

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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO 1902

Introduced by
Representative Joel Roy R. Duavit

EXPLANATORY NOTE

While motorcycles are a fuel-efficient and congestion-decreasing mode of transportation, there are also inherent risks with their use. Statistics show that there is increasing involvement of motorcyclists in traffic accidents. There is need for additional measures to address this serious highway safety concern, particularly when we consider the greater vulnerability of the motorcyclist

This Bill advocates for increasing motorist awareness of motorcycles and increased responsible motorcycle use to reduce the number of accidents on the road. This legislation sets forth guidelines to promote motorcyclists' safety, ensures that all motorcycles are equipped with the necessary safety features, and encourages riders and passengers to develop safe riding skills at all times.

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


JOEL ROY R. DUAVIT

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AN ACT REGULATING THE USE AND OPERATION OF
MOTORCYCLES, MOPEDS AND MOTORIZED SCOOTERS
AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

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 “Motorcycle Safety Act of 2010.”

SEC 2. Declaration of Policy. – It is hereby declared the policy of the State to secure and safeguard its citizenry, particularly the drivers and passengers of motorcycles, mopeds and motorized scooters, and affected pedestrians, from the ruinous and extremely injurious effects of vehicular accidents. Towards this end, the State shall pursue a more proactive and preventive approach in order to secure the safety of drivers and passengers and affected pedestrians, at all times.

SEC. 3. Definition of Terms. – For purposes of this Act, the following terms are hereby defined:

- (a) **Driver** - shall mean every and any licensed operator of a motor vehicle.
- (b) **Motorcycle** - refers to every self-propelled motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor or a moped.
- (c) **Moped** - refers to any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels; with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground; and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.
- (d) **Motorized Scooter** – refers to any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three wheels, and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground.

- (c) **Owner** – refers to the actual legal owner of a motor vehicle, in whose name such vehicle is duly registered with the Land Transportation Commission.

The “owner” of a government-owned motor vehicle is the head of the office or the chief of the Bureau to which the said motor vehicle belongs.

SEC. 4. Vehicle Requirements. All motorcycles shall come equipped with the following:

- (a) Brakes adequate to control the movement of and to stop and hold the vehicle under normal operation conditions;
- (b) Headlights and taillights when operated between sunset and sunrise;
- (c) Turn signals;
- (d) Horns or other audible signal device;
- (e) Reflector/s, either as part of the taillight or separately; and
- (f) A muffler or noise control device.

SEC. 5. Protective headgear requirements. - A person may not operate or ride upon a motorcycle or moped or motorized scooter unless the person is wearing a properly fitted, securely fastened safety-rated protective headgear designed for motorized vehicle use.

SEC. 6. Riding on motorcycles or mopeds or motorized scooter.

- (a) A person operating a motorcycle or moped or motorized scooter shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person, nor shall any other person ride on a motorcycle or moped or motorized scooter, unless such vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the vehicle at the rear or side of the operator, Provided further that there is compliance with the requirements for footrests and handholds as provided in Section 7.
- (b) A person shall ride upon a motorcycle or moped only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle or moped.
- (c) No person shall operate a motorcycle or moped while carrying any package, bundle, or other article which prevents the person from keeping both hands on the handlebars.
- (d) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or moped or the view of the operator.
- (e) No person shall propel a motorcycle or a moped or a motorized scooter upon and along a sidewalk while the motor is operating.

SEC. 7. Footrests, handholds, and handlebars.

- (a) Any motorcycle or moped carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.
- (b) A person may not ride upon a motorcycle or moped unless he or she can comfortably reach the footrests while properly seated upon the vehicle.

- (c) No person shall operate any motorcycle or moped with handlebars or with handgrips that are higher than the top of the shoulders of the person operating the motorcycle or moped while properly seated upon the motorcycle or moped.

SEC. 8. Wearing of headsets, headphones, or other listening device.

