formulate rules and regulations on amusement rides which are relocated periodically to various sites for operation. For this purpose, there shall be differentiated requirements for the installation of permanent rides and installation of relocated rides with a consideration that periodically relocated rides are subject to less stringent regime upon reinstallation depending on whether the ride is a major amusement ride or not.

Section 19. Installation, Alteration, Modification. The Board shall provide rules on the installation, alteration, and modification of amusement rides and attraction, setting forth requirements on the issuance of permits or the requirement on inspection or both before the operation of the such ride.

Section 20. Inspection after Serious Injury or Illness. An amusement ride must be inspected by a certified amusement ride inspector or practitioner before it may be operated following a serious injury or illness involving the ride.

Section 21. Availability for Inspection. The owner of an amusement ride must make the ride available for inspections at all reasonable times and places as requested by any law enforcement agency.

Section 22. Recording and Reporting. The Board shall promulgate rules and regulations on the system of recording and reporting of incidents or accidents within the amusement parks or fairgrounds whether such results from the operation of the amusement ride or other causes. Any investigation by the Board or its representatives shall not hinder the investigation by the local law enforcement agency of serious injury or illness.

Section 23. Inspector's Information Requests. Owners and operators of the amusement ride shall cooperate with the amusement safety practitioner and shall, upon the practitioner's request, provide information regarding the operation of the amusement ride. When the safety practitioner requests information about the operation of an amusement ride, that safety practitioner shall identify the reasonable time limit for a response to the said request.

Section 24. Injunctions. An injunction or other equitable relief may be obtained against an actual or threatened violation of this Act.

Section 25. Operator Enforcement. A ride operator, owner, sponsor, lessor, landowner, or other person who has contracted for the amusement ride to be offered to any rider may impose and enforce reasonable safety rules regarding the behavior of riders. A person may be prohibited from riding an attraction or may be removed from a ride for violations of such rules.

Section 26. Amusement Park Safety Practitioner's Order. An amusement safety practitioner may issue an order requiring an amusement ride operator to cease operation of a ride if the safety practitioner himself finds that a ride is unsafe to operate.

Section 27. Inspector's Liability. In the case that an inspector finds an amusement ride to be non-compliant with the safety standards, he shall not allow the operation of such ride. Any injury resulting from the operation of the non-compliant ride shall be a primary liability of the inspector without prejudice to the liability of the operator and/or attendant as the case may be.

INCENTIVES AND PENALTY CLAUSE

Section 28. Tax Incentives. All enterprises that are registered according to Section 13 of this Act and compliant with the safety standards imposed by the Board, shall enjoy the

following fiscal incentives:

(a) Zero duty on imported amusement parks and fairgrounds rides, devices, equipment and machineries, such as but not limited to, indoor facilities and arcades, family entertainment centers, including spare parts of rides, renewal energy systems such as solar panels, and equipment that promotes energy-efficient systems;

(b) Tax credits based on the duties imposed had the equipment been imported but instead are locally purchased materials stated in (a) hereof.

(c) Additional deductions of the total amount of expenses by the enterprise for the safety training of its operators and attendants as cleared by the Board or its duly authorized representative.

(d) Tax credits chargeable to national taxes upon showing that the enterprise has been compliant with this Act for 3 consecutive years as certified by the Board.

All the fiscal incentives herein provided shall be consulted with the Department of Finance (DOF), through the National Tax Research Center (NTRC) and the Bureau of Internal Revenue (BIR), and with the Board of Investments (BOI). The rules on the implementation of this provision shall be lodged with the BIR. This provision is without prejudice to other fiscal and non-fiscal incentives that the said enterprises may qualify to avail from other laws.

Section 29. Other Incentives. To assist the Amusement Industry, within ninety (90) days from the effectivity of this Act:

(a) The Board and the Department of Finance, through the Insurance Commission and other relevant bureaus and agencies, shall formulate and make available, at a competitive rate, a special program of insurance package to the enterprises in the Amusement Industry which would cover injuries, death, fire, and damage to properties, and other matters it deems should be covered;

(b) The Board of Investment, the Department of Finance, and government financial institutions shall formulate and make available a special financial package for enterprises in the Amusement Industry which should be beneficial to the industry and to the national economy.

Section 30. Penalty Clause. Any person, partnership, corporation, association, and other juridical entity found violating the provisions of this Act shall suffer the penalty of imprisonment for a period of not less than one (1) year but not more than six (6) years, or a fine equivalent to two hundred (200) percent of the value of the materials that were not registered and did not comply with the safety standards, or both, at the discretion of the court and the accessory penalties of confiscation of the imported good in favor of the government and the revocation of the privileges given under this Act. In cases where the violation is committed by a juridical entity, the officers responsible shall suffer the penalty prescribed herein.

MISCELLANEOUS CLAUSES

Section 31. Implementing Rules and Regulations. The Board shall formulate the implementing rules and regulations for the full implementation of this Act within ninety (90) days after the effectivity of this Act. This shall be done through consultations with the industry, private sectors, and enforcement agencies. Copies of the formulated rules and regulations shall be submitted to the Committee on Games and Amusement of both Houses of Congress.

Section 32. Appropriations. The amount of five (5) million pesos is hereby appropriated for the operations of the Board.

Section 33. Transitory Provisions. In the interim, the Board may secure the assistance of the existing and recognized industry associations in order to operationalize the policies stated in this Act.

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

Section 35. Repealing Clause. All laws, decrees, rules or regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved,