

消費者法規翻譯叢書之二十八

# 外國消費者保護法

(第二十八輯)

行政院消費者保護處 編印  
中華民國 111 年 11 月



# 序言

美國總統甘乃迪於1962年揭示消費者享有一講求安全、知道真相、選擇及表達意見四大權利；1963年國際消費者組織聯盟（IOCU）再加入基本需求、請求賠償、消費教育及健康環境四大權利，宣示消費者應享有八大權利，並負五大義務—認知、行動、關懷、環保、團結義務；聯合國繼於1985年通過「保護消費者指導方針」。從以上之宣示，消費者保護事務已成為世界各國政府的共通關注之議題。

我國為更有效保護消費者權益，並順應世界潮流，於歷經個別立法保護時期及消費者保護方案時期後，終於民國(下同)83年1月11日經總統公布施行消費者保護法，使我國正式進入消費者保護法時期，為我國消費者保護法制展開新紀元，嗣後並於92年、94年、104年修訂部分條文。

值此保障消費者之思想已蔚為世界潮流之際，為健全並周延我國有關消費者保護法制及充實消費者保護之新知，原行政院消費者保護委員會於84年起，即著手編印外國消費者保護法規選輯，自84年6月出版外國消費者保護法第1輯，而行政院消保處自101年1月1日改制後，仍承繼原行政院消費者保護委員會編印出版之初衷，賡續編印出版，截至110年止，共計出版27輯。選輯內容，則包括派員出國考察或開會時所蒐集，及經由國外政府機關、國際組織網站下載之消費者保護相關法規，並將之譯介，彙編成書，以供作該會及各界瞭解各國消費者保護相關法規及比較研究之參考。

本書為本處譯介外國消費者保護法第28輯，內容包括美國2020年線上消費者保護法及韓國動力車輛管理法，本書採用中文翻譯及英文左右對照方式印刷，俾供讀者閱讀之便利。

本選輯中譯文部分，係由中信金融管理學院財經法律系張冠群教授負責翻譯；謹此敘明，並表謝忱。

行政院消費者保護處 謹識

中華民國 111 年 11 月

# 目錄

美國2020年線上消費者保護法 .....	1
H.R.6570–Online Consumer Protection Act of 2020	
韓國動力車輛管理法 .....	17
MOTOR VEHICLE MANAGEMENT ACT	
附錄：外國消費者保護法規翻譯叢書索引 .....	481

## 2020年線上消費者保護法

第116屆國會第2會期

H. R. 6570

《要求法規含括之外國軟體市場運營商和開發商向消費者提供其此類軟體下載或其他目的使用前發出警告》法案。

2020年4月21日眾議院由班克(Banks)先生提出下列法案，並提至能源與商業委員會

### 本法案：

要求法規含括之外國軟體市場運營商和開發商向消費者提供其此類軟體下載或其他目的使用前發出警告。

本法案係由美國參議院與眾議院聯席會立法通過，

### 第一條 簡稱

本法案可被引註為「2020年線上消費者保護法」。

# **H.R.6570—Online Consumer Protection Act of 2020**

116th CONGRESS 2d Session

H. R. 6570

To require software marketplace operators and developers of covered foreign software to provide to consumers a warning prior to the download of such software, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

April 21, 2020

Mr. Banks introduced the following bill; which was referred to the Committee on Energy and Commerce

## **A BILL**

To require software marketplace operators and developers of covered foreign software to provide to consumers a warning prior to the download of such software, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Online Consumer Protection Act of 2020".

第二條 下載規範內外國軟體之消費者警告與承認

(a)原則：規範內之外國軟體市場運營商和開發商不得：

(1)允許消費者下載外國軟體，除非在下載開始之前—

(A)符合(b)項的要求的警告已向消費者為告示，且須獨立於任何隱私政策、條款、服務或其他通知外；和

(B)要求消費者就下列選項選擇（透過在以下選項之間採取確認的步驟，例如點擊按鈕）：

(i) 承認此類警告並繼續下載；或

(ii) 取消下載；或

(2)提供規範內的外國軟體供消費者下載，除非運營商或開發商已制定程序以確保遵守第(1)款規定。

(b)警告要求—

(1)原則—警告內容如下者，符合本項的要求（在替換

SEC. 2. CONSUMER WARNING AND ACKNOWLEDGMENT FOR DOWNLOAD OF COVERED FOREIGN SOFTWARE.

