

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **7076**



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

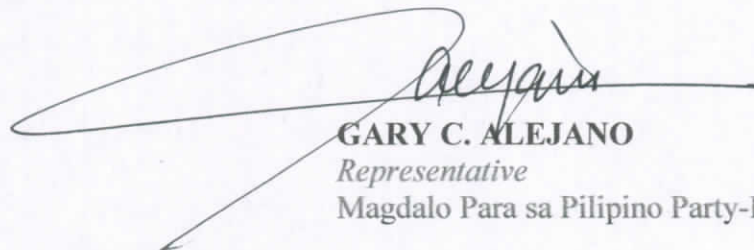
Amusement parks usually include a collection of rides and entertainment that caters to adults, teenagers and children. It continues to be visited by many Filipinos and it serves as one of the places of recreation and leisure.

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

This bill seeks to create an Amusement Industry Safety Board which shall serve as the sole regulating body on all matters pertaining to amusement rides and devices. The bill also finds it necessary for the amusement rides to be inspected four (4) times annually by a certified amusement ride inspector, and before daily operation by the owner or operator of the amusement ride. The bill further provides incentives to enterprises engaged in the Amusement Industry.

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


GARY C. ALEJANO
Representative
Magdalo Para sa Pilipino Party-List

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HON. GARY C. ALEJANO

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 House of Representatives of the Philippines in Congress assembled:

CHAPTER 1
GENERAL PROVISIONS

SECTION 1. Short Title. – This Act shall be known as the “*Amusement Industry Safety Board Act.*”

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

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

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

- a. Patrons or riders, tourists against hazards associated with operation of these establishments;
- b. Operators in imposing and enforcing reasonable safety rules against non-compliant behaviour of patrons or riders;

- 1 c. The amusement industry in complying with the recognized standards, set of
2 procedures and guidelines to further ensure the quality and safety of amusement ride
3 and devices.
4

5 **SEC. 4. Definition of Terms.** – As used in this Act, the following term, words and
6 phrases shall have the following definitions:
7

- 8 a. *Accredited amusement safety inspector* – refers to an individual who is accredited by
9 the Board and certified by the Bureau of Product Standards of the Department of
10 Trade and Industry, to inspect and certify that the amusement rides and devices pass
11 the safety standards;
12
- 13 b. *Amusement Industry* – refers to the collective term for the fairgrounds and
14 amusement park industry which includes the people who design, manufacture,
15 supply, control, operate, attend, maintain and carry out inspection of articles of
16 fairground equipment and other attractions at fairgrounds and amusement parks;
17
- 18 c. *Amusement Park* – refers to a fixed tract, area or site principally and commercially
19 used by an enterprise as a permanent location for amusement structures, mechanical
20 rides, devices and attractions, including theme parks;
21
- 22 d. *Amusement ride or amusement device* – refers to a device or a combination of devices
23 or elements that carry, convey, or direct a person(s) over or through a fixed or
24 restricted course or within a defined area, for the primary purpose of amusement or
25 entertainment; where the term “amusement ride” or the word “ride” are used in this
26 Act, their meaning shall correspond with the term “amusement device” as herein
27 defined;
28
- 29 e. *Board* – refers to the Amusement Industry Safety Board;
30
- 31 f. *Carnival or “Peryahan”* – refers to a mobile enterprise principally devoted to
32 offering amusement or entertainment to the public in, upon, or by means of portable
33 or movable amusement rides or devices or temporary structures in any number
34 combination, whether or not associated with other structures or forms of public
35 attraction, including but not limited to “peryahan” on special occasions like school
36 fairs, fiestas, and “tiangges”;
37

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

1 CHAPTER II

2 THE AMUSEMENT INDUSTRY SAFETY BOARD, COMPOSITION, POWERS AND
3 FUNCTIONS
4

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

11 SEC. 6. *Membership of the Board.* – The Board shall be composed of seven (7)
12 members or their duly designated representatives:
13

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

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

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

33 SEC. 9. *Allowances and Per Diems.* – The members of the Board and its Advisory
34 Council hereof as referred to in Section 11 of this Act, shall be entitled to per diems for meetings
35 attended pursuant to existing government accounting and auditing rules and regulations. The
36 members of the board and the Advisory Council shall receive no other compensation for their
37 services but they shall be reimbursed for their actual and necessary expenses incurred in the
38 performance of their official duties.

