

THEMATIC TITLE	LEGAL PROBLEMS REGARDING THE PRODUCT LIABILITY LAWS: A STUDY OF THE LIABILITY OF THE ENTREPRENEUR
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Abstract

The purpose of this paper is to study about the evolution, concepts, and the legal principles relating to the Liability for Damages Arising from Unsafe Products Act. This law was enacted from the concepts to solve the problems about the protection and the remedy to the damaged party who was damaged arising from unsafe products. This product liability applies the vicarious liability in order to relieve the burden of the damaged party in the burden of proof of the producer, the seller and the entrepreneur liabilities. Because the damaged party is often disadvantaged in the burden of proof about the facts, the scientific information, the complicated technical data relating to the product manufacturing which the ordinary people could not understand. Therefore, this law prescribes new principles that the producer or the seller has the duty to explain such information and facts. Moreover, the important principle is that the law prescribes all of the responsibilities of the person in the manufacturing process including the selling process since the producer is the best person in the condition to prevent the unsafe products selling into the market. Thus, this act is the vital mechanism in the consumer protection from the unsafe products by preventing or restraining the damages.

In part of the legal issues of this act, from the study the author found that there are still some provisions of the law which is ambiguous or obstructs the damaged party's remedy. In the matter of the "unsafe product" and "entrepreneur" definition, such definitions are not covered enough. This law limits to the defects in the manufacturing, the designing etc. and is not included the services. The author suggests the inclusion of the services on account of nowadays there are many types of services. These services may cause the danger to the consumers such as the beauty business, spa or

the treatment from the hospital. The author suggests expanding the protection covering the services for more benefits to the consumers. The law also prescribes the liability of the entrepreneur in section 7 which does not protect the consumers in consistent with the changed technology. Furthermore, the law does not prescribe the essential measure in the protection of the consumers from buying the unsafe products in the market which is the product recall measure by the entrepreneur. Besides, the meaning of the “damage” which is “This shall not include damage to the unsafe product”, is the principle of law that does not fit to the fact that it is enacted to apply to the damage to life, body, hygiene, or assets and not to the damage occurred to the product itself. At present, the defective products are still sold to the people for gaining of the profit. Therefore, the author suggests covering the damage occurred to the product in the protection.

However, from studying of some provisions of law, the author suggests the guideline to further amend the law in the consumerism era in order to protect the consumers who were exploited for a long time and encourage the entrepreneur to produce more qualified and safer products.