

[REPUBLIC ACT NO. 10913, July 21, 2016]

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 roles 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:

(a) *Diplomatic motor vehicle* – any motor vehicle leased or owned by a foreign mission and its staff for their official use;

(b) *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;

(c) *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 corporations or their subsidiaries for official use;

(d) *Implementing agency* – the Department of Transportation and Communications-Land Transportation Office (DOTC-LTO);

(e) *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 through wireless electronic or any other similar means;

(f) *Motor vehicle* – engine-driven vehicles such as, but not limited to, automobiles, trucks, vans, buses, jeeps, motorcycles and tricycles;

(g) *Motorist* – a person driving a motor vehicle;

(h) *Private motor vehicle* – any motor vehicle owned by individuals and juridical persons for private use; and

(i) *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.

SEC. 4. *Distracted Driving.* – Subject to the qualifications in Sections 5 and 6 of this Act, 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 red light, whether diplomatic, public or private, which are hereby declared unlawful;

(a) 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

(b) Using an electronic entertainment or computing device to play games, watch movies, surf the internet, compose messages, read e-books, perform calculations, and other similar acts.

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 a 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 with the line of sight of the driver.

(b) Wheeled agricultural machineries such as tractors and construction equipment such as graders, rollers, backhoes, pay loaders, cranes, bulldozers, mobile concrete mixers and the like, and other forms of conveyances such as bicycles, pedicabs, habal-habal , trolleys, “kuligligs”, 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 thorough fares, 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, except those which are stopped momentarily at a red light, or are pulled over to the side of the road in compliance with a traffic regulation.

SEC. 6. *Exemptions.* – The provisions of this Act shall not apply to the following:

(a) A motorist using a mobile phone for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services, agency or entity; and

(b) A motorist using a mobile phone while operating an emergency vehicle such as an ambulance, a fire truck, and other vehicles providing emergency assistance, in the course and scope of his or her duties.