

**FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)**

SENATE

S. No. 3331

Introduced by **Senator GREGORIO B. HONASAN II**

EXPLANATORY NOTE

Republic Act (RA) No. 10054 or the Motorcycle Helmet Act of 2009 declares as a 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." Thus, "the State 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 helmet." (Sec. 2, RA 10054)

Under the law, any person caught driving without wearing the standard protective motorcycle helmet bearing the PS mark or ICC seal shall be penalized in a manner provided therein. The full implementation of the said law was originally scheduled on 1 August 2012 as stipulated in the Joint Administrative Order formulated by the Department of Transportation and Communications (DOTC) and the Department of Trade and Industry (DTI). However, the DOTC ordered the Land Transportation Office to defer enforcement of the law until 31 December 2012. The order was in line with the DTI's request to give them more time to inspect all the helmets that are coming into the country and to ensure that all helmets bear the Import Commodity Clearance (ICC) seal issued by the Bureau of Products Standard (BPS).

To facilitate the efficient implementation of this law, this bill primarily proposes that the helmet inspection be done simultaneously with the motorcycle registration. This bill further strengthens the guidelines to ensure that the standard protective motorcycle helmets meet the minimum component requirement such as the hard outer shell, expanded polystyrene (Styrofoam) layer, comfort lining and retention strap. These standards shall be reviewed every five (5) years.

In view of the foregoing, immediate enactment of this measure is earnestly requested.



GREGORIO B. HONASAN II
Senator

Fifteenth Congress of the Republic)
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Introduced by Senator Gregorio B. Honasan II

AN ACT
AMENDING REPUBLIC ACT NO. 10054, OTHERWISE KNOWN AS THE
"MOTORCYCLE HELMET ACT OF 2009"

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

Section 1. Section 6 of Republic Act No. 10054 is hereby amended to read as follows:

"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 **TO ENSURE THAT STANDARD PROTECTIVE MOTORCYCLE HELMETS MEET THE MINIMUM COMPONENT REQUIREMENT SUCH AS THE HARD OUTER SHELL, EXPANDED POLYSTYRENE (STYROFOAM) LAYER, COMFORT LINING AND RETENTION STRAP.**

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 STANDARDS SHALL BE REVIEWED EVERY FIVE (5) YEARS.**

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,] **O**[o]nly those standard protective motorcycle helmets bearing the PS or ICC mark shall be sold in the market. **PROVIDED, THAT MOTORCYCLE RIDERS USING HELMETS WHICH DO NOT BEAR THE PS MARK OR ICC STICKER ISSUED BY THE BPS UPON THE EFFECTIVITY OF THIS ACT SHALL BE REQUIRED TO PRESENT**

THEIR HELMETS FOR INSPECTION AT THE SAME TIME WHEN THEY APPLY FOR A RENEWAL OF THEIR MOTORCYCLE REGISTRATION WITH THE LTO. FOR THIS PURPOSE, EACH LTO BRANCH SHALL BE REQUIRED TO HAVE AT LEAST TWO (2) LTO PERSONNEL TO BE TRAINED BY THE BPS TO CONDUCT THE HELMET INSPECTION.

THE BPS OR LTO SHALL PLACE THE MARK/STICKER EITHER ON THE INTERIOR OR EXTERIOR PART OF THE HELMET, AT THE OPTION OF THE MOTORCYCLE RIDER."

Section 2. Section 7 (c) of Republic Act No. 10054 is hereby amended to read as follows:

"SEC. 7. Penalties. - x x x

(c) Any person **OR COMPANY** who **IMPORTS,** ^{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".

Section 3. 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.

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

Section 5. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,