

SIXTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
First Regular Session)

HOUSE OF REPRESENTATIVES

House Bill No. 397



Introduced by Representative Susan A. Yap

EXPLANATORY NOTE

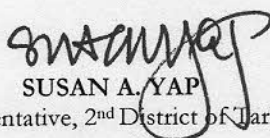
It has always been the policy of government to enact safety measures to protect all riders and passengers of motorcycles. Children passengers, however, are particularly more vulnerable. Riding a motorcycle, whether as a driver or rider requires a balance of body weight and the weight of the bike especially in high-speed driving or weaving in and out of traffic. Children's physical frailty and their lack of agility while co-riding in a motorcycle place them at greater risk. Government intervention is called for in order to protect the health and welfare of the children by proposing to preclude the transporting of children on motorcycles and tricycles along highways.

This bill seeks to prohibit any person from transporting children below the age of 10 on a motorcycle along highways unless the child is wearing a standard protective helmet as provided for under Republic Act 10054 otherwise known as "The Motorcycle Helmet Act of 2009."

The bill likewise seeks to limit the number of motorcycle passengers to two, including the driver, except in remote areas wherein the child to be transported is requiring immediate medical treatment.

The penalty for violators shall be an amount not exceeding P3,000 for the first offense, P5,000 for the second offense and P10,000 for the third and succeeding offenses.

For the second and third offense, the driver's license of the offender shall be suspended for one month while violation beyond the third time shall result in the automatic revocation of the offender's driver's license.


SUSAN A. YAP
Representative, 2nd District of Tarlac

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AN ACT
PROVIDING MEASURES TO ENSURE THE SAFETY OF CHILDREN
ABOARD MOTORCYCLES AND FOR OTHER PURPOSES

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 for Children Act of 2013".

SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State to maintain at all times the safety and protection of the commuting public, especially children.

Towards this end, it shall pursue a more proactive and preventive approach to secure the safety of passengers, especially children, at all times by regulating the operation of motorcycles along roads and highways.

SECTION 3. *Prohibition.* - It shall be unlawful for any person to transport a child below ten (10) years old on a motorcycle along roads and highways: *Provided* That a child ten (10) years of age and above may only be transported aboard a motorcycle if:

(a) He or she is wearing a standard protective helmet referred under Republic Act No. 10054, otherwise known as the "Motorcycle Helmet Act of 2009";

(b) The feet of the child can comfortably reach the footrest of the motorcycle; and

(c) The arms of the child can reach around and grasp the waist of the motorcycle driver. A motorcycle shall mean any two (2)-wheeled motor vehicle having one (1) or two (2) riding saddles.

SECTION 4. *Limitation on the Number of Passengers.* - No motorcycle shall carry more than two (2) passengers, including the driver, while operating on a road or highway except in remote areas where a child to be transported requires immediate medical treatment and in an emergency situation.

SECTION 5. *Penalties.* - Any person who operates a motorcycle in violation of Section 3 of this Act shall be fined with an amount not exceeding Three thousand pesos (P3,000.00) for the first offense; Five thousand pesos (P5,000.00) for the second offense; and Ten thousand pesos (P10,000.00) for the third and succeeding offenses, The same penalty shall be imposed upon the driver who operates a motorcycle in violation of Section 4 hereof: *Provided*, That for the second and third offense, the driver's license of the offender shall be suspended for a period of one (1) month.

Violation of these provisions beyond the third time shall result to automatic revocation of offender's driver's license.

SECTION 6. *Qualifying Circumstances.* - If, in violation of the provisions of this Act, death shall have resulted or serious or less serious injuries shall have been inflicted upon the child or any other person, a penalty of one (1) year imprisonment shall be imposed upon the driver or operator of the motorcycle involved in addition to the penalties provided under Republic Act No. 3815, otherwise known as "The Revised Penal Code", as amended, for the crime of reckless imprudence or negligence resulting to homicide or physical injuries of whatever nature.

SECTION 7. *Deputation of Traffic Enforcers and Local Government Units (LGUs).* - To effectively implement the provisions of this Act, the Land Transportation Office (LTO) is hereby given the

1 authority to deputize members of the Philippine National Police (PNP), the Metropolitan Manila
2 Development Authority (MMDA) and the local government units (LGUs) to carry out enforcement
3 functions and duties.

4 SECTION 8. *Implementing Rules and Regulations (IRR)*. - As the lead implementor of this Act,
5 the LTO shall formulate the implementing rules and regulations of this Act within ninety (90) days after
6 its effectivity.

7 SECTION 9. *Public Information Campaign*. - Not later than thirty (30) days following the
8 promulgation of the IRR of this Act, the LTO, in coordination with the Philippine Information
9 Agency (PIA), the Department of Education (DepED) and concerned private organizations and
10 agencies, shall undertake a nationwide information and education campaign for a period of three (3)
11 months for the attainment of the objectives of this Act.

12 SECTION 10. *Separability Clause*. - If for any reason any section or provision of this Act is
13 declared unconstitutional, other provisions hereof which are not affected thereby shall remain in full
14 force and effect.

15 SECTION 11. *Repealing Clause*. - All laws, decrees, or rules and regulations, or any
16 provision thereof which are inconsistent with or contrary to the provisions of this Act are hereby
17 amended or repealed accordingly.

18 SECTION 12. *Effectivity Clause*. - This Act shall take effect upon its publication in at least
19 two (2) national newspapers of general circulation.

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Approved,