

HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 155

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	<u>30 JUN 2016</u>
TIME:	<u>1:49 P.M.</u>
BY:	<u>[Signature]</u>
REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by DIWA Party-list Representative Emmeline Y. Aglipay – Villar

EXPLANATORY NOTE

The bill intends to discourage the use of mobile communication devices or other electronic communication equipment such as cellular phones and tablets or any other device capable of transmitting and receiving encrypted data and/or signals, while operating motor vehicles. The reason for discouraging such a dangerous practice is the fact that “distracted” drivers have been found to be the reason for most vehicular accidents in recent years.

Under this proposed bill, a person operating a mobile communication device or an electronic entertainment device while driving a motor vehicle will be subjected to a fine and/or the suspension or revocation of his or her driver’s license. This means that the proposed bill not only discourages “text/call-driving,” it also penalizes other forms of operation of mobile communication device or electronic equipment, like browsing through photos, watching video clips or playing electronic games. However, a person operating a motor vehicle may still take phone calls after pulling over to the side of the road and away from moving traffic or if stopped at a red light.

As we are bombarded with sophisticated gadgets in this technologically advanced age, we must all make sure that we are in control of our gadgets, not the other way around. Giving in to the temptation of using our communication gadgets is more likely to happen in our country especially considering the fact that the Philippines, labeled as the “texting capital of the world,” is the fastest growing market for smartphones in Southeast Asia.

Emmeline Y. Villar
EMMELINE Y. AGLIPAY – VILLAR
Representative, DIWA Party-list

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 155

Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay – Villar**

AN ACT
DEFINING AND PENALIZING DISTRACTED DRIVING

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

SECTION 1. Short Title. - This Act shall be known as the "Anti-Distracted Driving Act."

SECTION 2. Declaration of Policy. - It is hereby declared the policy of the State to safeguard its citizenry from the ruinous and extremely injurious effects of vehicular accidents.

While the State recognizes the vital role of information and communications technology in nation-building, the State also takes cognizance of the inimical consequences of the unrestrained use of electronic mobile devices on road safety as to cause its regulation.

SECTION 3. Definition of Terms. - As used in this Act:

a) *Diplomatic motor vehicle* refers to any motor vehicle leased or owned by a foreign mission and its staff for their official use;

b) *Electronic entertainment and computing device* refers to any handheld electronic device capable of digital information processing, recording, capturing or displaying and computing operations such as, but not limited to, laptop computers, tablets, video game consoles and calculators.

c) *Government motor vehicle* refers to any motor vehicle owned by the national government or any of its agencies, instrumentalities or political subdivisions, including government-owned or -controlled corporations or their subsidiaries for official use;

d) *Implementing agency* refers to the Department of Transportation and Communications (DOTC) - Land Transportation Office (LTO);

e) *Mobile communications devices* refer to electronic communications equipment such as, but not limited to, cellular phones, wireless telephones, two-way

radio transceivers, pagers and other similar devices capable of transmitting, receiving, or both, of encrypted data and/or signals through wireless, electronic or any other similar means;

f) *Motor vehicle* refers to engine-driven vehicles such as, but not limited to, automobiles, trucks, vans, buses, jeeps, motorcycles and tricycles;

g) *Motorist* refers to a person driving a motor vehicle;

h) *Private motor vehicle* refers to any motor vehicle owned by individuals and juridical persons for private use; and

i) *Public motor vehicle* refers to a motor vehicle issued with a valid franchise by the appropriate government agency to operate as a public utility vehicle or any vehicle for hire.

SECTION 4. Distracted Driving. - Subject to the qualifications in Sections 5 and 6 of this Act, distracted driving shall consist of the performance by a motorist of any of the following acts in a moving motor vehicle or a motor vehicle stopped at a red light, whether diplomatic, public or private, which are hereby deemed unlawful;

- a) Operating a mobile communications device with one or both hands; and
- b) Operating an electronic entertainment or computing device with one or both hands.

SECTION 5. Extent of Coverage. -

a) The operation of a mobile communications device is not considered to be distracted driving if done using the aid of a hands-free function or similar device such as, but not limited to, a speaker phone, earphones and microphones or other similar devices which allow a person to make and receive calls without having to hold the mobile communications device; Provided, That the placement of the mobile communications device or the hands-free device does not interfere with the line of sight of the driver.

b) Wheeled agricultural machineries such as tractors and construction equipment such as graders, rollers, backhoes, payloaders, cranes, bulldozers, mobile concrete mixers and the like, and other forms of conveyances such as bicycles, pedicabs, *habal-habal*, trolleys, *kuliglig*, wagons, carriages, carts, sledges, chariots or the like, whether animal or human-powered, are covered by the provisions of this Act as long as the same are operated or driven in public thoroughfares, highways or streets or under circumstances where public safety is under consideration.

c) The provisions of this Act shall not apply to motorists of motor vehicles which are not in motion or are pulled over to the side of the road, except those which are stopped momentarily at a red light or in compliance with a traffic regulation.

SECTION 6. Exemptions. - The provisions of this Act shall not apply to persons performing emergency or urgent official function where such limitations will result to greater injury or impair the performance thereof: Provided, That the motorist does not have any companion capable of making a call or performing such tasks or functions as the emergency or official mandate requires.

SECTION 7. Nationwide Public Information Campaign. - The DOTC-LTO, in coordination with the Philippine Information Agency (PIA), the Department of Education (DepEd) the Department of Interior and Local Government (DILG)-Philippine National Police (PNP) and private agencies and organizations, shall undertake a nationwide information, education and communication (IEC) campaign for a period of six (6) months from the effectivity of this Act.

SECTION 8. Penalties. - Any person who shall violate any provision of this Act shall be penalized with:

- a) A fine of five thousand pesos (P5,000.00) for the first offense
- b) A fine of ten thousand pesos (P10,000.00) for the second offense
- c) A fine of fifteen thousand pesos (P15,000.00) and suspension of driver's license for three (3) months for the third offense; and
- d) A fine of twenty thousand pesos (P20,000.00) and revocation of driver's license

Provided, That the implementing agency may increase the amount of fine herein imposed once every five (5) years in the amount not exceeding ten percent (10%) of the existing rates sought to be increased which shall take effect only upon publication in at least two (2) newspapers of general circulation;

Provided, further, That a driver of a public utility vehicle, a school bus, school service vehicle, a common carrier hauling volatile, flammable or toxic material, or a driver who commits an act classified herein as distracted driving within a 50- meter radius from the school premises shall be subject to a penalty of thirty thousand pesos (P30,000.00) and suspension of one's driver's license for three (3) months.

The foregoing penalties shall be imposed without prejudice to other liabilities under the Revised Penal Code or any special law, arising out or on occasion of the herein prohibited acts.

SECTION 9. Enforcement and Assistance by Other Agencies. - The Metro Manila Development Authority (MMDA), the PNP and other concerned government agencies and instrumentalities shall be responsible for the enforcement of the foregoing provisions and shall render such assistance as may be required by the DOTC-LTO in order to effectively implement the provisions of this Act.

SECTION 10. Implementing Rules and Regulations. - The DOTC-LTO shall promulgate the necessary implementing rules and regulations within sixty (60) days from the effectivity of this Act.

SECTION 11. Separability Clause. - If, for any reason, any part or provision of this Act is declared invalid, such declaration shall not affect the other provisions of this Act.

SECTION 12. Repealing Clause. - All laws, executive orders, issuances, rules or regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 13. Effectivity. - This Act shall take effect (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,