

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6542



Introduced by Representative Mariano Michael M. Velarde Jr.

EXPLANATORY NOTE

There is a strong clamor from some sector of society to suspend, if not amend Republic Act 10054 otherwise known as the "Motorcycle Helmet Act of 2009" brought about by the spate of crimes and killings by people riding in motorcycles. The perpetrators use motorcycle helmets to conceal their identities thereby making apprehension of the criminals and resolutions of said crimes difficult. Aside from the use of full faced helmets or even half faced helmets, the perpetrators also use facial cover or masks to make sure identification difficult, if not impossible. The thinking to suspend the implementation of R.A. 10054, if not limit the use of motorcycle helmets is to deter motorcycle riding criminals.

On the other hand, the very purpose of the enactment of the Motorcycle Helmet Act in 2009 was brought about by the increase in road crashes involving motorcycles resulting to injuries and deaths. To address these motorcycle road crashes, Congress enacted R.A. 10054 to protect the lives and limbs of motorcycle riders in accordance with international road safety conventions.

These seemingly contradictory trends have both their merits and intentions laudable. But government cannot sacrifice the interest and welfare of law-abiding citizens riding motorcycles because of few individuals that hide behind helmets and masks or facial cover. The State is duty bound to ensure the safety and welfare of the people. With this in mind, this proposal intends to marry the two trends in the use or non-use of motorcycle helmets by prescribing the types of helmet according to the types of motorcycle based on size of the engine or motor, since the size of the motor determines the speed capacity of the motorcycle and type of road that the motorcycle can traverse.

The bill will also prohibit the use of any mask or facial cover that will conceal facial recognition and identification of the riders.

With the aforementioned, the approval of this measure is sought.


MARIANO MICHAEL M. VELARDE, JR.

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AN ACT AMENDING REPUBLIC ACT NO. 10054 ENTITLED "AN ACT MANDATING ALL MOTORCYCLE RIDERS TO WEAR STANDARD PROTECTIVE MOTORCYCLE HELMETS WHILE DRIVING AND PROVIDING PENALTIES THEREFOR OTHERWISE KNOWN AS THE "MOTORCYCLE HELMET ACT OF 2009"

Section 1. Section 3 of Republic Act 10054 shall read as:

"Section 3. *Mandatory Use of Motorcycle Helmets.* - All motorcycle riders, including drivers and back riders, shall at all times wear standard protective motorcycle helmets while driving, whether long or short drives, in any type of road and highway.

Standard protective motorcycle helmets are appropriate types of helmets for motorcycle riders that comply with the specifications issued by the Department of Trade and Industry (DTI) AND ACCORDING TO THE TYPE AND/OR SIZE OF THE MOTOR OF THE MOTORCYCLE INCLUDING BUT NOT LIMITED TO THE CYLINDER CAPACITY OR SIZE IN CUBIC CENTIMETERS (CC) AND NUMBER OF PISTONS.

IT IS HEREBY MANDATED THAT FOR RIDERS USING MOTORCYCLES BELOW 400 CC SHALL WEAR HALF FACED HELMETS AND FOR RIDERS USING MOTORCYCLE WITH 400 CC AND ABOVE SHALL WEAR FULL FACED HELMETS AT ALL TIMES, PROVIDED THAT BOTH TYPES OF HELMETS SHALL HAVE TRANSPARENT OR UNTINTED FACE SHIELDS. PROVIDED FURTHER, THAT RIDERS OF ALL TYPES OF MOTORCYCLES SHALL NOT WEAR ANY MASK OR FACIAL COVER THAT MAY CONCEAL THEIR IDENTITY OR FACIAL RECOGNITION.

The DTI shall issue guidelines, which should include the specifications regarding standard protective motorcycle helmets ACCORDING TO TYPE AND/OR SIZE OF THE MOTORCYCLE."

Section 2. A new paragraph (b) shall be included in Section 7 of R.A. 10054 and shall be renumbered accordingly as follows:

“Section 7. Penalties. - (a) Any person caught not wearing the standard protective motorcycle helmet in violation of this Act shall be punished with a fine of One thousand five hundred pesos (Php1,500.00) for the first offense; Three thousand pesos (Php3,000.00) for the second offense; Five thousand pesos (Php5,000.00) for the third offense; and Ten thousand pesos (Php10,000.00) plus confiscation of the driver's license for the fourth and succeeding offenses.

(b) ANY PERSON CAUGHT WEARING DARK TINTED FACIAL SHIELD, MASK OR FACE COVER THAT CONCEAL HIS/HER IDENTITY OR FACIAL RECOGNITION SHALL BE PUNISHED WITH A FINE OF THREE THOUSAND PESOS (PHP 3,000.00) FOR THE FIRST OFFENSE; FIVE THOUSAND PESOS (PHP 5,000.00) FOR THE SECOND OFFENSE; AND TEN THOUSAND PESOS (PHP 10,000.00) PLUS CONFISCATION OF THE DRIVER'S LICENSE FOR THE THRID OFFENSE.

(C) Any seller and/or dealer who violates Section 5 of this Act shall be punished with a fine of not less than Ten thousand pesos (Php10,000.00) but not more than Twenty thousand pesos (Php20,000.00).

(D) Any person who 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".

(E) Tampering, alteration, forgery and imitation of the PS mark and the ICC certificates in the helmets shall be punished with a fine of not less than Ten thousand pesos (Php10,000.00) but not more than Twenty thousand pesos (Php20,000.00), 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,