H. No. 6924
S. No. 1863

Republic of the Philippines
Congress of the Philippines
Metro Manila

Fourteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand nine.

[REPUBLIC ACT NO. 10054]

AN ACT MANDATING ALL MOTORCYCLE RIDERS TO WEAR STANDARD PROTECTIVE MOTORCYCLE HELMETS WHILE DRIVING AND PROVIDING PENALTIES THEREFOR

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 Helmet Act of 2009".

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to secure and safeguard its citizenry, particularly the operators or drivers of motorcycles and their passengers, from the ruinous and extremely injurious effects of fatal or life threatening accidents and crashes. Towards this end, it shall pursue a more proactive and preventive approach to secure the safety of motorists, their passengers and pedestrians at all times through the mandatory enforcement of the use of standard protective motorcycle helmet.

SEC. 3. *Mandatory Use of Motorcycle Helmets.* – All motorcycle riders, including drivers and back riders, shall at all times wear standard protective motorcycle helmets while driving, whether long or short drives, in any type of road and highway.

Standard protective motorcycle helmets are appropriate types of helmets for motorcycle riders that comply with the specifications issued by the Department of Trade and Industry (DTI).

The DTI shall issue guidelines, which should include the specifications regarding standard protective motorcycle helmets.

SEC. 4. *Exemption.* – Drivers of tricycles shall be exempted from complying with the mandatory wearing of motorcycle helmets as provided in this Act.

SEC. 5. *Provision of Motorcycle Helmets.* – A new motorcycle helmet which bears the Philippine Standard (PS) mark or Import Commodity Clearance (ICC) of the Bureau of Product Standards (BPS) and complies with the standards set by the BPS shall be made available by every seller and/or dealer every time a new motorcycle unit is purchased and which the purchaser may buy at his option. Failure to comply with the requirements provided under this section shall constitute a violation of this Act.

SEC. 6. *Implementation.* – The Department of Transportation and Communications (DOTC), with its attached agency, the Land Transportation Office (LTO), is mandated by this Act to issue guidelines necessary to implement the provisions of this Act.

The DTI, through the BPS, is mandated to utilize the United Nations Economic Commission for Europe (UNECE) Protocols with regard to the standards that will be applicable to the approval or disapproval of motorcycle helmets that will be sold in the Philippines.

The DTI, through the BPS, shall conduct a mandatory testing of all manufactured and imported motorcycle helmets in the Philippines. All manufacturers and importers of standard protective motorcycle helmets are required to secure a PS license or ICC prior to the sale and distribution of their products. The BPS shall issue periodically a list of motorcycle helmet

manufacturers and importers and the brands which pass the standards of the BPS to be published in a newspaper of general circulation or in its website.

Upon the effectivity of this Act, only those standard protective motorcycle helmets bearing the PS or ICC mark shall be sold in the market.

SEC. 7. *Penalties.* – (a) Any person caught not wearing the standard protective motorcycle helmet in violation of this Act shall be punished with a fine of One thousand five hundred pesos (Php1,500.00) for the first offense; Three thousand pesos (Php3,000.00) for the second offense; Five thousand pesos (Php5,000.00) for the third offense; and Ten thousand pesos (Php10,000.00) plus confiscation of the driver's license for the fourth and succeeding offenses.

(b) Any seller and/or dealer who violates Section 5 of this Act shall be punished with a fine of not less than Ten thousand pesos (Php10,000.00) but not more than Twenty thousand pesos (Php20,000.00).

(c) Any person who uses, sells and distributes substandard motorcycle helmets or those which do not bear the PS mark or the ICC certificate shall be punished with a fine of not less than Three thousand pesos (Php3,000.00) for the first offense; and Five thousand pesos (Php5,000.00) for the second offense, without prejudice to other penalties imposed in Republic Act No. 7394 or the "Consumer Act of the Philippines".

(d) Tampering, alteration, forgery and imitation of the PS mark and the ICC certificates in the helmets shall be punished with a fine of not less than Ten thousand pesos (Php10,000.00) but not more than Twenty thousand pesos (Php20,000.00), without prejudice to other penalties imposed in Republic Act No. 7394 or the "Consumer Act of the Philippines".

SEC. 8. *Nationwide Public Information Campaign.* – The LTO, in coordination with the Philippine Information Agency (PIA), the Department of Education (DepED) and private agencies and organizations, shall undertake a nationwide information, education and communication (IEC) campaign for a period of six (6) months for the attainment of the objectives of this Act.

SEC. 9. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of this Act or the provisions not otherwise affected shall remain valid and subsisting.

SEC. 10. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

JUAN PONCE ENRILE
President of the Senate

PROSPERO C. NOGRALES
Speaker of the House of Representatives

This Act which is a consolidation of House Bill No. 6924 and Senate Bill No. 1863 was finally passed by the House of Representatives and the Senate on November 16, 2009 and December 16, 2009, respectively.

EMMA LIRIO-REYES
Secretary of the Senate

MARILYN B. BARUA-YAP
Secretary General
House of Representatives

Approved: MAR 2 3 2010

GLORIA MACAPAGAL-ARROYO
President of the Philippines

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