(a) In General.--A software marketplace operator or developer of covered foreign software may not--

(1) permit a consumer to download covered foreign software unless, before the download begins--

(A) a warning that meets the requirements of subsection (b) is displayed to the consumer, separately from any privacy policy, terms of service, or other notice; and

(B) the consumer is required to choose (by taking an affirmative step such as clicking on a button) between the options of--

(i) acknowledging such warning and proceeding with the download; or

(ii) cancelling the download; or

(2) make available covered foreign software for download by consumers unless the operator or developer has in place procedures to ensure compliance with paragraph (1).

(b) Requirements for Warning.--

(1) In general.--A warning meets the requirements of this

為斜體字，且包括或刪除其他括號內的語言情形下，視情況適用於發出警告的外國軟體，並刪除括號）：“警告：[規範的外國軟體名稱]是由[規範的外國軟體的開發商名稱]開發的，該公司[由一家公司控制][根據該國的法律建制]/[在該國開展主要業務]/[是在][規範的國家/地區名稱]的法律下組織並開展主要業務。如果您希望繼續下載，請[插入關於如何確認警告並繼續下載的說明]，或者如果您希望取消下載，請[置入關於如何取消下載的說明]。”

(2)替代性警告—委員會可以依法規命令規定於其認為適切時，允許除第(1)款以外之警告。

(c)軟體開發商之責任—倘軟體市場運營商違反(a)款，其違規所涉及之外國軟體開發商未通知軟體市場運營商軟體包含外國軟體之事時，應認開發商（以及軟體市場運營商）違反法令。

(d)聯邦貿易委員會之強制措施—

subsection if such warning reads as follows (with the italicized language being replaced and the other bracketed language being included or deleted, as appropriate for the covered foreign software regarding which the warning is being given, and the brackets removed): ``Warning: [Name of Covered Foreign Software] is developed by [Name of Developer of Covered Foreign Software], which [is controlled by a company that] [is organized under the laws of]/[conducts its principal operations in]/[is organized under the laws of and conducts its principal operations in] [Name of Covered Country]. Please either [insert description of how to acknowledge the warning and proceed with the download] if you wish to proceed with the download or [insert description of how to cancel the download] if you wish to cancel the download.".

- (2) Alternative warnings.--The Commission may by regulation specify that a warning other than the warning provided in paragraph (1) meets the requirements of this subsection, as the Commission considers appropriate.
- (c) Liability of Software Developer.--In the case of a violation of subsection (a) by a software marketplace operator, if the developer of the covered foreign software with respect to which the violation was committed did not inform the software marketplace operator that the software is covered foreign software, the developer (as well as the software marketplace operator) shall be considered to have committed the violation.
- (d) Enforcement by Federal Trade Commission.--

- (1)不公平之欺詐行為與實務—違反本條或根據本條制定之法規應被視為違反《聯邦貿易委員會條例》(15 U.S.C.10 57a(a)(1)(B)) 中關於不公平之欺詐行為或實務之規定。
  
- (2)委員會之權力—委員會應以同樣的式執行本條及根據本節制定之法規，即採取與《聯邦貿易委員會法》中可適用之相同用語及條文中相同之方式，並基於相同之管轄權、權力及職責為之，如同《聯邦貿易委員會法》（15 U.S.C. 41 et seq.）之條款被納入並成為本法一部分一般。任何違反本條或根據本條制定之法規者，均應受到處罰，亦有權享受聯邦貿易委員會法規定之特權與豁免。
  
