

h. Chin Cup means an accessory of the chin strap that fits round the point of the wearer's chin;

i. Visor means a transparent protective screen extending over the eyes and covering all or part of the face;

j. Philippine National Standard (PNS/UN ECE 22:2007) means the adoption of the standard specifications and test methods of the United Nations ECE Regulations 22: 2002, Uniform Provisions Concerning the Approval of Protective Helmets and their Visors for Drivers and Passengers of Motorcycles and Mopeds upon the recommendation of the Bureau of Product Standard's Technical Committee on Road Vehicles and its Sub-Committee on Motorcycles (BPS/TC44/SC22).

k. Minor rider(s)/passenger(s) of motorcycle, scooter or moped rider/passenger means a child with age of five (5) years old and below;

l. Mask means any cloth or material covering any part of the face of the motorcycle, scooter or moped driver and/or rider/passenger;

m. Driver shall mean the one operating or driving the motorcycle, scooter or moped;

n. Rider shall mean any person(s) riding on the motorcycle, scooter or moped but not necessarily driving same.

SECTION 4. It is hereby prohibited to drive or ride o a motorcycle, scooter or moped in Naga City without using prescribed protective helmet, which should bear the ICC/PS mark (see attached diagram of protective helmet) as defined by existing laws, per PNS/UN ECE 22:2007 of the Department of Trade and Industry) which shall be properly strapped with its chinstrap and chin cup.

SECTION 5. It is hereby prohibited for a driver to allow a rider(s)/passenger(s) without the use of the above described protective helmet which shall be properly strapped with its chin strap and chin cup.

SECTION 6. It is hereby prohibited for a driver to allow a minor to ride on his driven motorcycles, scooter or moped.

SECTION 7. It is hereby prohibited for any driver and/or rider(s) to wear mask while driving/riding motorcycle, scooter or moped with the full face visor of their protective helmet covering their face while driving/riding

SECTION 8. PENAL CLAUSE. Any driver found guilty violating Section 4, 5, 6 and 7 of this Ordinance shall be penalized as follows:

First Offense - a fine of One Thousand Pesos (Php 1,000.00) and/or an imprisonment of 7 days or both at the discretion of the court;

Second Offense - a fine of Three Thousand Pesos (Php 3,000.00) and/or an imprisonment of 14 days or both at the discretion of the court;

Third Offense - a fine of Five Thousand Pesos (Php 5,000.00) and/or an imprisonment of 21 days or both at the discretion of the court.

SECTION 9. NO CONTEST PROVISION. Any person or individual who is apprehended or cited for the violation of this ordinance and who does not wish to contest the violation and is willing to pay voluntary the fine imposed upon him/her prior to the filing of the formal charge with the proper court shall be allowed to pay twenty five percent (25%) less or the imposable fine with Treasurer's Office to avoid being criminally prosecuted within twelve (12) hours from apprehension otherwise the case shall be prosecuted.

SECTION 10. SEPARABILITY CLAUSE. If for any reason, any provision, portion or part of this ordinance found to be inconsistent with any law, other provisions or part/s thereof not so affected shall remain in full force and effect.

SECTION 11. REPEALING/AMENDATORY CLAUSE. All ordinances rules and regulations or part/s thereof, which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed, amended and/or modified accordingly.

SECTION 12. EFFECTIVITY. This Ordinance shall take effect upon its approval and publication in the local newspaper of general circulation.

ENACTED: June 6, 2011.

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WE HEREBY CERTIFY to the correctness of this foregoing ordinance.

GIL A. DE LA TORRE

Secretary to the
Sangguniang Panlungsod

GABRIEL H. BORDADO, JR.

City Vice Mayor &

Presiding Officer **APPROVED:**

JOHN G. BONGAT

City Mayor