1 **SEC. 10. Powers and Functions of the Board.** – The Board shall have the following
2 powers and functions:

- 3
- 4 a) Promulgate national policies, implementing rules and regulations, and safety standards
5 for the effective implementation of this Act including the adoption of internationally
6 accepted standards on the amusement parks, rides and attractions;
- 7
- 8 b) Conduct trainings and issue accreditation to amusement safety inspector who shall be
9 responsible for the certification of the operational worthiness of all amusement rides,
10 devices and attractions;
- 11
- 12 c) Review order for summary closure or stoppage to owner or operation of unsafe
13 amusement parks or a portion thereof, issued by the amusement safety inspector, in
14 accordance with the rules, regulations and standards set forth in this Act;
- 15
- 16 d) Develop and conduct safety program and information dissemination to the public
17 relative to preventive safety measures to be observed in all amusement attractions;
- 18
- 19 e) Study and develop a monitoring research program and evaluation of the effectiveness
20 of the safety standards;
- 21
- 22 f) In coordination with the local government unit having jurisdiction over the amusement
23 park, investigate accidents or injuries arising from amusement park's operations and
24 recommend or initiate the filing of appropriate charges with the court having
25 jurisdiction;
- 26
- 27 g) Issue subpoena *ad testificandum* and *duces tecum* to any person in connection with its
28 power to conduct investigation;
- 29
- 30 h) Resolve or decide on any issue on the interpretation of the safety standards brought
31 before the Board;
- 32
- 33 i) To require the submission or records of the accident investigation reports relative to
34 the Amusement Industry Safety Standards for the continuing study, research and
35 evaluation of the effectiveness of the safety standards set forth in this Act; and
- 36 j) And such other powers and functions as may be assigned by the President.
- 37

1 **SEC. 11. *The Amusement Industry Safety Standards Advisory Council (AISSAC).*** –

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

7
8 **SEC. 12. *Role and Responsibilities of the Local Government Units.*** – The Local
9 Government Unit (LGU), pursuant to the provisions of Republic Act 7160 otherwise known as
10 the Local Government Code of 1991, and other relevant and existing laws, shall:

- 11 a) Regulate the operation of amusement parks, rides and attractions, pursuant to the
12 policies, guidelines and safety standards promulgated by the Board, including the
13 inspection, monitoring and evaluation in compliance of this Act;
14
15 b) Collect fees and charges, including but not limited to business permit fees;
16
17 c) Identify and send safety practitioners for training on the Safety Standards to be
18 conducted by the Board;
19
20 d) Identify and designate a tourism area for the *peryahan* in its respective physical
21 location development plan; and
22
23 e) Within 120 days after the issuance of the Board Guidelines, conduct survey within its
24 own jurisdiction on certain information, such as but not limited to:
25 i. Owners of rides and devices;
26 ii. Operators of rides and devices;
27 iii. Types of rides and devices, including but not limited to its serial numbers
28 iv. Training and seminars attended to by the owners and operators of rides and
29 devices;
30 v. Number of visitors or patrons per amusement park;
31 vi. Employment and livelihood generated from the operation of an
32 amusement park; and
33 vii. Such other pertinent information as may be required by the Board.

1 **CHAPTER III**
2 **AMUSEMENT INDUSTRY SAFETY STANDARDS**
3

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

- 7
8 a. All equipment, materials and safeguards required are complied with and the same are
9 maintained in good condition;
10 b. The amusement ride or device is operated and maintained by a competent person; and
11 c. A required inspection of the amusement ride or device is carried out by an accredited
12 amusement safety inspector as a requirement for the issuance of permit.
13

14 **SEC. 14. Standards and Guidelines.** – The Board, by way of regulation, shall adopt
15 internationally recognized standards, recommendations, set of procedures or guidelines to further
16 ensure the quality and safety of amusement ride and devices.
17

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

27 **SEC. 16. Ride Operator Requirements.** - The owner of an amusement ride or device
28 must have a documented training policy for the operation of an amusement ride or device. The
29 ride or device owner must maintain a written certification for each person controlling the
30 physical operation of an amusement ride or device that the person has received the training for
31 the ride or device as required by the documented training policy or program.
32

33 **CHAPTER IV**
34 **SCOPE OF INSPECTION**
35

36 **SEC. 17. Scope of Application.** – This Code shall apply to all enterprises where
37 amusement ride and device are designed, manufactures, constructed, installed, operated,
38 inspected and transferred. The safety of fairgrounds and amusement parks shall be ensured of

adequate protection and safety of amusement ride and device in order to avoid injuries or the infliction of unnecessary pain or distress to patrons and rides during the operation or amusement ride and device.

