SENATE

SENATE BILL NO. 1102

INTRODUCED BY **SENATOR JOSEPH VICTOR G. EJERCITO**

EXPLANATORY NOTE

As of this date there are about to more than 3.4 million motorcycle-users in the country. Filipinos are now becoming much more enthusiast and interested in motorcycles as this kind of vehicle is said to be economical, convenient, and enjoyable means of transportation.

However, with the growing number of motorcycle-users, an increasing number of road accidents is being recorded every year. Based on the survey conducted by the Yamaha Motor Philippines, there are about 16, 208 road accidents happened every year in the country. The survey adds that motorcycle accidents are the fourth cause of death in the Philippines. In these accidents, it is sad to note that a large number of casualties are children.

In addition to that, no less than the World Health Organization (WHO) has warned that deaths and injuries from motorcycle accidents have become a public health epidemic in many countries in Asia particularly in the Philippines.

As children are more prone to risks, injuries and fatalities the Government should adopt a stringent measure to protect them from such harm and risks.

Thus, the passage of this measure is fervently sought.

JOSEPH VICTOR G. EJERCITO

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SENATE BILL NO. ___1102___

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

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

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

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

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

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

Approved,