

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5436



Introduced by Representatives Mariano Michael M. Velarde Jr. and William Irwin Tieng (BUHAY Party List)

EXPLANATORY NOTE

According to the Department of Health, road accidents are now the fourth leading cause of death in the Philippines. Worse, if the trend continues, according to health officials, road accidents could become the leading cause of deaths in the country by the year 2020.

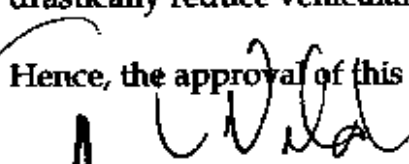
Significantly, statistics gathered by the Metropolitan Manila Development Authority (MMDA) and Philippine National Police-Highway Patrol Group (PNP-HPG) show that at least two vehicles in a major highway in the Philippines get involved an accident every hour. All in all, fifty road accidents occur everyday. Verily, these are not small numbers in a country where 78 percent of the population rely on buses, jeepneys, taxis, trains and tricycles for mobility.

Moreover, the PNP-HPG and the MMDA cited that:

- 80 percent of road accidents are caused by avoidable human error;
- 64 percent of drivers said vehicle malfunction due to neglect of machinery is to be blamed for road accidents;
- 44 percent admitted their accident was caused by overspeeding; and
- 22 percent said they were involved in a road accident due to failure to follow traffic rules.

Since driving is behavioral such that the Automobile Association of the Philippines holds that road accidents can be prevented if drivers correct their driving behavior, requiring drivers to undergo accident prevention courses will, without a doubt, drastically reduce vehicular accidents in our country.

Hence, the approval of this bill is earnestly requested.


Hon. Mariano Michael M. Velarde Jr.


Hon. William Irwin Tieng

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AN ACT MANDATING THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATIONS TO EVALUATE, APPROVE AND ACCREDIT MOTOR VEHICLE ACCIDENT PREVENTION COURSES AND REQUIRING ALL LICENSED DRIVERS TO UNDERGO SUCH COURSES BEFORE THE ISSUANCE OF THEIR DRIVERS' LICENSES, AND FOR OTHER PURPOSES

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

SECTION 1. Policy of the State. -- It is the policy of the State to promote highway safety by enhancing the quality and efficacy of the accident prevention course programs. These programs will be formulated in such a way that strict criteria for initial and continual course sponsorship approval are established.

SEC. 2. Definition of Terms. - For the purposes of this Act, the following terms shall have the following definitions:

- 1) "Sponsoring agency" shall mean an organization which owns a motor vehicle accident prevention course approved by the Department of Transportation and Communication (DOTC) Secretary (hereinafter referred to as the Secretary).
- 2) "Delivery agency" shall mean an organization which conducts a sponsoring agency's approved motor vehicle accident prevention course.
- 3) "Instructor" shall mean an individual employed by a delivery agency to teach an approved accident prevention course.
- 4) "Accident prevention course" or "course" shall mean the accident prevention course curriculum or specialized course curriculum which has been approved by the Secretary.

5) "Completion certificate" shall mean a document which cannot be altered and which is provided to the student who successfully completes the accident prevention course.

6) "Specialized course" shall mean a course aimed primarily at enhancing safety of a specific occupation or of a specific category of vehicles.

SEC. 3. Approval by the Secretary. - The Secretary must approve an accident prevention course before any person can attend and successfully complete such course. The Secretary shall base the decision to approve a course upon the requirements set forth in this article and such additional requirements as the Secretary deems necessary.

SEC. 4. Application for Approval. -

1) An agency or organization seeking approval as a motor vehicle accident prevention course-sponsoring agency shall apply to the Secretary for approval. Such applications shall be made in writing and using forms prescribed by the Secretary. The application shall include at least: the title or name of the course, the name of the organization submitting the application, proof of course ownership, and the names and addresses of all owners, officers, and directors of the agency or organization, and such other information or material as the Secretary may prescribe. An application shall not be considered to be complete until all material information required by this chapter and by regulation of the Secretary have been submitted.

2) The Secretary shall either approve or deny an application for course approval no later than ninety (90) days following the submission of a completed application. In the event the Secretary takes no action on an application after ninety (90) days following the submission of a completed application, the application shall be deemed denied.

SEC. 5. Standards for course approval. -

1. To be approved, a course must:

(a) Provide at least three hundred twenty (320) minutes of instruction by a certified instructor. Nothing in this section shall prevent the use of audio/visual aids as part of the course presentation prescribed by the Secretary.

(b) Provide a description of the minimum qualifications of all managers and instructors who will be hired by the applicant.

(c) Provide each instructor with an instructor's manual and provide student workbooks and/or manuals for each course participant.

(d) Provide a copy of a tamper-proof completion certificate, approved by the Secretary, for the purpose of verifying course completion for submission to insurance companies.

(e) Provide proof of effectiveness pursuant to Section 6 of this Act.