SEC. 18. *Authorized Officers to Conduct Inspection of Amusement Ride and Device.* -

Only amusement ride inspector duly accredited by the Board are authorized to conduct amusement rides and devices inspection work. All persons involved in the said inspection work shall undergo training conducted by the Board.

The certified amusement ride inspector must be either:

- i. an employee of the insurance company that insures the amusement ride or device; or
- ii. an independent inspection service provider that the insurance company or owner has contracted with, or an employee of the independent inspection service provider.

SEC. 19. *Annual Inspections.* -

- a) An amusement ride or device must be inspected at least four (4) times annually or quarterly by a certified amusement ride inspector;
- b) Amusement rides or devices 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 do not pass an inspection required by this section in the previous year must be re-inspected before being operated in the country;
- c) If an inspection reveals that an amusement ride or device does not meet the safety standards, the insurer or independent inspection service provider must notify the owner of all defects of the ride or device;
- d) No person shall operate an amusement ride or device unless:
 - i. the amusement ride or device passed the most recent annual inspection required by this section; and
 - ii. all defects identified during the most recent annual inspection have been corrected and the amusement ride or device passed are-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

1 permit reasonable inspection of an amusement ride by the certified amusement ride
2 inspector selected by the insurer or independent inspection service provider;

3
4 f) The inspections required by this section are in addition to and supplementary to any other
5 inspections required or permitted by law;

6
7 g) Before the amusement ride or device is operated, an owner of an amusement ride must
8 submit to each sponsor, lessor, landowner, or other person who has contracted for the
9 amusement ride to be offered to any rider or patron, an inspection certificate showing
10 that the amusement ride passed the most recent inspection or re-inspection required by
11 this section. The inspection certificate shall identify the amusement ride by name,
12 manufacturer, and serial number, the date inspection was performed, and the inspector's
13 name and certification number; and

14
15 h) An owner of an amusement ride must also file the certificate of inspection with the
16 Board not later than ten (10) days after the completion of each inspection as required by
17 this section.

18
19 **SEC. 20. Daily Inspections.** - No person shall operate an amusement ride or device unless
20 a daily inspection has been performed. Each daily inspection shall be recorded in a logbook for
21 each amusement ride or device and shall be kept for a period of not less than three (3) years. An
22 owner or operator shall not knowingly operate, or permit to be operated, an amusement ride or
23 device that has not passed a daily inspection.

24
25 **SEC. 21. Inspection after Alteration or Modification.** - An amusement ride or device that
26 has been modified or altered in a manner that changes its dynamics or control system from the
27 original manufacturer's design or specification since its last annual inspection must be
28 inspected by a certified amusement ride inspector before it can be operated.

29
30 **SEC. 22. Inspection after an Injury or Illness.** - An amusement ride or device must be
31 inspected by a certified amusement ride inspector before it can be operated following an injury
32 or illness involving the ride.

33
34 **SEC. 23. Availability for Inspection and Information.** - The owner of an amusement ride
35 must make the ride or device available for inspection at all reasonable times and places
36 requested by any law enforcement agency. All relevant information on the operation of an
37 amusement ride or device shall also be made available at all times.

1 **SEC. 24. Recording and Reporting. –**

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

- 5 i. name, address, age and telephone number of the rider receiving emergency
6 health care service or treatment; date the injury or illness occurred;
7 ii. description of the injury or illness and the first-aid service or treatment
8 administered;
9 iii. manufacturer's name and serial number of the amusement ride involved in
10 the
11 iv. incident or illness and;
12 v. any other pertinent information, as may be required by law.