- (3)行政法規—聯邦貿易委員會應依據美國法典(United States Code)第5編第553條制訂行政法規以執行本條規定。
  
- (e)刑事犯罪—
  - (1)公司犯罪—無論何者，作為軟體市場運營商或規範內之外國軟體開發商，故意違反(a)款規定者，每次違規將處以 50,000 美元之罰金。
  
  - (2)個人犯罪—任何人，作為軟體市場運營商之人員或規範內之外國軟體的開發運營商，意圖隱匿軟體開

- (1) Unfair or deceptive acts or practices.--A violation of this section or a regulation promulgated under this section shall be treated as a violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.
  - (2) Powers of commission.--The Commission shall enforce this section and the regulations promulgated under the section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates this section or a regulation promulgated under this section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.
  - (3) Regulations.--The Commission may promulgate regulations under section 553 of title 5, United States Code, to carry out this section.
- (e) Criminal Offense.--
- (1) Corporate offense.--Whoever, being a software marketplace operator or developer of covered foreign software, knowingly violates subsection (a) shall be fined \$50,000 for each violation.
  - (2) Individual offense.--Whoever, being an officer of a software marketplace operator or developer of covered foreign software,

發國家而違反(a)款者，應依美國法典第18編處以罰金或2年以下有期徒刑，或兩者併科之。

(3)適用一本款適用期間為自本法公布施行之日起，至依(g)款停止發生任何效力或效果之日止。

(f)對國會之報告—自本法公布之日起8年內，委員會應與司法部長協商，向國會提交一份關於本條實施和執行情況之報告。

(g)落日條款—本條於公布施行10年後失其效力。

(h)名詞定義—於本條中，

(1)委員會—指聯邦貿易委員會。

(2)受規範之國家—

(A)原則—「受規範國家」一詞指—

(i)中國、俄羅斯、北韓、伊朗、敘利亞及蘇丹；

causes a violation of subsection (a) with the intent to conceal the country in which software is developed, shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

- (3) Application.--This subsection shall apply with respect to conduct occurring during the period beginning on the date of enactment of this Act and ending on the date on which this section ceases to have any force or effect under subsection (g).
- (f) Report to Congress.--Not later than 8 years after the date of the enactment of this Act, the Commission, in consultation with the Attorney General, shall submit to Congress a report on the implementation and enforcement of this section.
- (g) Sunset.--This section shall cease to have any force or effect on the date that is 10 years after the date of the enactment of this Act.
- (h) Definitions.--In this section:
- (1) Commission.--The term "Commission" means the Federal Trade Commission.
- (2) Covered country.--
- (A) In general.--The term "covered country" means--
- (i) China, Russia, North Korea, Iran, Syria, and Sudan;

(ii)任何其他國家的政府—經國務卿確認根據以下規定之定義，曾多次支持國際恐怖主義之國家—

(I)2018年《出口管制改革法案》第1754(c)(1)(A)條(50 U.S.C. 4318(c)(1)(A))；

(II)1961年《外國援助法》第620A條(22 U.S.C. 2371)；

(III)《武器出口管制法》(22 U.S.C. 2780)第40條；或者

(IV)任何其他法律規定；以及

(iii)除(B)目外，司法部長指定之任何其他國家或聯邦貿易委員會基於危險軟體來源之專業知識所指定。

(B)程序—

(i)指定—基於(A)(iii)目指定之國家，司法部長或聯邦貿易委員會（在此條款被稱為「通知方」）應發送指定之通知予聯邦貿易委員會或司法部長，視情況而定（在此條款稱為「被通知方」）。該指定應於通知被傳送日後30日生效，但在該日之前，被通知方傳送對指定之通知反對之表示給通知方或國務卿者不在此限。

(ii) any other country the government of which the Secretary of State determines has repeatedly provided support for international terrorism pursuant to--

(I) section 1754(c)(1)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4318(c)(1)(A));

(II) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(III) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(IV) any other provision of law; and

(iii) subject to subparagraph (B), any other country designated by the Attorney General or the Commission based on expert knowledge of the sources of dangerous software.

