

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 2273



Introduced by Representatives Mariano Michael M. Velarde Jr., Jose L. Atienza Jr. and
Irwin C. Tieng (BUHAY Party List)

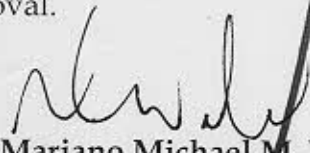
EXPLANATORY NOTE

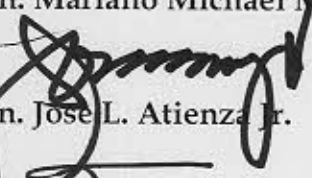
Over the past years, reports have circulated regarding fatalities and injuries due to accidents while riding amusement rides here in our country. Reports such as the death of a man falling from an inverted roller coaster in Star City in 2009 and the 2008 incident in Enchanted Kingdom's Exodus Ride that gravely injured a woman revealed that even the bigger, and so expectedly more sophisticated, theme parks or carnivals are no exception when it comes to these kinds of accidents.

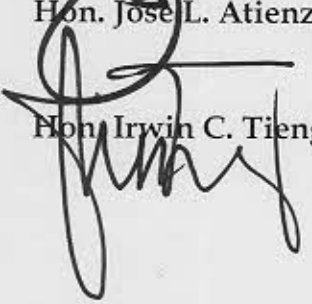
Despite these accidents, there is no single government entity that is tasked to ensure the safety of the amusement rides. Although the local governments are responsible for issuing permits for the operation of the rides within their respective jurisdictions, the measures that LGUs employ remain wanting.

In this light, it is imperative that the State must take positive action to guarantee the safety of its citizens in engaging in the increasingly popular form of recreation in theme parks and carnivals. This representation believes that regular inspection of amusement rides will drastically minimize, if not altogether prevent, untoward incidents in the amusement rides.

Buhay Hayaan Yumabong Party List filed this Bill last Congress and we request for its approval.


Hon. Mariano Michael M. Velarde Jr.


Hon. Jose L. Atienza Jr.


Hon. Irwin C. Tieng

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

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

SEC. 1. Title. - This Act shall be known as the "Amusement Rides Inspection Act of
2013".

SEC. 2. Definition of Terms. - As used in this Act, the following terms shall have the
following definitions:

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

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

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

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

1) Waiting in the immediate vicinity of an amusement ride;

2) Getting on an amusement ride;

3) On an amusement ride before, during, and after its operation;

4) Getting off an amusement ride; or

5) Leaving or approaching an amusement ride and in its immediate vicinity.
"Rider" does not, however, include:

1) any operator while operating the amusement ride or any employees, agents, or
servants of an operator while engaged in the duties of employment; or

2) any owner or any employees, agents, or servants of an owner while engaged
in the duties of employment.

(e) "Serious injury or illness" means 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 of the accident or incident.

SEC. 3. Insurance Requirements. - No person shall operate an amusement ride unless there is an insurance policy in force, written by an insurance company authorized to do business in the country, insuring all owners against liability for injury to a rider in connection with the amusement ride. Before an amusement ride is operated, an owner of the amusement ride must file with each sponsor, lessor, landowner, or other person who has contracted for the amusement ride to be offered to any riders 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. 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 commissioner not later than ten (10) days after the effective date of the insurance.

SEC. 4. 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 by the documented training policy.

SEC. 5. Annual Inspections. -

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

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

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

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

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

(d) No person shall operate an amusement ride unless: (1) the amusement ride passed the most recent annual inspection required by this section; or (2) all defects identified during the most recent annual inspection have been corrected and the amusement ride passed a re-inspection;

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

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

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

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

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

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

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

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

SEC. 10. Recording and Reporting. -

(a) An owner shall maintain a first-aid incident report log for all rider injuries or

illnesses resulting from the operation of an amusement ride, other than minor injuries or illnesses. The recorded information shall include the following:

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

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

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

SEC. 12. Injunctions. - An injunction or other equitable relief of an amusement ride may be obtained against an actual or threatened violation of this Act.

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

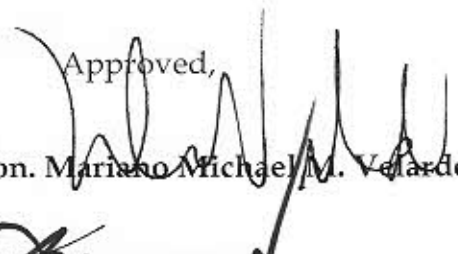
SEC. 14. Inspector's Order. - An inspector may issue an order requiring an amusement ride operator to cease operation of a ride if the inspector himself finds that a ride is unsafe to operate.

SEC. 15. Separability Clause. - 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.

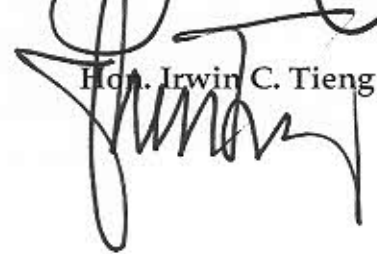
SEC. 16. Repealing Clause. - All laws, decrees, rules or regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved,


Hon. Mariano Michael M. Velarde Jr.


Hon. Jose L. Atienza Jr.


Hon. Irwin C. Tieng