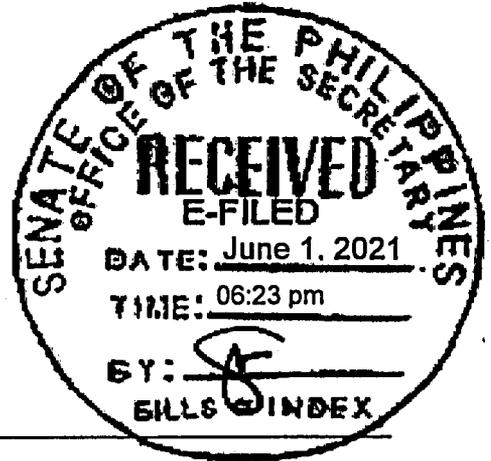


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE

S.B. No. 2263



INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

MOTORCYCLE RIGHTS AND SAFETY ACT OF 2021

EXPLANATORY NOTE

For a significant number of years now the country and its communities have witnessed a continued rapid growth of motorcycle usage, the bursting increase of the rider or motorcycle user community, and the burgeoning and development of the motorcycle and accessories sales and repair and maintenance industries.

The use of motorcycles is recognized, especially within the rider community, as a means to avoid or bypass traffic in urban areas because of its mobility and supposed ease of operation, and its ability to access routes and spaces not allowable or accessible to other vehicles. The sight of a long line of motorcycles weaving in and around slow or stopped traffic or of a large group of motorcycles massing at the head of traffic is now common in city streets.

On the other hand, that same use is at times viewed, especially from the point of other vehicle drivers, as an additional bane to the already troublesome traffic. It may even create some concerns for the environment.

The continuing effects of the Covid-19 pandemic in the country also increased the use of motorcycles for moving and delivering products and papers.

To the rider or user, a motorcycle is affordable and economical to use. It can be faster than urban traffic and can help meet time requirements of work and business. It can create income and support a regular livelihood. It also requires smaller space for parking and responds to a limited home garage requirement. It is a means to commute, to carry and deliver goods, to ferry passengers, and it can even provide sport and recreation.

These advantages have resulted to swell the number of riders to more than fifteen million, as some rider organizations have estimated. That estimate represents well over one-tenth of the Philippine domestic population.

Concomitant to the increase in both usage and riders, a coordinate boom in the motorcycle sales and motorcycle repair and maintenance industries has happened. These industries not only address the essential requirements of providing motorcycles to the riders, but also meet to some degree the riders' hopes for the better handling and safer operation of their motorcycles, and even for personal expression in their ownership of the property.

The increase in usage and riders, and the boom in sales stores and repair and maintenance shops have emphasized the need for a focused enactment that will address the safe and disciplined use of motorcycles, and the regulation of its trade.

There is a loudening clamor for the State to assist in providing education and training in motorcycle use and safety protocols, and to provide technically correct, responsive and consistent laws and regulations that ensure order and safety, while minimizing conflict, confusion and misinterpretation.

This bill seeks to recognize the rights of motorcycle riders and users, address their and other vehicle drivers' safety concerns, and regulate the industry that supports them.

In view of the foregoing, approval of this bill is earnestly sought.

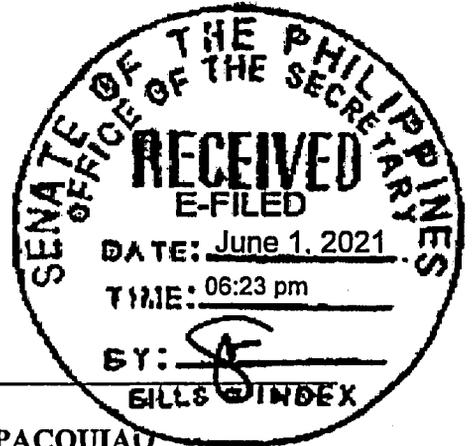


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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **Section 1. Short Title.** This Act shall be known as "The Motorcycle Rights and Safety
2 Act of 2021."

3 **Section 2. Declaration of Policy.** It is a policy of the State to recognize, protect and
4 promote the rights of motorcycle owners and users to proper standards of ownership and use, to
5 their safe operation, and to reasonable and responsive regulation of the trades supporting the said
6 ownership and use.

