

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill Number **507**



Introduced by Representative ROLANDO G. ANDAYA, JR.

EXPLANATORY NOTE

The past decade saw a significant increase in the number of mobile phone users in the country. It has been projected that by the end of 2016, the number of mobile phone users in the Philippines would reach 117 million.


Because one can practically do everything with a tap of a finger using a mobile phone, it has become not only a very important tool of communication, but also a means to do business, organize personal tasks and a handy gadget for entertainment.

We cannot however discount the fact that the use of mobile phones has its disadvantages, particularly when it is used while operating motor vehicles. The use of mobile phone while driving creates a significant accident risk, not only to the user but to other people on the road, as well.

Driving is such a complex task that requires great concentration. Using a mobile phone while driving can impair the driver's performance. It divides the driver's physical and cognitive awareness and may therefore pose threat to other road users.

In order to save lives and limbs, this bill prohibits the use of hand-held devices while driving.

Immediate passage of this bill is earnestly sought.


ROLANDO G. ANDAYA, JR.

Introduced by Representative ROLANDO G. ANDAYA, JR.

AN ACT DEFINING AND PENALIZING DISTRACTED DRIVING

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 “Anti-Distracted Driving Act”.

SEC. 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.

SEC. 3. Definition of Terms. – As used in this Act, the term:

- (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 communication devices* refer to electronic communications equipment such as, but not limited to, cellular phones, i-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 with a valid franchise issued by the appropriate government agency to operate as a public utility vehicle or any vehicle for hire.

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

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

SEC. 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 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 in 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.

SEC. 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.

SEC. 7. Nationwide Public Information Campaign. – The DOTC-LTO, in coordination with the Philippine Information Agency (PIA), the Department of Education (DepED), the Department of the 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.

SEC. 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, a 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 fifty (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.

SEC. 9. Enforcement and Assistance by Other Agencies. – The Metropolitan 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.

SEC. 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.

SEC. 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.

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

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

Approved,