(B) Process.--

(i) Designation.--Upon designating a country under subparagraph (A)(iii), the Attorney General or the Commission (in this clause referred to as the "notifying party") shall transmit a notification of the designation to the Commission or the Attorney General, as the case may be (in this clause referred to as the "notified party"). Such designation shall become effective on the day that

國務卿應於收到反對後30天內，決定是否依本目指定該國。

(ii) 指定之撤回—

(I) 以共同行為為必要—除第(II)點另有規定外，依(A)(iii)所為之國家指定，得由司法部長及聯邦貿易委員會以共同行為撤回。

(II) 爭議處理—於總檢察長與聯邦貿易委員會間關於是否根據(A)(iii)目撤銷對一個國家之指定發生爭議之情形，總檢察長或聯邦貿易委員會得向國務卿發送爭議之通知。國務卿須於收到通知之日後30內通知雙方關於是否撤銷該指定之決定。

(3) 受規範之外國軟體—「受規範之外國軟體」一詞係指軟體由下列之人開發者—

is 30 days after the date on which such notification is transmitted, unless, before such day, the notified party transmits to the notifying party and the Secretary of State an objection. The Secretary shall, not later than 30 days after the date on which the Secretary receives such objection, determine whether to designate such country under such subparagraph.

(ii) Revocation of designation.--

(I) Joint action required.--Except as provided in subclause (II), the designation of a country under subparagraph (A)(iii) may only be revoked by the Attorney General and the Commission, acting jointly.

(II) Dispute resolution.--In the case of a dispute between the Attorney General and the Commission regarding whether to revoke the designation of a country under subparagraph (A)(iii), the Attorney General or the Commission may transmit to the Secretary of State a notification of such dispute. The Secretary shall, not later than 30 days after the date on which the Secretary receives such notification, determine whether to revoke such designation.

(3) Covered foreign software.--The term "covered foreign software" means software that is developed by--

(A)一個人(非個人)——

(i) 依受規範國家之法律設立者；或

(ii) 該法人主要營業或棟在受規範國家者；或

(B)一個人(非個人)直接或間接受A目之人控制者。

(4)行動裝置應用程式——「行動裝置應用程式」是指運作於智慧型手機、平板電腦或類似行動電子設備之操作系統。

(5)軟體——「軟件」一詞係指任何電腦軟體程式，包括手機應用程式。

(6)軟體市場營運商——「軟體市場運營商」一詞係指出於商業目的經營軟體市場之人透過線上商店或市場通路，使軟體可供消費者下載者。

(A) a person (other than an individual)--

(i) who is organized under the laws of a covered country; or

(ii) whose principal operations are conducted in a covered country; or

(B) a person (other than an individual) that is, directly or indirectly, controlled by a person described in subparagraph (A).

(4) Mobile application.--The term "mobile application" means a software program that runs on the operating system of a smartphone, tablet computer, or similar mobile electronic device.

(5) Software.--The term "software" means any computer software program, including a mobile application.

(6) Software marketplace operator.--The term "software marketplace operator" means a person who, for a commercial purpose, operates an online store or marketplace through which software is made available for download by consumers.

## 動力車輛管理法

全文修正案第5104號1995年12月29日  
修正案第5094號1995年12月29日  
修正案第5453號1997年12月13日  
修正案第5729號1999年1月29日  
修正案第5968號1999年4月15日  
修正案第6470號2001年4月7日  
修正案第6627號2002年1月26日  
修正案第6730號2002年8月26日  
修正案第7100號2004年1月20日  
修正案第7471號2005年3月31日  
修正案第7428號2005年3月31日  
修正案第8254號2007年1月19日  
修正案第8369號2007年4月11日  
修正案第8358號2007年4月11日  
修正案第8404號2007年4月27日  
修正案第8658號2007年10月17日  
修正案第8852號2008年2月29日  
修正案第8980號2008年3月21日  
修正案第8979號2008年3月21日  
修正案第9066號2008年3月28日  
修正案第9105號2008年6月5日  
修正案第9109號2008年6月13日  
修正案第9449號2009年2月6日  
修正案第9770號2009年6月9日  
修正案第9867號2009年12月29日  
修正案第10219號2010年3月31日  
修正案第10721號2011年5月24日

