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IMPLEMENTING RULES AND REGULATIONS GOVERNING THE INSTALLATION AND USE OF SEAT BELT DEVICES AND SEAT BELT ANCHORAGE

LTO ADMINISTRATIVE ORDER NO. BGC-AO-99004, October 11, 1999

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Pursuant to Section 4(d)(1), RA 4136, in relation to the provisions of RA 8750 otherwise known as the "Seat Belts Use Act of 1999," the following Implementing Rules and Regulations (IRR) governing the installation and use of seat belts and seat belt anchorage are hereby promulgated for the guidance of all concerned:

SECTION 1. Short Title. — This Order shall be known as the "Implementing Rules and Regulations (IRR) on the installation and use of seat belt devices."

SECTION 2. Definition of Terms. — For purposes of this IRR, the term:

(a) "Motorist" shall refer to the driver of a motor vehicle.

(b) "Seat belt device" shall refer to any strap webbing or similar device in the form of pelvic restraint or lap belt, upper torso restraint or shoulder strap or a combination thereof designed to secure a person in a motor vehicle in order to mitigate the results of any accident including all necessary buckles and other fasteners, and all hardware/ anchorage designed for installing such seat belt device in a motor vehicle.

(c) "Lap Belt or Two-Point (2PT) seat belt" means a belt which passes across the front of the wearer's pelvic region intended to restrain him/her from moving forward.

(d) "Shoulder Harness or Three-Point (3PT) seat belt" means a belt comprising a lap and shoulder strap intended to restrain wearer from moving forward and inclining the upper torso forward excessively.

(e) "Child restraint system" shall refer to beds for babies, seats for infants and seats for school children.

(f) "Belt anchorage" — The parts of the vehicle structure or the seat structure or any other part of the vehicle to which the safety-belt assemblies are to be secured.

(g) "Seat" — A structure which may or may not be integral with the vehicle structure complete with trim, intended to seat one adult person. The term covers both an individual seat or part of a bench seat intended to seat one person.

(h) "Group of seats" — A bench-type seat or seats which are separate but side by side to the foremost anchorage of one seat in line with or forward of the rearmost anchorage and in line or behind the foremost anchorage of another seat and accommodate one or more seated adult person.

(i) "Bench seat" — A structure complete with trim, intended to seat more than one adult person.

(j) "Folding seat" — An auxiliary seat intended for occasional use which is normally folded.

(k) "Front seat passengers" shall refer to persons on board a public utility vehicle seated at the right side beside the driver for public utility jeepneys (PUJ's) and to passengers seated at the right side beside the driver and those

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at the first row immediately behind the driver in the case of public utility buses (PUB's) and to passengers seated on the right side beside the driver for private motor vehicles.

(l) "Back row" shall refer to the row of seats immediately behind the driver of a motor

(m) "Outboard passenger seat" refers to a seat away from the center of the vehicle and adjacent to the door/window.

(n) "Inboard passenger seat" refers to a seat adjacent to the aisle or beside / next to an outboard seat.

(o) "Motor vehicle" shall refer to both private and public motor vehicle. The term shall not include the tricycle and motorcycle.

(p) "Private motor vehicle" shall refer to any of the following:

(1) Any motor vehicle owned by individuals and juridical persons for private use;

(2) Any motor vehicle owned by the National Government or any of its agencies, instrumentality or political subdivisions, including government-owned or controlled corporations or their subsidiaries for official use; and

(3) Any diplomatic vehicle.

(q) "Public motor vehicle" shall refer to a public utility vehicle or a vehicle for hire with a valid Certificate of Public Convenience (CPC).

(r) "Motor vehicle of running engine" shall refer to a vehicle as stated herein, operating and standing on any road or thoroughfare with engine running.

(s) "Retrofit/ retrofitting" refers to the installation of seat belt devices and / or anchorage which were not included at the time of manufacture and assembly as original equipment. Installation shall be in accordance with the Philippine National Standards (PNS).

(t) "Vintage car / automobile" is a motor vehicle that has been used so sparingly by the owner and painstakingly preserved and maintained in showroom condition to highlight its historical value or year model on its silver jubilee (or older) in car shows, exhibits, rallies and other special sporting events. In this IRR, it must be a 1970 model or older.

(u) "In-use" shall refer also to operational and/or previously registered motor vehicles.

SECTION 3. Coverage. — This IRR, in the interest of public safety, with respect to:

(a) Wearing of seat belts shall apply to drivers and front seat and back seat passengers of public and private motor vehicles except private jeeps, jeepneys, passenger vans/wagons, Asian Utility Vehicles (AUV), buses, trucks and vintage cars to which it shall apply only to drivers and front seat passengers;

(b) The proper installation, distribution and sale of seat belt devices shall apply to manufacturers, assemblers, body builders, importers, distributors and dealers of motor vehicles;

(c) The retrofitting and proper installation of required seat belt devices in accordance with Section 8 of this IRR shall apply to registered owners/operators of operational, in-use or previously registered motor vehicles;

(d) Posting of appropriate signage on public or for hire vehicles shall apply to drivers and operators;

(e) This IRR shall not apply to seatbelt assemblies for the following type seats:

(1) Folding seats which are provided at aisles, loading platform or spaces other than those designed exclusively

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for installing seats (except those seats in which only the seat-back section can be folded)

(2) Single-seater provided at the side of the driver's seat three-wheeled motor vehicles where the rotational angle of the steering wheel or bar is less than seven times the rotational angle of the steering tire.