13
14 b. An owner shall maintain the first-aid incident report log for a period of not less than
15 three (3) years, and shall make the first-aid incident report log available upon request by
16 any interested party. An owner of an amusement ride or device shall provide a report to
17 the local law enforcement agency of any accident or incident arising from the use or
18 operation of an amusement ride or device resulting in serious rider injury or illness. Not
19 less than three (3) years, and shall make the first-aid incident report log available upon
20 request by any interested party. An owner of an amusement ride or device shall provide
21 a report to the local law enforcement agency of any accident or incident arising from the
22 use or illness.

23
24 **SEC. 25. Operator Enforcement.** - A ride operator, owner, sponsor, lessor, landowner, or
25 other person who has contracted for the amusement ride or device to be offered to any rider or
26 patron, may impose and enforce reasonable safety rules regarding the behaviour of riders or
27 patrons. It may prohibit a person from riding a ride or may remove a rider from a ride for
28 violations of those rules.

29
30 **CHAPTER V**
31 **PENALTIES AND SANCTIONS**

32
33 **SEC. 26. Administrative Fines.** - The Board by way of regulation, shall issue a schedule
34 of administrative fines for violations of any provisions of this Code.

35
36 **SEC. 27. Cease and Desist Order.** - The Board is authorized to issue after due process
37 except in instances when the continued operation causes imminent danger to public safety, a
38 "cease and desist order" to any amusement ride and device operator, person, enterprise, firm, or

1 corporation engaged in the business in the amusement industry if found to be in violation of any
2 of the provisions of this act, should the continued operation of said entity, as the certified
3 amusement safety inspector finds that a ride is unsafe to operate and would pose risk to public
4 safety.

5
6 **CHAPTER VI**
7 **INCENTIVES**
8

9 **SEC. 28. Tax Incentives on Importation.** – All enterprises engaged in Amusement
10 Industry as duly accredited by the Board, in consultation with the Department of Finance and the
11 Board of Investments, shall, for five (5) years after the effectivity of this Act and thereafter, be
12 exempted from the payment of tariff and duties for the importation of all types of amusement
13 theme parks and amusement rides inputs, devices, equipment and machineries, including spare
14 parts of all carnival ride equipment and renewable energy systems such as solar panels;
15 *Provided*, however, that the imported inputs, devices, equipment and machineries shall be for
16 the exclusive use of the importing enterprise. *Provided further*, That such are not manufactured
17 domestically in sufficient quantity and comparable quality. This is without prejudice to other
18 fiscal and non-fiscal incentives that the said enterprises may qualify to avail from other existing
19 laws.
20

21 **SEC. 29. Assistance to Mobile Operators.** Government Financial Institutions (GFIs) shall
22 provide loan provisions for mobile operators or *peryahan* operators. Mobile operators or
23 *peryahan* operators shall secure a favourable endorsement from the Board to avail of the said
24 loan provisions. Existing mobile operators or *peryahan* operators shall, to avail of the said loan
25 provisions, obtain a certificate of safety compliance from the Board.
26

27 **SEC. 30. Penalty on Illegal Importation.** – Any person, partnership, corporation,
28 association and other juridical entity found violating the provisions of Section 28 of this Act,
29 shall suffer the penalty of imprisonment for a period of not less than six (6) months but not more
30 than six (6) years, or a fine equivalent to two hundred percent (200%) of the value of imported
31 materials or both, at the discretion of the court and the accessory penalties of confiscation of the
32 imported goods in favour of the government and the revocation of the privileges given under this
33 Act. In cases where the violation is committed by a juridical entity, the officers responsible shall
34 suffer the penalty prescribed herein.
35

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

CHAPTER VII
TRANSITORY AND FINAL PROVISIONS

SEC. 31. Appropriations. – The amount necessary for the implementation of this Act shall be included in the General Appropriations Act.

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

SEC. 33. Implementing Rules and Regulations. – The Chairman, within ninety (90) days after the effectivity of this Act, through a technical working committee, and in consultation with the private sector concerned shall formulate the implementing rules and regulations for the full implementation of this Act. Copies of the formulated rules and regulations shall be submitted to the Committee on Games and Amusement of both Houses of Congress. Such rules and regulations shall take effect fifteen (15) days upon publication in a newspaper of general circulation.

SEC. 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.

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

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

Approved,