

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6424



Introduced by Honorable FREDERICK W. SIAO

EXPLANATORY NOTE

This bill requires operators of amusement or theme parks and adventure or extreme sports facilities to institutionalize safety measures and secure comprehensive general liability insurance coverage for all their clients.

Safety must be the number one priority of the operators of amusement or theme parks and adventure or extreme sports facilities. With the advent of the information age and the popularity of virtual games, amusement and sports activities have become hard core games to test the physical limits and imagination of the players, patrons, clients and other sports enthusiasts. And because the amusement parks and adventure sports industries are highly dynamic, the operators continue to reinvent these enterprises.

For instance, a world-renowned theme park in the Philippines, the Enchanted Kingdom, is continuously innovating the amusement park into an integrated destination with a complete package for different groups that includes swimming, comfortable lodging, food and beverage, shopping, exhibits and conventions.

With the continuous technological advancement of amusement or theme parks and adventure or extreme sports facilities, the *International Association of Amusement Parks and Attractions* emphasizes the need to strengthen the safety measures appurtenant to these activities. Therefore, it becomes imperative to institutionalize the safety measures and make the procurement of comprehensive general liability insurance as one of the mandatory prerequisites for the operators so that clients may safely enjoy the amenities of amusement or theme parks and adventure or extreme sports facilities.

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

FREDERICK W. SIAO
Lone District, Iligan City

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AN ACT
REQUIRING OPERATORS OF AMUSEMENT OR THEME PARKS AND ADVENTURE
OR EXTREME SPORTS FACILITIES TO INSTITUTIONALIZE SAFETY MEASURES
AND SECURE COMPREHENSIVE GENERAL LIABILITY INSURANCE COVERAGE
FOR THEIR CLIENTS

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

SECTION 1. *Short Title.* – This Act shall be known as the “*Leisure and Adventure or Extreme Sports Safety and Insurance Act.*”

SEC. 2. *Declaration of Policy.* – It is the policy of the State to encourage the citizens to engage in sports and physical activities as a form of recreation and to foster self-discipline, teamwork and excellence for the development of a healthy citizenry. With the evolution of sports and the growing interest of the public towards adventurous activities, it is also the policy of the State to provide measures to mitigate the inherent danger associated with the bold and daring activities offered by amusement or theme parks and adventure or extreme sports facilities. It is, therefore, imperative for the State to:

- (a) Require the operator of amusement or theme parks and adventure or extreme sports facilities to secure a comprehensive general liability insurance for the client;
- (b) Institutionalize standard safety measures for the protection of the client; and
- (c) Require the operator to secure and update sport-specific certifications that reflect the age, skills, trainings and technical abilities of the operator and their staff.

SEC. 3. *Comprehensive General Liability Insurance.* – Any person, partnership, association or corporation, operating the amusement or theme parks and adventure or extreme sports facilities shall procure a comprehensive general liability insurance for all their clients. The comprehensive general liability insurance shall be in full force and effect for the entire period of the operation of the amusement or theme parks and adventure or extreme sports facilities.

In case the insurance is suspended, cancelled or rendered inactive, the operator shall reinstate, revive or procure another insurance. In the absence of a comprehensive general liability insurance, the permit to operate the amusement or theme parks and the adventure or extreme sports facilities shall be suspended or revoked. In case of revocation, the amusement or theme parks and the adventure or extreme sports facilities shall be ordered closed by the local government unit where they are located.

SEC. 4. *Insurance Coverage.* – The comprehensive general liability insurance shall cover the injury, illness, or death suffered by the client of the amusement or theme parks and adventure or extreme sports facilities due to any of the following:

(a) Malicious and negligent act of another person, including the operator, the organizer or sponsor or any of its staff or employee;

(b) Defective facility or amenity in the amusement or theme parks and adventure or extreme sports facilities; and

(c) Force majeure, that includes earthquake, typhoon, flood, fire, war, terrorist attack or other unforeseen event, the happening or consequence of which may not be prevented or avoided.

SEC. 5. *Insurable Activities.* – A comprehensive general liability insurance shall be secured by the operator of the amusement or theme parks for the client for sports activities such as abseiling, parachute jumping from building, antenna, span or bridge, and earth or cliff (BASE), bobsledding, bungee jumping, canyoning, caving, hang gliding, heli-skiing, high diving, horseback riding, hot air ballooning, inline skating, jet skiing, zip lining, kayaking, motorcycle or all-terrain vehicle (ATV) or motor scooter riding, mountain biking, parachuting, paragliding, piloting a non-commercial aircraft, rappelling, rock climbing, scuba diving, skydiving, snorkeling,

snowboarding, snowmobiling, snow skiing, spelunking, surfing, trekking, wakeboarding, water skiing, whitewater rafting, wildlife safaris, and windsurfing and other similar activities.