7 **Section 3. Definition of Terms.** For the purposes of this Act, these terms are defined as
8 follows:

9 a. *Motorcycle.* – Consistent with definitions that are issued by the Government's
10 Land Transportation Office (LTO), as the same may be amended from time to time, it shall refer
11 to a two-wheeled motor vehicle having one or two riding saddles. For the purpose of this Act, it
12 shall include the moped, the scooter, as well as the three-wheeled vehicle commonly known as a
13 *trike* or big bike, and three-wheeled vehicles that are operated for private use.

14 For clarity and avoidance of conflict, this Act shall not cover and govern tricycles or
15 other three-wheeled vehicles that are granted franchises to be carriers of persons and goods.
16 However, it shall be presumed that a three-wheeled vehicle that is being operated without such
17 franchise is therefore in private use.

18 b. *Rider.* - It shall refer to the licensed operator of a motorcycle.

1 c. *Passenger, pillion or Back-Rider.* - It shall refer to the person sitting behind the
2 rider.

3 d. *Highways.* - It shall refer to every public thoroughfare, public boulevard,
4 driveway, avenue, street, road, park, alley, *callejon*, but shall not include roadways upon grounds
5 owned by private persons, colleges, universities, or other similar institutions.

6
7 **Part I**
8 **The Motorcycle and Its Parts**
9

10 **Section 4. *Stock Unit, Standard Parts and Accessories.*** - The motorcycle model
11 purchased by a person, together with its original equipment manufacturer (OEM) parts and
12 components essential for the movement of the motorcycle shall be considered as the stock unit.
13 The classification as such stock unit shall consider the accepted T-CLOCS System for tires and
14 wheels, controls, lights, oils and other liquids, chassis, and stands.

15 Together with the parts and components necessary for the movement of the motorcycle,
16 the handlebars and side mirrors, riding saddles, horn, brake and brake assembly, headlights,
17 turning signal lights, foot rests, muffler, and stands, shall be considered as essential or standard
18 parts of the motorcycle. In no case shall the said parts and components be considered as
19 accessories.

20 Other parts of the motorcycle, whether purchased and installed together with the stock
21 unit or obtained and installed after said original purchase, shall be considered as aftermarket
22 parts and accessories, even if they are confirmed or perceived to improve the handling and ride,
23 safety, operation or appearance of the motorcycle.

24 **Section 5. *Standards for Parts, Components and Accessories.*** - The LTO, in consultation
25 with the Department of Trade and Industry (DTI) and with recognition of developments in
26 technology and standards specified and/or recommended by international organizations,
27 motorcycle manufacturers and dealers shall set and regularly update acceptable standards for
28 motorcycles and their standard parts and components that may be sold and operated within the
29 country.

30 Applicable standards shall also be set by the LTO, in consultation with the DTI,
31 aftermarket manufacturers or suppliers, technical experts and other stakeholders, for motorcycle
32 aftermarket parts and accessories or types thereof, the installation of said parts and accessories,
33 and the loading and carrying limits of said parts and accessories on the motorcycle, but the same
34 shall be sold in the country only upon prior and appropriate research, certification or testing by

1 the LTO for safe use by the rider, with safety certification and, if necessary, with operation
2 conditions and requirements for the promotion of the safety of the rider all other road users.

3 No accessory shall be allowed that obstructs the vision of the rider, exceeds the loading
4 and carrying capacities of the motorcycle, prevents or restricts the proper operation of the
5 motorcycle, clearly endangers surrounding persons and/or other road users, causes a nuisance to
6 the public, or emits unacceptable levels of odor, smoke or noise.

7 **Section 6. Amendment of Section 8 of R. A. No. 4136.** – The portion of the Table
8 Classification for “Mopeds” in Section 8 of Republic Act (R. A.) No. 4136 shall be amended to
9 read as follows:

Mopeds / Motorcycles	(0 – 49 cc)
Mopeds / Motorcycles	(50 cc over) without sidecar

10

11 **Section 7. Amendment of Section 34, subparagraph (j) of R. A. No. 4136.** – Section 34,
12 subparagraph (j) of R. A. No. 4136 shall be amended to read as follows:

13 “(j) Mufflers. – Every motor vehicle propelled by an internal combustion engine shall be
14 equipped with a muffler, and whenever said motor vehicle passes through a street of any
15 city, municipality, or thickly populated district or barrio, the muffler shall not be cut out
16 or disconnected. No motor vehicle shall be operated in such a manner as to cause it to
17 emit or that emits a noise louder than 99 decibels (dB) as measured in accordance
18 with the applicable LTO MVIS procedure with consideration of the Society of
19 Automotive Engineering (SAE) International J2825 May 2009 Recommendation or
20 make any unnecessary or disagreeable odor or smoke, ~~or noise.~~”

