

Republic of the Philippines

DEPARTMENT OF TRANSPORTATION

IMPLEMENTING RULES AND REGULATIONS (IRR) OF
REPUBLIC ACT 10913
(DEFINING AND PENALIZING DISTRACTED DRIVING)

RULE 1 - PRELIMINARY PROVISIONS

Section 1. Short Title and Purpose

The Implementing Rules and Regulations, hereinafter called the IRR, is promulgated pursuant to Section 11 of Republic Act 10913, otherwise known as the An Act Defining and Penalizing Distracted Driving, for the purpose of prescribing the necessary rules and regulations for its implementation.

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 roles of information and communications technology in nation-building, the State also take 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 IRR:

- Diplomatic motor vehicle - any motor vehicle leased or owned by a foreign mission and its staff for their official use;
- Electronic entertainment and computing device - 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;
- Emergency - a situation that poses an immediate risk to health, life, property, or environment;
- Government motor vehicle - any motor vehicle owned by the national government or any of its agencies, instrumentalities or political subdivisions, including government-owned or controlled corporation or their subsidiaries for official use;
- Implementing agency - the Department of Transportation - Land Transportation Office (DOTr-LTO);
- Mobile communications devices - 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 wireless electronic or any other similar means and devices;
- Motor vehicle - any vehicle propelled by any power other than muscular power using the public highways, but excepting road rollers, trolley cars, street-sweepers, sprinklers, lawn mowers, bulldozers, graders, forklifts, amphibian trucks, and cranes if not used on public highways, vehicle which run only on rails or tracks, and tractors, trailers and tractor engines of all kinds used exclusively for agricultural purposes;
- Motorist - a person driving a motor vehicle;
- Private motor vehicle - a motor vehicle owned by individuals and juridical person for private use; and
- Public motor vehicle - 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.

RULE 2 - PROHIBITION, COVERAGE AND EXEMPTIONS

Section 4. Distracted Driving

Subject to the qualification in Sections 5 and 6 of this IRR, distracted driving refers to the performance by a motorist of any of the following acts in a motor vehicle in motion, or temporarily stopped at a traffic light or any intersection, whether diplomatic, public or private:

- Using a mobile communications device to write, send, or read a text-based communication, or to make or receive calls, and other similar acts; and
- Using an electronic entertainment or computing device to play games, watch movies, surf the Internet, compose messages, read e-books, perform calculation, and other similar acts.

Section 5. Extent of Coverage

- The operation of a mobile communications device is not considered to be distracted driving if done using the aid of a hand-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.
- Wheeled agricultural machineries such as tractors and construction equipment such as graders, roller, backhoes, pay loaders, cranes, bulldozers, mobile concrete mixers and the like, and other forms of conveyances such as bicycles, pedicabs, habal-habal, trolleys, "kulliglig", wagons, carriages, carts, sledges, chariots or the like, whether animal or human-powered, are covered by the provisions of this IRR as long as the same are operated or driven in public thoroughfares, highways or streets, or under circumstances where public safety is under consideration.
- The provision of this IRR shall not apply to a motorist of motor vehicles which are not in motion, except those which are stopped momentarily at a traffic light or any intersection, or are pulled over to the side of the road in compliance with a traffic regulation.

Section 6. Exemptions

The provisions of this IRR shall not apply to the following:

- A motorist using a mobile phone for an emergency call to:
 - a law enforcement agency or agent to report a crime or prohibited act, accident, natural calamity, bomb threat/terrorist action, animal activism, infrastructure failure and biological, chemical, or radioactive hazard spill or release;
 - government or non-government health care provider, or a medical practitioner, and emergency rescue units, in instances requiring immediate medical attention;
 - fire department or non-government fire volunteers in the event of fire/explosion;
 - other emergency services, agency or entity rendering electric, gas, water, chemical, towing and other similar services, in instances requiring immediate attention to save lives and properties or to remove hazards from the environment; and
 - Other analogous circumstances.
- A motorist using a mobile phone while operating an emergency vehicle, or a private vehicle while responding to an emergency call.

RULE 3 - PUBLIC INFORMATION CAMPAIGN

Section 7. Nationwide Public Information Campaign

The DOTr-LTO, in coordination with the Philippine Information Agency (PIA), the Department of Education (DepEd), the Department of Interior and Local Government (DILG), the Philippine National Police (PNP), and private agencies and organizations shall undertake Information, Education, and Communication (IEC) campaign for a period of three (3) months from the effectivity of this IRR.

RULE 4 - PENALTIES

Section 8. Penalties

Any person who shall violate any provision of this IRR shall be penalized with:

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

Provided, 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.

Provided, that in the implementation of Section 8(c) hereof, an offender operating a conveyance or machinery which do not require a driver's license, the penalty shall be impoundment of the conveyance or machinery in lieu of the confiscation of the driver's license.

Provided, further, that in the event the fine imposed is not settled within six (6) months from the date of apprehension, the implementing agency shall exhaust all available legal remedies to implement this Section.

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.

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.

Section 9. Liability of Owner and/or Operator of the Vehicle Driven by the Offender

The owner and/or operator of the vehicle driven by the offender shall be directly and principally held liable together with the offender for the fine, unless he or she is able to convincingly prove that he or she has exercised extraordinary diligence in the selection and supervision of his or her drivers in general, and the offending driver in particular.

This section shall principally apply to the owners and/or operators of public utility vehicles and commercial vehicles such as delivery vans, cargo trucks, container trucks, school and company buses, hotel transports, cars or vans for rent, taxi cab, and the like.

RULE 5 - ENFORCEMENT

Section 10. Enforcement and Assistance by Other Agencies

The Metropolitan Manila Development Authority (MMDA), the Philippine National Police (PNP), and other concerned government agencies and instrumentalities, such as, but not limited to, the respective provincial/local government units and special economic zone authorities, shall also be responsible for the enforcement of the foregoing provisions and shall render such assistance as may be required by the DOTr-LTO in order to effectively implement the provisions of this IRR.

RULE 6 - FINAL PROVISIONS

Section 11. Repealing Clause

Any administrative order, rule or regulation contrary to, or inconsistent with the provisions of this IRR is hereby repealed, modified and/or amended accordingly.

Section 12. Separability Clause

If, for any reason, any part or provision of this IRR is declared invalid, such declaration shall not affect the other provisions of this IRR.

Section 13. Effectivity

This IRR shall take effect fifteen (15) calendar days after its publication in the Official Gazette or in a newspaper of general nationwide circulation, and upon filing with the University of the Philippines Law Center of three (3) certified copies.

Done this APR 04 2017

For *Arthur P. Tugade* (o/c)
ARTHUR P. TUGADE
Secretary
Department of Transportation

For *Edgar C. Galvante*
EDGAR C. GALVANTE
Assistant Secretary
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