

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **2703**

HOUSE OF REPRESENTATIVES

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Introduced by Rep. Winston "Winnie" Castelo

EXPLANATORY NOTE

Scientific studies show sleepiness from fatigue impairs driving performance. Sleepiness leads to crashes because it impairs elements of human performance that are critical to safe driving (Dinges, Kribbs, 1991). Relevant impairments identified in laboratory and in-vehicle studies include:

- *Slower reaction time.* Sleepiness reduces optimum reaction times, and moderately sleepy people can have a performance-impairing increase in reaction time that will hinder stopping in time to avoid a collision (Dinges, 1995). Even small decrements in reaction time can have a profound effect on crash risk, particularly at high speeds.
- *Reduced vigilance.* Performance on attention-based tasks declines with sleepiness, including increased periods of nonresponding or delayed responding (Haraldsson et al., 1990; Kribbs, Dinges, 1994).
- *Deficits in information processing.* Processing and integrating information takes longer, the accuracy of short-term memory decreases, and performance declines (Dinges, 1995).

Often, people use physical activity and dietary stimulants to cope with sleep loss, masking their level of sleepiness. However, when they sit still, perform repetitive tasks (such as driving long distances), get bored, or let down their coping defenses, sleep comes quickly (Mitler et al., 1988; National Transportation Safety Board, 1995 [USA]).

In the 1996 appropriations bill for the U.S. Department of Transportation, the Senate Appropriations Committee report noted that "NHTSA data indicate that in recent years there have been about 56,000 crashes annually in which driver drowsiness/fatigue was cited by police (http://www.nhtsa.gov/people/injury/drowsy_driving1/drowsy.html#ii.BIOLOGYOFHUMANSLEEP).

Citing the foregoing data, the author imperatively prescribes a punitive policy in which operators of public utility vehicles are penalized for employing a driver more than 8 hours per day. Studies further indicate that 8 hours is the perceived maximum potential for drivers to stay alert. Hence, no PUV driver should be allowed to drive more than 8 hours a day. If we are to safeguard the riding public, then the strict implementation of this measure has to be instituted.

Hence, the immediate passage of this bill is earnestly sought.

WINNIE CASTELO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2703

Introduced by Rep. Winston "Winnie" Castelo

AN ACT
PROHIBITING PUV OPERATORS TO EMPLOY DRIVERS FOR MORE THAN EIGHT (8)
HOURS A DAY TO ENSURE DRIVING ALERTNESS AND PROVIDING PENALTIES FOR
VIOLATIONS THEREOF AND FOR OTHER PURPOSES

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

SECTION 1. Title. This Act shall be known as the "PUV Driving Alertness Act of 2016."

SEC. 2. Declaration of Policy. The State shall outlaw the employment of a PUV driver for more than eight (8) hours a day in order to ensure his top level driving performance and ensure the safety of the riding public. Hence, no PUV operators shall be allowed to employ drivers for more than eight (8) hours a day and shall be severely penalized for violations thereof.

SEC. 3. Prohibition. No PUV operator shall be allowed to employ a driver for more than eight (8) hours per day.

SEC. 4. Penalties. Any PUV operator found to be guilty of non-compliance shall be meted out a penalty of imprisonment for a minimum of six (6) months to one (1) year and/or a fine of One Hundred Thousand Pesos (Php100,000.00);

In case the PUV operator's violation results in slight physical injuries to any party, the penalty to be imposed shall be imprisonment of one (1) year plus a fine of Two Hundred Thousand Pesos (Php200,000.00).

In case the PUV operator's violation results in less serious physical injuries to any party, the penalty to be imposed shall be imprisonment of three (3) years plus a fine of Five Hundred Thousand Pesos (Php500,000.00).

In case the PUV operator's violation results in serious physical injuries to any party, the penalty to be imposed shall be imprisonment of five (5) years plus a fine of One Million Pesos (Php1,000,000.00).

In case the PUV operator's violation results in death, permanent disability or mutilation of any body part of any party, the penalty to be imposed shall be imprisonment of ten (10) years plus a fine of Two Million Pesos (Php2,000,000.00).

When the violation of the act covered by this article results in damage to the property of another, the violator shall be punished by imprisonment of one (1) to two (2) years and/or a fine ranging from an amount equal to the value of said property to three times such value, but which shall in no case be less than One Hundred Thousand Pesos (Php100,000.00).

The trial court shall also award the actual, moral and exemplary damages to the victim/s, based on the evidence presented and pursuant to existing rules and jurisprudence.

SEC. 5. Repeat Offenders – In the event a PUV operator is found guilty of violating this Act for two (2) or more times committed within a period of five (5) years, the same shall be a ground for the permanent revocation of his franchise by the Land Transportation Franchising and Regulatory Board (LTFRB).

SEC. 6. Separability Clause – If any part, section or provision of this Act shall be held invalid or unconstitutional, the other provisions not affected by such declaration shall remain in full force and effect.

SEC. 7. Repealing Clause – All laws, acts, decrees, executive orders, rules and regulations or other issuances or parts thereof, which are inconsistent with this Act, are hereby modified and repealed.

SEC. 8. Effectivity - This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,