2. The curriculum of the course shall at least include but shall not be limited to the following subject matters:

(a) Concept of accident preventability including a discussion of the magnitude of traffic accident problems;

(b) Techniques for defensive driving and handling critical situations, including but not limited to:

(1) Interpreting events that require evasive action;

(2) Determining the appropriate response to situations caused by mechanical failure of the motor vehicle;

(3) Determining risk factors created by a variety of psychological, social, and physical factors that can facilitate or inhibit the functions required in driving, including but not limited to:

(i) The effects and compensatory measures concerning the relationships between alcohol, drugs, or medication and driving performances;

(ii) The negative stresses and compensatory measures associated with physical, mental, and social conditions as they relate to driver performances; and

(iii) The age-related physical changes of drivers fifty-five (55) years of age and older.

(c) Philippine traffic laws and regulations, vehicle dynamics, capabilities, limitations, and highway environmental factors including but not limited to:

(1) Traffic laws and regulations, such as signs, signals, markings, right-of-way requirements, and speed;

(2) Vehicle capabilities, such as stopping distances and passing abilities; and

(3) Highway settings, operating environments and adverse conditions, including but not limited to conditions affected by illumination, obstructions, or the weather, such as snow, ice, or rain.

The Secretary is authorized to suspend or revoke approval of a sponsoring agency should the Secretary find that the sponsoring agency, its delivery agency or its instructors have been found to be in violation of any applicable laws or regulations.

SEC. 6. Proof of effectiveness. - Proof of effectiveness shall be verifiable through a research documentation submitted by the applicant for sponsorship showing evidence of effectiveness comparable to that of the national safety council's defensive driving course as determined by the Secretary in terms of reduced convictions or accidents or both. This research documentation shall employ accepted research principles and include treatment and non-treatment control groups comprised of samples of the representative driver base.

In order to establish verifiable effectiveness, each sample group should be comprised of a minimum of three thousand (3,000) drivers selected randomly. The documentation shall include conviction or accident data for each motorist for a period of at least eighteen (18) months prior to the course completion date and at least eighteen (18) months subsequent to such date, and equivalent time periods for non-treatment control groups. The documentation shall also include a description of the sampling and analytic procedures used, and the motorist identification number and course completion date for all course attendees. The applicant for sponsorship shall provide, at the request of the Secretary and at the applicant's expense, all driving record data and analysis used in the development of the submitted research documentation. Submission of any fraudulent or intentionally misleading data will disqualify that organization and all owners and principals from participating or approval in the accident prevention course for a period often (10) years from submission date. The Secretary may, by regulation, provide for a smaller sample group for specialized courses.

SEC. 7. Course Validity. - In the event the course application is approved, the course approval shall be valid for not more than a two (2) year period. Any person who has obtained approval for a course shall comply with the following requirements:

- (1) Apply to the Secretary for approval if there are any proposed additions or deletions to a previously approved course or its curriculum;
- (2) Perform all necessary administrative functions in connection with the course;
- (3) Provide each participant satisfactorily completing the course with an approved certificate of course completion;
- (4) Maintain records which indicate the name, address, social security number and date of course of those individuals who have completed the course within the previous three (3) years;
- (5) Provide and train instructors to conduct courses;

(6) Conduct the course in accordance with the description and curriculum approved by the Secretary;

(7) Provide the Secretary with a schedule of class dates, times, and locations; and

(8) Authorize and permit the Secretary to audit the records of the approved course and to monitor and evaluate any and all portions of the course including but not limited to the classroom facility, field driving, the use of the instructional materials, the qualifications of instructors and the actual presentation of the course.

SEC. 8. Fees. - The certified agency may charge a reasonable fee for the course. The Secretary may require an audit by an independent firm of the fees collected and expenditure of those fees.

SEC. 9. Implementation Period. - Within three (3) years from the enactment of this Act, the Secretary is mandated to ensure that all drivers undergo a motor vehicle prevention course before the issuance of their drivers' licenses.

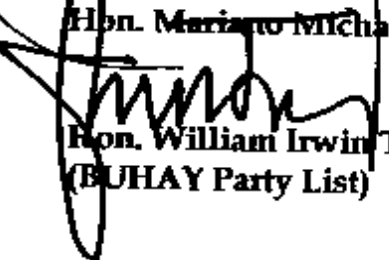
SEC. 10. Regulations. - The Secretary shall promulgate such rules and regulations as are necessary to effectuate the provisions of this Act. In addition to any requirements expressly authorized by this Act, such regulations may include but not be limited to requirements and standards with respect to: delivery agencies and instructors; classroom facilities; suspension or revocation of approval; appeal of suspension or revocation; course administration and advertising; monitoring of courses and instructors; and evaluation of course effectiveness.

SEC. 11. Repealing Clause. - Any laws, decrees, ordinances or rules and regulations which are inconsistent with or contrary to the provision of this Act is hereby amended or repealed.

SEC. 12. Effectivity. - This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,


Hon. Mariano Michael M. Velarde Jr.


Hon. William Irwin Tieng
(BUHAY Party List)