21 **Section 8. New provision for Section 34 of R. A. No. 4136.** – A new subparagraph (k) for
22 Section 34 of Republic Act No. 4136 shall be added to read as follows:

23 “(k) Aftermarket parts and accessories. – For as long as the abovementioned
24 provisions are not adversely affected or violated, aftermarket parts and accessories
25 that do not negatively affect the safety of the use and operation of a vehicle, do not
26 obstruct the vision of the driver or rider, do not exceed the loading and carrying
27 capacities of the vehicle, do not prevent or restrict the proper operation of the
28 vehicle, do not clearly endanger surrounding persons, vehicles and/or other road
29 users, do not cause a nuisance to the public, or do not emit unacceptable levels of
30 odor, smoke or noise, are allowed provided that they are sold by legal and DTI
31 registered sellers.”

1 **Section 11. *Licensing for Use.*** – The LTO shall develop and implement the requirement
2 of satisfying a strict motorcycle written examination that is randomized in time to prevent
3 template cheating, together with a coordinate practical course test, in order to determine the
4 capability and qualification of an individual to operate a motorcycle prior to the issuance to said
5 individual of an R1 license. In addition to the foregoing, riders of company service motorcycles,
6 including delivery service motorcycles, shall be required to undergo a special training and satisfy
7 a test on road safety protocols conducted by a TESDA and/or HPG certified training facility.

8 **Section 12. *Revocation of License.*** – The LTO shall automatically revoke the license of a
9 rider that is apprehended in the operation of a motorcycle under the influence of alcohol or a
10 prohibited drug, whether or not such apprehension is made in conjunction with another violation.

11 **Section 13. *Back-Rider.*** – For the safety of motorcycle users and other road users, no
12 ordinance or regulation shall be enacted or implemented that will allow more than one back-rider
13 on a motorcycle. A back-rider is only allowed to use a motorcycle if the back-rider is provided
14 appropriate space on the riding saddle and foot rests.

15 **Section 14. *Motorcycle Safety Program.*** – The LTO shall create and develop a program
16 to identify and address concerns regarding motorcycle safety in national and local highways. The
17 program shall specify indicators on the causes of accidents, injuries and deaths involving the use
18 of motorcycles with a view of preventing the same. The program shall require, through a
19 procedure that the LTO shall impose, existing riders, especially but not limited to those involved
20 in violations, and individuals applying for a license, to attend education seminars on safety
21 protocols in the use of motorcycles and the highways.

22 The TESDA, in coordination with the LTO, shall create and develop national certification
23 programs with level NC2 and NC3 respectively for the rider and the trainer.

24 **Section 15. *Helmet and Other Protective Equipment.*** – No rider or back-rider shall be
25 allowed to use a motorcycle without an approved motorcycle helmet that is properly worn as
26 indicated on RA10054. For this purpose, the LTO, in consultation with the DTI and with
27 recognition of accepted products by international motorcycle organizations, shall determine and
28 regularly update approved motorcycle helmet products and the requirements for their appropriate
29 wearing. For the same purpose and for national dissemination, the DTI shall maintain and update
30 in its website or in that of the appropriate office under it the listing of standard markings of LTO
31 and DTI-approved motorcycle helmets to serve as a consistent guide for enforcers. Additional
32 protective equipment may only be required upon determination of the LTO, with prior
33 consultation with all stakeholders and, information therefor similarly disseminated by the DTI.
34 Only DTI registered sellers shall be authorized to sell motorcycle helmets and other protective
35 equipment.

1 Subsequently, all motorcycle riders and back-riders shall, at all times, wear shoes while
2 the motorcycle is in operation on a highway. Slippers, sandals, flipflops and other similar
3 footwear are not allowed in accordance to the safety and protection of all riders and their back-
4 riders.

5 Section 16. *Amendment of Section 4, subparagraph (c) (7) of R. A. No. 4136.* – For
6 orderliness in enforcement and completeness of coordinate authority, Section 4, subparagraphs
7 (c) (7) of Republic Act No. 4136 shall be amended to read as follows:

8 “(7) The Philippine Highway Patrol and the city and municipal police forces are
9 hereby given the authority and the primary responsibility and duty to prevent
10 violations of this Act, and to carry out the police provisions hereof within their
11 respective jurisdictions: Provided, That all said enforcers are duly deputized by
12 the LTO and in the apprehension of violators are in complete and
13 appropriate uniform and carry their current written deputation for showing
14 to the violator, and apprehensions made shall be submitted for final disposition
15 to the Commissioner and his deputies within twenty-four hours from the date of
16 apprehension.”