- (a) No person shall operate a vehicle while wearing a headset, headphone, or other listening device, other than a hearing aid or instrument for the improvement of defective human hearing.
- (b) This section does not apply to:
 - 1. Any law enforcement officer equipped with any communication device necessary in performing his or her assigned duties or to any emergency vehicle operator equipped with any ear protection device.
 - 2. Any applicant for a license to operate a motorcycle while taking the examination required by law or ordinance.
 - 3. Any person operating a motorcycle or moped or motorized scooter who is using a headset that is installed in a helmet and worn so as to prevent the speakers from making direct contact with the user's ears so that the user can hear surrounding sounds.
 - 4. Any person using a headset in conjunction with a cellular telephone that only provides sound through one ear and allows surrounding sounds to be heard with the other ear.
 - 5. Any person using a headset in conjunction with communicating with the central base operation that only provides sound through one ear and allows surrounding sounds to be heard with the other ear.
- (c) The Land Transportation Office (LTO), in coordination with the Department of Trade and Industry (DTI), shall promulgate, by administrative order, standards and specifications for headset equipment the use of which is permitted under this section. The LTO and DTI shall jointly inspect and review all such devices submitted to them and shall publish a list by name and type of approved equipment.

SEC. 9. Muffler Requirement.

- (a) Motorcycles or mopeds or motorized scooters shall be operated in such manner as to minimize any disturbances to the public and shall not unreasonably annoy or disturb the comfort or repose of any considerable number of members of the public by engine noise, horn, noisy acceleration and any other audible disturbance resulting from such motorcycle operation.
- (b) Every motorcycle or moped or motorized scooter shall, at all times, be equipped with a muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise. No person shall use a muffler cutout, bypass, or similar device upon a motorcycle or moped or motorized scooter on a street, highway, or public way. The exhaust system shall not emit or produce a sharp popping or cracking sound.

SEC. 10. Stunts. - No stunts, drills, acrobatic, racing, or games of any sort on motorcycles or mopeds or motorized scooters are permitted on any national highway or street without the prior approval of the local City or Municipal Hall.

SEC. 11. Penalties and Fines. — In the enforcement of this Act, the LTO shall impose the appropriate penalties and/or fines against those in violation of this Act, pursuant to the following:

- (a) For violation of Sections 5 to 10, a minimum fine of Five Hundred Pesos (Php 1,000) but not to exceed One Thousand Pesos (Php 5,000) for the first violation; a minimum fine of One Thousand One Pesos (Php 1,001) but not to exceed Two thousand pesos (Php 2,000) for the second violation; and a minimum fine of Two Thousand One Pesos (Php 2,001) but not to exceed Five thousand pesos (Php 5,000) and suspension of driver's license for a period of a period of anytime from one (1) week to six (6) months for the third and succeeding violations;
- (b) No motorcycle shall be allowed to be registered with the LTO if it has been found to be in violation of Sections 4, 7, and 9 of this Act. For this purpose, the LTO shall include in the implementing guidelines a system of vehicle registration where compliance with the aforesaid Sections is required.
- (c) If, as the result of the violation of Sections 4 to 10 of this Act, any accident occurs resulting in death or injury of any person, the operator of the motorcycle or moped or motor scooter at fault shall, upon conviction, be punished under the provisions of the Revised Penal Code. In addition, the motorcycle or moped or motor scooter involved in the accident shall be impounded by the LTO, and shall be cause for the revocation of the license of the driver at fault, subject to the rules promulgated by the LTO.

SEC. 12. Nationwide Public Information Campaign. —

- (a) The LTO, in coordination with the Philippine Information Agency (PIA) the Department of Education (DepEd) and private agencies and organizations, shall undertake a regular nationwide Information, Education and Communication (IEC) campaign for the attainment of the objectives of this Act.
- (b) The LTO, in coordination with the local government units, shall likewise utilize the services of citizen groups and community organizations for the promotion of public safety awareness in observance of this Act.
- (c) The fines that will be collected for the enforcement of this Act shall be used for the implementation of the provisions of this Act, including the necessary promotion campaigns for motorcycle safety.

SEC. 13. Implementing Rules and Regulations. — Within ninety (90) days from the effectivity of this Act, the LTO shall formulate and issue the necessary implementing rules, regulations and guidelines and shall mobilize available resources to assure the effective implementation of this Act.

SEC. 14. Enforcement. - The LTO shall implement the provisions of this Act, enforce its implementing rules and regulations, and investigate complaints against violators of this Act, its rules and regulations and other policies of the Office.

The LTO shall call upon any department, instrumentality, office, bureau, or agency of the government including local government units to render such assistance as it may require carrying out, enforcing or implementing the provisions of this Act.

SEC. 15. Separability Clause. - If any part, section or provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall remain in force and effect.

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

SEC. 17. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any newspaper of general circulation.

Approved,