(3) Seats facing sideward

(4) Seats provided in close proximity to emergency exit

(f) This IRR does not apply to a passenger or operator with a physically disabling ailment or medical condition which would prevent appropriate restraint in a safety belt, if the condition is duly certified by a licensed physician and surgeon or by a licensed chiropractor who shall state the nature of the condition, as well as the reason why the restraint is inappropriate.

SECTION 4. Importation. — It shall be unlawful for any person to import or cause the importation of any vehicle without the appropriate and operational seat belt device as required herein.

SECTION 5. Mandatory Use of Seat Belts. —

(a) Passengers of all motor vehicles whether private or for hire seated facing forward in the front row seats and those seated at the back row as defined in Section 2(1) the row of passengers immediately behind the driver) of private cars, sports utility vehicles (SUV) and for hire vehicles are required to wear seat belts while inside a vehicle of running engine on any road or thoroughfare. Passengers seated at the back row of the following private motor vehicles: jeeps, jeepneys, passenger vans/wagons, Asian Utility Vehicles (AUV), buses, trucks, vintage cars and special purpose vehicles shall be exempted from wearing or using seat belt devices while inside a vehicle of running engine on any road or thoroughfare.

(b) In the case of "for hire" motor .vehicles, the driver shall be required to immediately inform and require the front seat passengers upon boarding a vehicle of running engine to wear the prescribed seat belts. Any passenger who refuses to wear seat belts shall be directed to take another seat for which a seat belt is not required or else he/she shall not be allowed to continue his/her trip. In addition, he/she will be informed that no insurance can be recovered in case of accident.

(c) Owners of in-use motor vehicles, both public and private, which are not equipped with the required seat belt devices, shall have up to October 31, 2000 or (1) year from the date of effectivity of this IRR to retrofit their vehicles with the required seat belt devices as prescribed in Section 8 (g), (h) & (i). Effective 01 November 2000 the owner of every motor vehicle found operating in a public highway without the required seat belts shall be liable under this IRR.

SECTION 6. Children Prohibited to Sit in Front Seat. — Infants and/or children with ages six (6) years and below shall be prohibited to sit in the front seat of any running motor vehicle. The use of special car seats or child restraint systems for infants/ children less than (6) six years of age shall be optional. However, in case of motor vehicles without back row seats, children ages six (6) years and below may be seated in the front seat, provided that, the vehicle is equipped with a child restraint system in manufactured and crafted in accordance with the internationally acceptable standards pending adoption of a national standard therefor. In all cases, the provision for and installation of the child restraint system shall be the responsibility of the vehicle owner. (See Appendix "D")

SECTION 7. Provisions for Seat Belt and Seat Belt Anchorage. — Manufacturers, assemblers, body builders and dealers/distributors (MABD) of motor vehicles shall ensure that appropriate and operational seat belts, and seat belt anchorage are properly installed before the distribution and sale of the said vehicles as determined in this

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IRR. However, installation of necessary seat belt devices for in-use motor vehicles shall be the responsibility of the vehicle owner.

SECTION 8. Type of Seat Belt Devices Required. —

(a) All types of seat belts and seat belt anchorage shall be constructed in accordance with the technical specifications of, PNS No. 1891, 1892 & 1893.

(b) In general, only passenger seats facing forward are required to have seat belts. Outboard passenger seats in the front row including that of the driver of new motor vehicles and all cars and sports utility vehicles (SUV's) shall be fitted with 3PT seat belts except jeepneys which may be fitted with 2PT seat belt even in the front row seats. All other seats of new and in-use motor vehicles required to have seat belts as prescribed in Section 5 above whether same is/are front inboard, back inboard or back outboard seats shall be fitted with 2PT seat belts except special public service vehicles as prescribed in Subsection 8(d) below.

(c) Manufacturers / Assemblers / Body Builders of motor vehicles are hereby mandated to install 3PT seat belt anchorage on all front outboard seats except jeepneys and at the least 2PT seat belt anchorage on all other front and back row seats. However, whenever a new type/series of vehicle introduced into the market after 01 November 2000, a 3PT seat belt anchorage shall be installed on all back outboard seats provided it is technically feasible. This requirement is intended to give the owner of a motor vehicle the option to change a lap belt into a shoulder harness.

(d) For special public service vehicles such as school service, tourist motor vehicles and other similar for hire vehicles with a back row, the outboard seats of said back row shall be provided with 3PT seatbelts.