# MOTOR VEHICLE MANAGEMENT ACT

Wholly Amended by Act No. 5104, Dec. 29, 1995

Amended by Act No. 5094, Dec. 29, 1995

Act No. 5453, Dec. 13, 1997

Act No. 5729, Jan. 29, 1999

Act No. 5968, Apr. 15, 1999

Act No. 6470, Apr. 7, 2001

Act No. 6627, Jan. 26, 2002

Act No. 6730, Aug. 26, 2002

Act No. 7100, Jan. 20, 2004

Act No. 7471, Mar. 31, 2005

Act No. 7428, Mar. 31, 2005

Act No. 8254, Jan. 19, 2007

Act No. 8369, Apr. 11, 2007

Act No. 8358, Apr. 11, 2007

Act No. 8404, Apr. 27, 2007

Act No. 8658, Oct. 17, 2007

Act No. 8852, Feb. 29, 2008

Act No. 8980, Mar. 21, 2008

Act No. 8979, Mar. 21, 2008

Act No. 9066, Mar. 28, 2008

Act No. 9105, jun. 5, 2008

Act No. 9109, jun. 13, 2008

Act No. 9449, Feb. 6, 2009

Act No. 9770, jun. 9, 2009

Act No. 9867, Dec. 29, 2009

Act No. 10219, Mar. 31, 2010

Act No. 10721, May 24, 2011

修正法案第11190號2012年1月17日  
修正法案第11449號2012年5月23日  
修正法案第11588號2012年12月18日  
修正法案第11690號2013年3月23日  
修正法案第11929號2013年7月16日  
修正法案第11998號2013年8月6日  
修正法案第12146號2013年12月30日  
修正法案第12217號2014年1月7日  
修正法案第12472號2014年3月18日  
修正法案第12986號2015年1月6日  
修正法案第13089號2015年1月28日  
修正法案第13486號2015年8月11日  
修正法案第13686號2015年12月29日  
修正法案第13933號2016年1月28日  
修正法案第14476號2016年12月27日  
修正法案第14532號2017年1月17日  
修正法案第13546號2017年1月17日  
修正法案第14864號2017年8月9日  
修正法案第14950號2017年10月24日  
修正法案第14939號2017年10月24日  
修正法案第15321號2017年12月26日  
修正法案第15402號2018年2月21日  
修正法案第15681號2018年6月12日  
修正法案第15736號2017年12月26日  
修正法案第16101號2017年12月26日  
修正法案第16305號2018年8月14日  
修正法案第16564號2018年12月31日  
修正法案第16652號2019年8月27日  
修正法案第16634號2019年11月26日

Act No. 11190, Jan. 17, 2012  
Act No. 11449, May 23, 2012  
Act No. 11588, Dec. 18, 2012  
Act No. 11690, Mar. 23, 2013  
Act No. 11929, Jul. 16, 2013  
Act No. 11998, Aug. 6, 2013  
Act No. 12146, Dec. 30, 2013  
Act No. 12217, Jan. 7, 2014  
Act No. 12472, Mar. 18, 2014  
Act No. 12986, Jan. 6, 2015  
Act No. 13089, Jan. 28, 2015  
Act No. 13486, Aug. 11, 2015  
Act No. 13686, Dec. 29, 2015  
Act No. 13933, Jan. 28, 2016  
Act No. 14476, Dec. 27, 2016  
Act No. 14532, Jan. 17, 2017  
Act No. 14546, Jan. 17, 2017  
Act No. 14864, Aug. 9, 2017  
Act No. 14950, Oct. 24, 2017  
Act No. 14939, Oct. 24, 2017  
Act No. 15321, Dec. 26, 2017  
Act No. 15402, Feb. 21, 2018  
Act No. 15681, jun. 12, 2018  
Act No. 15736, Aug. 14, 2018  
Act No. 16101, Dec. 31, 2018  
Act No. 16305, Apr. 2, 2019  
Act No. 16564, Aug. 27, 2019  
Act No. 16652, Nov. 26, 2019  
Act No. 16634, Nov. 26, 2019

