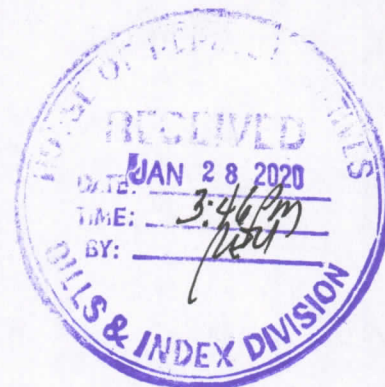


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 6089



Introduced by
Honorable Cristal L. Bagatsing

AN ACT
ALLOWING AND REGULATING THE USE OF MOTORCYCLES AS PUBLIC UTILITY
VEHICLES, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 4136, OTHERWISE
KNOWN AS THE LAND TRANSPORTATION AND TRAFFIC CODE, AND FOR OTHER
PURPOSES.

EXPLANATORY NOTE

This bill seeks to amend Section 3 and Section 7 (d) of Republic Act No. 4136 otherwise known as the Land Transportation and Traffic Code to include in its enumeration "MOTORCYCLES FOR HIRE"

Section 5 (b) of EO 202 that created LTFRB, it expressly provides that:

"b. To issue, amend, revise, suspend or cancel Certificates of Public Convenience or permits authorizing the operation of public land transportation services provided by motorized vehicles, and to prescribe the appropriate terms and conditions, therefore"

At present, motorcycles for hire have proliferated our country being the most convenient and cheapest means of transportation for the riding public. However, the absence of law or regulation concerning them creates danger to the riding public in which our constitution ensures the safety and welfare of the public.

This bill has passed on third and final reading in the House of Representatives last Congress but was not approved by the Senate for lack of time upon congressional adjournment.

Hence, approval of this Bill is earnestly sought.


HON. CRISTAL L. BAGATSING

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

SECTION 1. Title. - This Act shall be known as the "Motorcycles-for-Hire Act".

SECTION 2. Section 3 of Republic Act No. 4136 or the Land Transportation and Traffic Code is hereby amended by adding a new paragraph which shall be defined as follows:

X X X

"(N) MOTORCYCLES-FOR-HIRE. - ANY TWO-WHEELED MOTOR VEHICLE THAT SHALL BE REGISTERED WITH THE LAND TRANSPORTATION OFFICE AS FOR HIRE AND SHALL BE USED AS A COMMERCIAL VEHICLE TO TRANSPORT PASSENGERS AND GOODS: PROVIDED, THAT, FOR TRANSPORTING PASSENGERS, THE MOTORCYCLES SHALL HAVE A MINIMUM ENGINE DISPLACEMENT OF 125 CUBIC CENTIMETERS AND A BACKBONE TYPE BUILT."

SEC. 3. - Section 7 (d) of Republic Act No. 4136 is hereby amended to read as follows:

"Sec. 7. Registration Classification. - Every motor vehicle shall be registered under one of the following described classifications:

(a) X X X

(b) x x x

(c) x x x

(d) Public utility automobiles; e) public utility trucks; (f) taxis and public calesas; (g) garage automobiles; (h) garage trucks; (i) hire trucks; [and] (j) trucks owned by contractors and customs brokers and customs agents [.]; AND (K) MOTORCYCLES-FOR-HIRE. Application for registration under these classifications shall be accompanied by a certificate of public convenience or a special permit issued by the LAND TRANSPORTATION FRANCHISING AND REGULATORY BOARD [Public Service Commission], and motor vehicles registered under these classifications shall be subject to the Public Service Law, rules and regulations, as well as the provisions of this Act.
x x x.”

SEC. 4. Roadworthiness of Motorcycles-for-hire. – The Land Transportation Office (LTO) shall ensure the roadworthiness of motorcycles-for-hire before registration or renewal of registration. To further ensure safety, no modification shall be made on motorcycles-for-hire, except the installation, based on safe engineering design specifications, of motorcycles luggage carrier, saddle bag, step board or foot peg and appropriate speed limiter and monitoring device.

SEC. 5. Issuance of Driver’s License. - Pursuant to Section 23-A of the Land Transportation and Traffic Code, as amended by Republic Act. No. 10930, the LTO shall promulgate the necessary prerequisites and guidelines for the issuance of licenses to the driver-applicants, including the theoretical and practical examinations appropriate for motorcycles-for hire. The LTO shall also ensure the continuous safety training of licensed drivers of motorcycles-for-hire.

SEC. 6. Fare Setting. - The Land Transportation Franchising and Regulatory Board (LTFRB) shall determine, prescribe, approve, and periodically review and adjust, reasonable fares, rates and other related charges for the operation of motorcycles-for-hire. The LTFRB may allow motorcycles-for-hire to choose and use online ride-hailing or pre-arranged transportation platforms, accredited by the proper government agencies under existing laws, but the said platforms shall comply with this Act and other regulations on motorcycles-for-hire, including fare setting.

SEC. 7. Prescribing of Routes. - In prescribing routes, Department of Transportation (DOTr) and the LTFRB shall give priority to higher capacity vehicles or mass transit systems in accordance with route rationalization studies. Motorcycles-for-hire may be allowed to operation for a limited period, with limited number of units and in specific routes only, as may be determined by the DOTr and the LTFRB, in coordination with concern local government units.

SEC. 8. Hospital Accreditation, quick response and Insurance. - All participating ride hailing service provider must be accredited by at least one tertiary hospital in every city of the Metropolis. A quick response team must be established by the service provider and automatic release of at least P30,000 to the victim rider or biker for its immediate expense to be deducted later on upon payment of its insurance.

SEC. 9. Penalties. - The operation of motorcycles-for-hire in violation of this Act shall be penalized pursuant to the violations and fines and penalties provided under existing laws and agency regulations: Provided, That companies, or the officers or directors thereof, providing online ride hailing or pre-arranged transportation platforms involving motorcycles without a valid franchise, shall have solidary liability and shall be penalized accordingly.

SEC. 10. Implementing Rules and Regulations. - The DOTr and LTFRB, in collaboration with the MMDA, Department of Interior and Local Government, Philippine National Police-Highway Patrol Group, Department of Health and other agencies and stakeholders, shall promulgate the necessary implementing rules and regulations (IRR) within sixty (60) days from the effectivity of this Act.

The IRR shall include, among other, limitation on the number of riders and the weight or load capacity that can be carried as certified safe by manufacturers, with the requirement that such limitations must be indicated on the motorcycles; the applicable speed limits; the road safety and traffic laws and regulations that need to be complied with; the necessary insurance policy covering the driver, rider and third party, including extend of liabilities; the designation of terminals; driver extensive training; wearing of safety devices both by the driver and passenger; and other requirements for the safety, security and health of the driver and rider.

SEC. 11. Separability Clause. - If, for any reason, any part or provision of this Act is declared invalid, such declaration shall not affect other provision of this Act.

SEC. 12. Repealing Clause. - Any law, presidential decree or issuances, executive order, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended according.

SEC. 13. Effectivity. - This Act shall take effect fifteen (15) days following its publication in at least two (2) national newspaper of general circulation.

Approved.