17 Section 17. *Amendment of Section 56, subparagraph (j) of R. A. No. 4136.* – An
18 exception to the definition of the violation in Section 56, subparagraph (j) of R. A. No. 4136
19 shall be inserted, in order for said subparagraph to read as follows:

20 “(j) For using private passenger automobiles, private trucks, private motorcycles,
21 and motor wheel attachments for hire, unless the driver or rider is granted a
22 valid and current certificate of public conveyance, in violation of Section
23 seven, subsections (a), (b), and (c), of this Act, a fine of two hundred pesos and
24 suspension of driver’s license for a period of three months for the first conviction;
25 a fine of three hundred pesos and six months imprisonment of one year and
26 permanent revocation of the driver’s license for the third conviction.”

27 Section 18. *Amendment of Section 5 (b) of R. A. No. 4136.* – Section 7, second paragraph,
28 subparagraph (b) of R. A. No. 4136 shall be amended to read as follows:

29 “(b) For Hire. – Motor vehicles registered under this classification are those
30 covered by certificates of public convenience, or special permits such as the
31 Transport Network Vehicle Services (TNVS) or those for Motorcycle Taxis
32 that are issued by the Land Transportation Franchising and Regulatory
33 Board (LTFRB), and shall be subject to the provisions of the Public Service Act
34 and the rules and regulations issued thereunder, as well as the provisions of this
35 Act.”

1 Section 19. *New provision for Section 56 of R. A. No. 4136.* – A new subparagraph (o) to
2 Section 56 of R. A. No. 4136 shall be added that will read as follows:

3 **(o) Any local ordinance that will define a traffic violation or violations and/or**
4 **provide penalties therefor shall be made consistent with existing definitions**
5 **for violations and schedules of penalties of the LTO, and the local legislative**
6 **body shall provide official copies of the local ordinance to the LTO for**
7 **acknowledgment.**

8 Section 20. *New Provision for Section 62 of R. A. No. 4136.* – A new paragraph to
9 Section 62 of R. A. No. 4136 shall be added in order for said Section to read follows:

10 “SECTION 62. No provincial board, city or municipal board, or council shall
11 enact or enforce an ordinance or resolution in conflict with the provisions of this
12 Act, or prohibiting any deputy or agent of the Commission to enforce this Act
13 within their respective territorial jurisdiction and the provisions of any charter to
14 the contrary notwithstanding.

15 **“Any local ordinance concerning and/or affecting the provisions of this Act shall**
16 **be made consistent with existing rules, regulations, limits, fines, and penalties**
17 **set by the LTO.”**
18
19

20 Section 21. *Violations and Penalties.* – The Department of Transportation (DOTr), shall
21 review, update and harmonize all existing laws and regulations, defining violations affecting
22 motorcycle ownership and use, including violations of this Act, for the administration of the
23 LTO and guidance of all enforcers: Provided, unless another penalty is specified in this Act,
24 penalties for violations of this Act shall be appropriately graduated according to severity and
25 shall in no case exceed the following charges:

- 26 a. First Offense -A fine of five thousand pesos (P5,000.00);
27 b. Second Offense - A fine of ten thousand pesos (P10,000.00);
28 c. Third Offense - A fine of fifteen thousand pesos (P15,000.00).

29 Section 22. *IRR and Implementation and Monitoring.* – The DOTr, with technical
30 assistance of the LTO, and in consultation with the DTI, appropriate government offices, and
31 other stakeholders shall within six (6) months issue the Rules and Regulations to implement this
32 Act.

1 **Section 23. *Appropriations.*** Appropriations needed for the implementation of this Act
2 shall be included in the GAA by the DOTr and LTO.

3 **Section 24. *Repealing Clause.*** All laws, decrees, orders, ordinances, rules and regulations
4 or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

5 **Section 25. *Separability Clause.*** If any provision of this Act is declared unconstitutional
6 or otherwise invalid, the validity of the other provisions shall not be affected thereby.

7 **Section 26. *Effectivity.*** This shall take effect fifteen (15) days after publication in at least
8 two (2) newspapers of general circulation.

9

10 Approved,