


THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

6 AUG 22 PM '93

SENATE
S. B. No. 2445

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The ability to diagnose, service, and repair a motor vehicle in a timely, reliable, and affordable manner is essential to the safety and well-being of automobile vehicle owners. Such owners are entitled to choose among competing repair facilities for the convenient, reliable, and affordable repair of their motor vehicles. Increased competition among repair facilities will benefit motor vehicle owners. Computers of various kinds are increasingly being used in motor vehicle systems, such as pollution control, transmission, antilock brakes, electronic and mechanical systems, heating and air-conditioning, sound, and steering.

The diagnosis, service, and repair of these vehicle systems are essential to the safety and proper operation of modern motor vehicles. In many instances, access codes prevent owners from making, or having made, the necessary diagnosis, service, and repair of their motor vehicles in a timely, convenient, reliable, and affordable manner. Motor Vehicle Owners have benefited from the availability of an aftermarket parts supply, or parts and accessories used in the repair, maintenance, or enhancement of a motor vehicle.


This bill seeks to protect the public from undue delays in the repair of their motor vehicles.


MIRIAM DEFENSOR SANTIAGO

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AN ACT
REQUIRING AUTOMOBILE MANUFACTURERS TO RELEASE
VEHICLE REPAIR INFORMATION TO VEHICLE OWNERS

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 “Motor Vehicle Owners’ Right to Repair Act of 2006”.

SECTION 2. *Declaration of Policy.* – It is the policy of the State to promote the general welfare of the people. Pursuant to this policy, this Act seeks to create a law governing requiring automobile manufacturers to release vehicle repair information to motor vehicle owners in order for such motor vehicles to be repaired in the timeliest manner possible.

SECTION 3. *Definition of terms.* – For purposes of this Act, the term:

(A) “Motor Vehicle” means every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except

- (1) Electrically-driven mobility assistance devices operated or driven by a person with a disability;
- (2) Vehicles which run only upon rails or tracks;
- (3) Farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and

(4) Self-propelled caterpillar or crawler-type equipment while being operated on the contract site.

For the purposes of this Act, the term motor vehicle shall exclude fire and police vehicles other than ambulances. It shall also exclude

(B) "Vehicle owner" means any person who owns, leases or otherwise has the legal right to use and possess a motor vehicle, or the agent of such person, as shown on the records of the Land Transportation Office;

(C) "Motor vehicle repair shop" means any person who, for compensation, is wholly or partially engaged in the business of repairing or diagnosing motor vehicle malfunctions or repairing motor vehicle bodies, fenders or other components damaged by accident or otherwise, except that such term does not include:

(1) An employee of a motor vehicle repair shop who engages in the business of repairing motor vehicles solely by reason of his employment; or

(2) Any person who is solely engaged in the business of repairing the motor vehicles of a single commercial or industrial establishment, or of the national or a local government or any agency thereof;

(3) Any person whose activities consist solely of fueling, changing oil, water, batteries or tires, replacing fan belts, air filters or oil filters, installing windshield wiper blades or light bulbs, or such other minor repair and servicing functions; or

(4) Any person solely engaged in the business of repairing farm or road building machines, or such other utility vehicles.

The term "motor vehicle repair shop" shall also include any shop, drive-in station, or garage operated by any person, firm, corporation or association at which motor vehicles are inspected for the purposes of appraising, evaluating or estimating the extent or value of motor vehicle damage or the necessity or cost of motor vehicle repairs.

(D) "Office" refers to the Land Transportation Office.

SECTION 4. *Motor Vehicle Manufacturer Requirements.* – The manufacturer of a motor vehicle sold or introduced into commerce shall provide to the vehicle owner, to the motor vehicle repair shop and to the Office for use by any such vehicle owner or repair facility, the information necessary to diagnose, service, or repair the vehicle. Such information shall include, but not be limited to, information necessary to integrate replacement equipment into the vehicle and other information of any kind used to diagnose, service, repair, activate, certify, or install any motor vehicle equipment, including replacement equipment, in a motor vehicle.

The Office shall not require a manufacturer to publicly disclose information that, if made public, would divulge methods or processes entitled to protection as trade secrets of that manufacturer, but may require disclosure of such information to the department for the purpose of determining whether such information is entitled to such protection. Such determination shall be made on the record after an opportunity for a hearing.

No such information may be withheld by a manufacturer if that information is provided, directly or indirectly, to franchised dealers or other repair facilities.

SECTION 5. *Unfair or Deceptive Act or Practice; Remedies.* – The failure by a manufacturer to provide the information required under Section 4 of this act constitutes an unfair method of competition or an unfair or deceptive act or practice.

Any manufacturer who violates the provisions of this Act or any rules or regulations promulgated pursuant to the same with actual knowledge or knowledge fairly implied on the basis of objective circumstances shall be liable fined an amount of not less than Ten Thousand Pesos (P10,000.00) to not more than One Hundred Thousand Pesos (P100,000.00) at the discretion of the court, taking into consideration all attending circumstances.

A vehicle owner or motor vehicle repair shop may bring a civil action in a court of competent jurisdiction to enjoin a violation of this Act and to recover the actual costs of litigation including reasonable attorney's fees.

SECTION 6. *Separability Clause.* – If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this act is hereby repealed, modified or amended accordingly.

SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,

/rgs