



Republic of the Philippines
DEPARTMENT OF TRANSPORTATION

IMPLEMENTING RULES AND REGULATIONS (IRR)

Republic Act No. 10666

AN ACT PROVIDING FOR THE SAFETY OF CHILDREN ABOARD MOTORCYCLES

Otherwise known as the
"Children's Safety on Motorcycles Act of 2015"

I. INTRODUCTION

Pursuant to Section 11 of Republic Act No. 10666, otherwise known as the "Children's Safety on Motorcycles Act of 2015" and in order to pursue a more proactive and preventive approach to secure the safety of passengers, especially children, by regulating the operation of motorcycles along roads and highways, the following Implementing Rules and Regulations are hereby promulgated.

RULE I - PRELIMINARY PROVISIONS

Section 1. Coverage

These Rules shall cover all acts of driving/riding a two (2)-wheeled motorcycle with a child on board.

Section 2. Definition of Terms

Whenever used in these Rules, the following terms shall refer to:

- a. **Act** refers to Republic Act No. 10666;
- b. **Child** refers to any person below eighteen (18) years of age;
- c. **Foot peg** refers to a flat form attached to the motorcycles on which to stand or brace the feet;
- d. **LEO** refers to law enforcement officers or deputies of the LTO to enforce the provisions of this Act;
- e. **LTO** refers to the Land Transportation Office;
- f. **Motorcycle** refers to any two (2)-wheeled motor vehicle having one (1) or two (2) riding saddles;
- g. **Motor vehicle** refers to 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, fork-lifts, amphibian trucks, and cranes if not used on public highways and vehicles run only on rails or tracks, and tractors, trailers and traction engines of all kinds used exclusively for agricultural purposes (R.A. No. 4136 Article 11 Section 3.a)

- h. **Public roads** refer to roads designated by the national government or local government units as roads for public use such as, but not limited to, national highways, provincial roads, city, municipal and barangay streets;
- i. **Public roads with high volume of vehicles** refers to public roads which are designated as such by the Department of Public Works and Highways (DPWH), Metro Manila Development Authority (MMDA), Local Government Units (LGUs), or other concerned agencies or instrumentalities of the government.
- j. **Rider** refers to the driver of the motorcycle;
- k. **Standard Protective Motorcycle Helmets** refer to helmets and visor that are appropriate types of helmets for motorcycle riders that comply with the specifications prescribed by the Department of Trade and Industry (DTI) and which bear the Philippine Standard (PS) mark or Import Commodity Clearance (ICC) of the Bureau of Philippine Standards (BPS) and pursuant to R.A. No. 10054 (Helmet Law); and
- l. **Temporary Operators Permit (TOP)** refers to the citation ticket issued by an authorized LTO Officer or LTO deputized law enforcer to an apprehended driver or operator for a violation of this Act.

RULE II – PROHIBITION

Section 3. Prohibition

It shall be unlawful for any person to drive a two (2)-wheeled motorcycle with a child on board on public roads where there is heavy volume of vehicles, there is a high density of fast moving vehicles or where a speed limit of more than 60/kph is imposed, unless:

- a. The child passenger can comfortably reach his/her feet on the standard foot peg of the motorcycle;
- b. The child's arms can reach around and grasp the waist of the motorcycle rider; and
- c. The child is wearing a standard protective helmet referred to under Republic Act No. 10054, otherwise known as the "Motorcycle Helmet Act of 2009", and other protective gears as required by

Section 4. Exception

Notwithstanding the prohibition provided in the preceding section, this Act shall not apply to cases where the child to be transported requires immediate medical attention.

RULE III - ENFORCEMENT AND ADJUDICATION

Section 5. LTO Law Enforcement Officer (LEO) shall have the authority to flag down a two (2)-wheeled motorcycle with a child on board on public roads where there is heavy volume of vehicles, there is a high density of fast moving vehicles or where a speed limit of more than 60/kph is imposed.

Section 6. The rider, upon lawful demand by the LTO LEO, shall surrender his/her driver's license and present the Certificate of Registration (CR) and current Official Receipt (OR) of the motorcycle.

Section 7. Adjudication

All apprehensions pursuant to the Act shall be adjudicated in accordance with LTO Rules and Regulations.

RULE IV - FINES AND PENALTIES

Section 8. Penalties

Any person who operates a motorcycle in violation of Section 3 and 8 hereof shall be fined with an amount of:

- a. Three Thousand Pesos (P3,000.00) for the first offense;
- b. Five Thousand Pesos (P5,000.00) for the second offense; and
- c. Ten Thousand Pesos (P10,000.00) for the third and succeeding offenses.

Moreover, for the third offense, the driver's license of the offender shall be suspended for a period of one (1) month.

Violation of these provisions beyond the third time shall result to automatic revocation of the offender's driver's license.

Section 9. Qualifying Circumstances

If, in violation of the provisions of this Act, death shall have resulted or serious or less serious injuries shall have been inflicted upon the child or any other person, a penalty of one (1) year imprisonment shall be imposed upon the motorcycle rider or operator of the motorcycle involved without prejudice to the penalties provided under Act No. 3815, otherwise known as "The Revised Penal Code of the Philippines", as amended.

Section 10. Review of Penalties

The Land Transportation Office (LTO) is hereby empowered to increase or adjust the amounts of fines herein imposed, provided that:

- a. The increases or adjustment is made after public consultation once every three (3) years from the effectivity of this Act and in the amount not exceeding twenty percent (20%) of the amounts sought to be increase or adjusted;
- b. A thorough study has been conducted indicating that the existing amounts are no longer an effective deterrent;
- c. Current relevant economic indices, such as the Consumer Price Index (CPI), have been considered in the determination of the increase or adjustment; and
- d. The increases or adjustment shall only become effective fifteen (15) days after its publication in two (2) newspapers of general circulation.

RULE V - DEPUTATION

Section 11. Authority to Deputize Traffic Enforcers and Local Government Units (LGUs)

To effectively implement the provisions of this Act, the LTO is hereby given the authority to deputize members of the Philippine National Police (PNP), the Metropolitan Manila Development Authority (MMDA) and the LGUs to carry out enforcement functions and duties.

RULE VI - PUBLIC INFORMATION CAMPAIGN

Section 12. Public Information Campaign

Not later than thirty (30) days following the promulgation of the Implementing Rules and Regulations (IRR) of this Act, the LTO, in coordination with the Public Information Agency (PIA), the Department of Education (DepEd) and concerned private organization and agencies shall undertake a nationwide, information and education campaign for a period of three (3) months on the important provisions of this Act and its IRR.

Thereafter, the aforementioned agencies shall include the essential provisions of this Act in their respective annual communications programs.

RULE VII - FINAL PROVISIONS

Section 13. Separability Clause


If for any reason any section or provision of this Act is declared unconstitutional, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 14. Effectivity

This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) national newspapers of general circulation and upon filing of three (3) certified copies with the UP Law Center.

Approved this APR 04 2017


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For:  (OIC)
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