SEC. 6. **Exclusion.** –No proceeds from the insurance company shall accrue to the client in case the injury, illness, disability or death is due to any of the following:

- (a) Suicide or attempted suicide;
- (b) Self-inflicted injury; or
- (c) Any act committed during the state of intoxication or insanity.

SEC. 7. **Safety Regulations and Standards.** – To ensure the safety of the client, the safety regulations and standards for amusement or theme parks and adventure or extreme sports facilities shall conform with the internationally accepted standards and regulations. Further, the operator of the amusement or theme parks and adventure or extreme sports facilities shall:

(a) Secure a permit to operate from the local government unit where the amusement or theme parks and the adventure or extreme sports facilities are located;

(b) Possess a current sport-specific certification that reflects the age, skills, trainings and technical abilities of the operator and the staff to assist the client in carrying out the activities involved in the amusement or theme parks and adventure or extreme sports facilities;

(c) Maintain on standby an emergency medical team or paramedics certified to perform cardiopulmonary resuscitation and automated external defibrillation (CPR/AED) and first aid within the duration of an activity in the amusement or theme parks and adventure or extreme sports facilities;

(d) Impose on its staff the responsibility of being the first responder in the absence of a more qualified health professional in case of emergency;

(e) Document all injuries and circumstances surrounding the accident during the operation of the amusement or theme parks and adventure or extreme sports facilities in anticipation of the need for accident reports by the parent, spouse, legal guardian or relative of a client as a prerequisite to insurance claims or other legal purposes; and

(f) Be knowledgeable and familiar of the local culture of the place where the event takes place, including relevant local history and current events.

SEC. 8. **Periodic Inspection.** – The municipal or city engineer of the local government unit where the amusement or theme parks and adventure or extreme sport facilities are located shall conduct periodic inspection of the facilities to ensure the safety of the clients.

Inspection shall also be conducted at times when request for information on the operation of amusement or theme parks and adventure or extreme sport facilities are needed as basis for the issuance of a stop operation order of any ride or facility found to be unsafe to operate.

Any alteration, modification or relocation of a ride or facility shall require a new inspection. Likewise, inspection is mandatory when the ride or facility has given rise to an injury to the client. The operation of the relocated, altered or modified ride or facility which has resulted to an injury to the client shall resume only after the inspection and findings that such ride or facility is safe.

If the inspector knowingly allows the operation of unsafe ride or facility, the inspector shall primarily be liable for any resulting injury without prejudice to the liability of the operator of the amusement or theme park and adventure or extreme sports facility.

SEC. 9. **Permit to Operate.** – No person, natural or juridical, shall operate amusement or theme parks and adventure or extreme sports facilities without a permit duly issued by the local government unit where the amusement or theme parks and adventure or extreme sports facilities are located. The permit to operate shall be renewed annually, subject to withdrawal or revocation as may be determined by the municipal or city engineer during the annual inspection and in cases of violation of the laws, rules, regulations or safety standards on the operation of amusement or theme parks and adventure or extreme sports facilities.

The permit to operate mobile rides or facilities or those that are temporarily installed during school fairs, "*fiestas*," "*tiangges*" and the like shall also be issued by local government units where the mobile rides or facilities are located.

SEC. 10. **Penalties.** – Any person who violates Sections 3, 7, 8 and 9 of this Act shall, upon conviction, suffer the following penalties:

- (a) For the first violation, a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00); and
- (b) For any subsequent violation, a fine of not less than Four hundred thousand pesos (P400,000.00) but not more than One million pesos (P1,000,000.00).

If the offender is an alien, the person shall be deported immediately after service of sentence without further proceedings.

In case of juridical entities, the directors, officers and other persons responsible for the violation of this Act shall be held liable.

SEC. 11. ***Implementing Rules and Regulations.*** – Within thirty (30) days from the effectivity of this Act, the Secretary of Tourism and the Secretary of the Interior and Local Government shall, in coordination with the representatives of the different amusement or theme parks and adventure or extreme sports associations in the country, issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 12. ***Repealing Clause.*** – All laws, orders, issuances, rules and regulations, or parts thereof inconsistent with the provisions of this Act, are hereby repealed, amended and modified accordingly.

SEC. 13. ***Separability Clause.*** – If any part or provision of this Act is declared unconstitutional or invalid, the other provisions or parts not affected shall remain in full force and effect.

SEC. 14. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,