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SENATE

S. NO. 243

FILED

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 Bank report², 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 "Philippine Accident." <http://www.car-accidents.com/country-car-accidents/philippines-car-accidents.html>, Information retrieved on January 27, 2009.

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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
2 safety by preserving the quality and efficacy of the accident prevention course programs.
3 These programs will be accomplished by establishing strict criteria for initial and
4 continual course sponsorship approval.

5
6 **SEC. 2. Definition of Terms.** - For the purposes of this Act, the following terms
7 shall have the following definitions:

- 8 1) "Sponsoring agency" shall mean an organization which owns a motor
9 vehicle accident prevention course approved by the Department of
10 Transportation and Communication (DOTC) Secretary (hereinafter referred to
11 as the Secretary).
- 12 2) "Delivery agency" shall mean an organization which conducts a
13 sponsoring agency's approved motor vehicle accident prevention
14 course.
- 15 3) "Instructor" shall mean an individual employed by a delivery agency
16 to teach at approved accident prevention course.

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

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

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

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

15
16 **SEC. 4. Application for Approval. –**

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

27 2) The Secretary shall either approve or deny an application for course
28 approval no later than ninety (90) days following submission of a completed
29 application. In the event the Secretary takes no action on an application after
30 ninety (90) days following submission of a completed application, the application
31 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
4 certified instructor present. Nothing in this section shall prevent
5 the use of audio/visual aids as part of the course presentation
6 prescribed by the Secretary.

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

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

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

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

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

18 (a) Concept of accident preventability including a discussion of the magnitude
19 of traffic accident problems;

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

22 (1) Interpreting events that require evasive action;

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

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

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

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

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

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

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

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

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

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

16
17 **SEC. 6. Proof of effectiveness.** - Proof of effectiveness shall be verifiable through
18 a research documentation submitted by the applicant for sponsorship showing evidence of
19 effectiveness comparable to that of the national safety council's defensive driving course
20 as determined by the Secretary in terms of reduced convictions or accidents or both. This
21 research documentation shall employ accepted research principles and include treatment
22 and non-treatment control groups comprised of samples of the representative driver base.
23 In order to establish verifiable effectiveness, each sample group should be comprised of a
24 minimum of three thousand (3,000) drivers selected randomly. The documentation shall
25 include conviction or accident data for each motorist for a period of at least eighteen (18)
26 months prior to the course completion date and at least eighteen (18) months subsequent
27 to such date, and equivalent time periods for non-treatment control groups. The
28 documentation shall also include a description of the sampling and analytic procedures
29 used, and the motorist identification number and course completion date for all course
30 attendees. The applicant for sponsorship shall provide, at
31 the request of the Secretary and at the applicant's expense, all driving record data and
32 analysis used in the development of the submitted research documentation. Submission of
33 any fraudulent or intentionally misleading data will disqualify that organization and all
34 owners and principals from participating or approval in the accident prevention course for

1 a period of ten (10) years from submission date. The Secretary may, by regulation, provide
2 for a smaller sample group for specialized courses.

3
4 **SEC. 7. *Course Validity.*** - In the event the course application is approved, the
5 course approval shall be valid for not more than a two (2) year period. Any person who
6 has obtained approval for a course shall comply with the following requirements:

- 7 (1) Apply to the Secretary for approval if there are any proposed additions or
8 deletions to a previously approved course or its curriculum;
- 9 (2) Perform all necessary administrative functions in connection with the
10 course;
- 11 (3) Provide each participant satisfactorily completing the course with an
12 approved certificate of course completion;
- 13 (4) Maintain records which indicate the name, address, social security number
14 and date of course of those individuals who have completed the course
15 within the previous three (3) years;
- 16 (5) Provide and train instructors to conduct courses;
- 17 (6) Conduct the course in accordance with the description and curriculum
18 approved by the Secretary;
- 19 (7) Provide the Secretary with a schedule of class dates, times, and locations;
20 and
- 21 (8) Authorize and permit the Secretary to audit the records of the
22 approved course and to monitor and evaluate any and all portions of the
23 course including but not limited to the classroom facility, field driving, the
24 use of the instructional materials, the qualifications of instructors and the
25 actual presentation of the course.

26
27 **SEC. 8. *The certified agency may charge a reasonable fee for the course.*** - The
28 Secretary may require an audit by an independent firm of the fees collected and
29 expenditure of those fees.

30
31 **SEC. 9. *Implementation Period.*** - Within three (3) years from the enactment of
32 this Act, the Secretary is mandated to ensure that all drivers undergo a motor vehicle
33 prevention course before the issuance of their drivers' licenses.

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

8
9 **SEC. 11. Repealing Clause.** - Any laws, decrees, ordinances or rules and
10 regulations which are inconsistent with or contrary to the provision of this Act is hereby
11 amended or repealed.

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

Approved,