(e) The seat/bench seat/group seat immediately behind a bus entrance/exit and the inboard seat in front thereof shall be provided with a 2PT seat belt. In the event that the bus becomes a school service of tourist bus, the back outboard seats thereof must likewise be provided with a 3PT seat belts.

(f) In the case of buses whether private or for hire, no manufacturers/ assemblers/ body builders/ owners shall install a seat/ bench seat/ group seat on the right side beside the driver facing sideward.

(g) Accordingly, the type of seat belt devices[*] that shall be installed in motor vehicles indicated in the schedule below are hereby prescribed:

SECTION 9. Condition Precedent To Registration. —

(a) The proper installation of seat belt and seat belt anchorage shall be a pre-requisite to registration. Effective 01 May 2000, no new motor vehicle shall be allowed initial registration unless it is equipped with the necessary seat belt devices reckoned from the date of the sales invoice to the end-user of manufacturers, assemblers and/or distributors. In the case of imported motor vehicles, the requirement shall be reckoned from the release thereof from the Bureau of Customs.

(b) Renewal of registration of in-use vehicles without necessary seat belt devices shall not be allowed effective 01 November 2000, one (1) year after the passage of this IRR as specified in Section 11 of RA 8750. All LTO officials, Heads of Field agencies, and Motor Vehicle Inspectors are held responsible under pain of disciplinary action to ensure compliance with the provisions of this order. The Motor Vehicle Inspection Report (MVIR) LTO Form No. 1 shall indicate same

SECTION 10. Fines and Penalties. — In the enforcement of this Order, effective 01 May 2000. this Office shall impose the rates of fines and penalties against drivers, operators, owners of vehicles, manufacturers, assemblers, importers and/or distributors for violations thereof as prescribed below:

(1) On the driver / conductor / owner / operator:

(a) For the failure to wear the prescribed seat belt devices and/or failure to require his passengers to wear the prescribed seat belt device or to take another seat for which a seat belt is not required, a fine of two hundred fifty pesos (P250) for the first violation; a fine of five hundred pesos (P500) for the second violation; and a fine of one thousand pesos (P1,000) and suspension of driver's license for a period of one (1) week for the third and succeeding violations;

(b) For failure to post appropriate signage instructing passengers of public motor vehicles required to wear seat belts under this order to "Fasten Seat Belts" a fine of three hundred pesos (P300) for every violation.

(c) For any infraction to retrofit with/install the required seatbelt/ anchorage/ seat orientation as prescribed in this IRR, a fine of one thousand pesos (P1,000) for the first violation; a fine of two thousand pesos (P2,000) for the second violation; and a fine of three thousand pesos (P3,000) and suspension of the Certificate of Registration (CR) for a period of three (3) months for the third and succeeding violations shall be imposed on the owner;

(2) On any manufacturer, assembler, importer and distributor for every unit found without seat belt devices installed prior to its distribution to the public, a fine of five thousand pesos (P5,000) and suspension of the license to manufacture, assemble, import or distribute for a period of one (1) year for the first violation; a fine of ten thousand pesos (P10,000) and suspension of the license to manufacture, assemble, import or distribute for a period of two (2) years for the second violation; and a fine of twenty thousand pesos (P20,000) and suspension of the license to manufacture, assemble, import or distribute for a period of five (5) years for the third and subsequent violations.

(3) Any DOTC/LTO employee who registered or caused the legislation of any vehicle not fitted with appropriate seat belts except vehicles eligible for exemption as prescribed in this IRR shall be liable to disciplinary action.

SECTION 11. Nationwide Public Information Campaign. — (a) This Office, in coordination with the Philippine Information Agency (PIA), the Department of Education, Culture and Sports (DECS) and private agencies and organizations, shall undertake a regular nationwide Information. Education and Communication (IEC) campaign for the attainment of the objectives of this Act. The campaign shall stress the safety and health value of seat belts to support the most effective enforcement of this Act.

(a) The LTO, in coordination with the local government units (LGU's), shall likewise utilize the services of citizen groups and community organizations for the promotion of public safety awareness in observance of this Act.

(b) The fines that will be collected for the enforcement of this IRR shall be used exclusively for the implementation of the provisions thereof, including the necessary promotion campaigns for the use of seat belt devices.

SECTION 12. Repealing Clause. — Any order, circular, memorandum, issuance, rule and regulation or any part thereof contrary or inconsistent with the provisions of this order is hereby deemed repealed, modified or amended accordingly.

SECTION 13. Effectivity Clause. — This Order shall take effect fifteen (15) days after receipt of copies thereof by the Office of the National Register (ONAR) U.P. Law Center, Diliman, Quezon City and publication thereof in at least two (2) national newspapers of general circulation.

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FOR GUIDANCE AND STRICT COMPLIANCE.

Adopted: 11 Oct. 1999

(SGD.) BENJAMIN G. CALIMA
Assistant secretary

Aproved:

(SGD.) VICENTE C. RIVERA, JR.
Secretary

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[*] Text available at Office of the National Administrative Register, U.P. Law Compex, Diliman, Quezon City.

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