


SENATE
S. NO. 3067

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

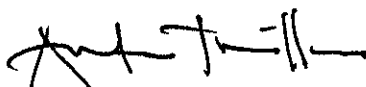
Explanatory Note

In most developed countries, road traffic accidents are among the top ten leading causes of disease burden in 1998 as measured in the disability-adjusted life years (DALYs).¹ In less developed countries, road traffic accidents were the most significant cause of injuries, ranking eleventh among the most important causes of lost years of healthy life. According to a World Health Organization/World Bank² report, deaths from non-communicable diseases are expected to climb from 28.1 million a year in 1990 to 49.7 million by 2020 - an increase in absolute numbers of 77%. Traffic accidents are the main cause of this rise. Road traffic injuries are expected to take third place in the rank order of disease burden by the year 2020.³

Furthermore, in the WHO 1995 State of World Health Report⁴, external causes such as accidents and violence accounted for about 4 million deaths, or some 8% of the total, again mostly among adults. Developing countries have nearly four times the number of deaths from these causes as the developed world. Conversely, a 1999 WHO publication⁵ reports that the leading injury-related cause of death among people aged 15-44 years is traffic injuries.

In the country, the Philippine National Police (PNP) reported about 15, 000 traffic accidents in 2006.⁶ This means that on the average, there are 41 traffic accidents per day. The same report also showed that most traffic accidents are caused mainly by driver errors. Thus, this bill seeks the approval of motor vehicle accident prevention courses. Motorists can save their own lives by enrolling in a newly revised driving safety courses.

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


ANTONIO "SONNY" F. TRILLANES IV
Senator

¹ "International Injury and Fatality Statistic," <http://www.safecarguide.com/exp/statistics/statistics.htm>. Information retrieved on January 27, 2009.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ "Philippines Accidents" <http://www.car-accidents.com/country-car-accidents/philippines-car-accidents.html>. Information retrieved on January 27, 2009.

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

OFFICE OF THE CLERK)
9 FEB 16 AS 53

SENATE
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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 House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. *Policy of the State.***- It is the policy of the State to further highway safety
2 by preserving the quality and efficacy of the accident prevention course programs. These
3 programs will be accomplished by establishing strict criteria for initial and continual course
4 sponsorship approval.

5

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

8 1. "Sponsoring agency" shall mean an organization which owns a motor vehicle
9 accident prevention course approved by the Department of Transportation and Communications
10 (DOTC) Secretary (hereinafter referred to as the Secretary).

11 2. "Delivery agency" shall mean an organization which conducts a sponsoring
12 agency's approved motor vehicle accident prevention course.

13 3. "Instructor" shall mean an individual employed by a delivery agency to teach an
14 approved accident prevention course.

1 4. "Accident prevention course" or "course" shall mean the accident prevention course
2 curriculum or specialized course curriculum which has been approved by the Secretary.

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

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

7
8 **SEC. 3. *Approval by the Secretary.***- The Secretary must approve an accident
9 prevention course before any person attending and successfully completing such course. The
10 Secretary shall base the decision to approve a course upon the requirements set forth in this
11 article and any additional requirements as the Secretary deems necessary.

12
13 **SEC. 4. *Application for approval.***-

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

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

1 **SEC. 5. Standards for course approval.-**

2 1. To be approved, a course must:

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

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

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

10 (d) Provide a copy of a completion certificate which is designed to prevent and is
11 capable of preventing fraud and forgery, and which is approved by the Secretary for the
12 purpose of verifying course completion for submission to insurance companies.

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

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

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

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

20 (1) Interpreting events that require evasive action;

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

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

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

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

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

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

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

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

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

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

14
15 **SEC. 6. Proof of effectiveness.-** Proof of effectiveness shall be verifiable through a
16 research documentation submitted by the applicant for sponsorship showing evidence of
17 effectiveness comparable to that of the national safety council's defensive driving course as
18 determined by the Secretary in terms of reduced convictions or accidents or both. This research
19 documentation shall employ accepted research principles and include treatment and non-
20 treatment control groups comprised of samples of the representative driver base. In order to
21 establish verifiable effectiveness, each sample group should be comprised of a minimum of
22 three thousand (3,000) drivers selected randomly. The documentation shall include conviction
23 or accident data for each motorist for a period of at least eighteen (18) months prior to the course
24 completion date and at least eighteen (18) months subsequent to such date, and equivalent time
25 periods for non-treatment control groups. The documentation shall also include a description
26 of the sampling and analytic procedures used, and the motorist identification number and

1 course completion date for all course attendees. The applicant for sponsorship shall provide, at
2 the request of the Secretary and at the applicant's expense, all driving record data and analysis
3 used in the development of the submitted research documentation. Submission of any fraudulent
4 or intentionally misleading data will disqualify that organization and all owners and principals
5 from participating or approval in the accident prevention course for a period of ten (10) years
6 from submission date. The Secretary may, by regulation, provide for a smaller sample group for
7 specialized courses.

8

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

12 (1) Apply to the Secretary for approval if there are any proposed additions or deletions to a
13 previously approved course or its curriculum;

14 (2) Perform all necessary administrative functions in connection with the course;

15 (3) Provide each participant satisfactorily completing the course with an approved certificate of
16 course completion;

17 (4) Maintain records which indicate the name, address, social security number and date of
18 course of those individuals who have completed the course within the previous three (3) years;

19 (5) Provide and train instructors to conduct courses;

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

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

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

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

4
5 **SEC. 9. *Implementation Period.*** Within three (3) years from the enactment of this Act,
6 the Secretary is mandated to ensure that all drivers undergo a motor vehicle prevention course
7 before the issuance of their drivers' licenses.

8
9 **SEC. 10. *Regulations.***- The Secretary shall promulgate such rules and regulations as are
10 necessary to effectuate the provisions of this Act. In addition to any requirements expressly
11 authorized by this Act, such regulations may include but not be limited to requirements and
12 standards with respect to: delivery agencies and instructors; classroom facilities; suspension
13 or revocation of approval; appeal of suspension or revocation; course administration and
14 advertising; monitoring of courses and instructors; and evaluation of course effectiveness.

15
16 **SEC. 11. *Repealing Clause.***- Any laws, decrees, ordinances or rules and regulations
17 which are inconsistent with or contrary to the provision of this Act is hereby amended or
18 repealed.

19
20 **SEC. 12. *Effectivity.***- This Act shall take effect fifteen (15) days following its publication
21 in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,