修正法案第16950號2020年2月24日

修正法案第17091號2020年3月24日

修正法案第17171號2020年3月31日

修正法案第17235號2020年4月7日

### 第1條（目的）

為有效管理動力車輛並確保其性能與安全，透過規定註冊、安全標準、自我認證、糾正製造瑕疵、檢查、維護、動力車輛測試以及管理業務等相關事項，以維護公共利益，特制定本法。

### 第2條（定義）

本法用詞，定義如下：<經2011年5月24日第10721號法案；2012年12月18日第11588號法案；2013年3月23日第11690號法案；2014年1月7日第12217號法案；2015年8月11日第13486號法案；2015年12月29日第13686號法案；2016年1月28日第13933號法案修正>

1. 動力車輛：指於道路上行駛且由動力裝置驅動或牽引之車輛。  
但有總統令除外規定者，不在此限；

1-2. 發動機：指主要功能為驅動動力車輛之機動裝置，比如：內燃機或電動馬達；

Act No. 16950, Feb. 4, 2020

Act No. 17091, Mar. 24, 2020

Act No. 17171, Mar. 31, 2020

Act No. 17235, Apr. 7, 2020

### **Article 1 (Purpose)**

The purpose of this Act is to manage motor vehicles efficiently and ensure the performance and safety of motor vehicles by prescribing the matters regarding the registration, safety standards, self-authentication, correction of manufacturing defects, inspection, maintenance, testing of motor vehicles, and motor vehicle management business, etc., thereby contributing to public welfare.

### **Article 2 (Definitions)**

The definitions of the terms used in this Act are as follows: <Amended by Act No. 10721, May 24, 2011; Act No. 11588, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12217, Jan. 7, 2014; Act No. 13486, Aug. 11, 2015; Act No. 13686, Dec. 29, 2015; Act No. 13933, Jan. 28, 2016>

1. The term "motor vehicle" means an instrument manufactured for the purpose of movement on land by an engine or an instrument manufactured for the purpose of movement on land by being towed (hereinafter referred to as "towed motor vehicle"): Provided, That those prescribed by Presidential Decree shall be excluded herefrom;
- 1-2. The term "engine" means a power-generating device, such as an internal combustion engine or an electronic motor, manufactured mainly for driving motor vehicles;

- 1-3. 自動駕駛動力車輛：指無需駕駛人員或者乘客操作即可自行駕駛之動力車輛；
- 1-4. 不完整動力車輛：指依據國土基礎建設與交通法規之相關規定，配備有底盤與其他最低限度結構和裝置之動力車輛，該動力車輛尚需額外之製造或組裝過程方以便根據其用途為使用；
- 1-5. 分階段製造之動力車輛：指為確保動力車輛能符合本條第二款所規定之「操作」（本條第二款所稱操作係指指依照動力車輛的使用用途而為使用動力車輛之行為）定義，而分階段所製造之動力車輛；
2. 駕駛：指依照動力車輛使用用途而為使用動力車輛之行為，且該行為與人員或者貨物運輸無關；
3. 動力車輛之使用人：指動力車輛之所有人或由其所有人委託有關動力車輛操作等事項之人；
4. 模型：指與動力車輛之結構與裝置有關之任何類型、標準以及性能；
- 4-2. 耐壓容器：指依照《高壓氣體安全管理法》第3條第2項規

- 1-3. The term “autonomous driving motor vehicle” means a motor vehicle which can self operate without any operation by its driver or passenger;
- 1-4. The term “incomplete motor vehicle” means a motor vehicle equipped with its chassis and other minimum structure and devices, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, which further requires additional manufacturing or assembling processes so that it can be used in accordance with its usage;
- 1-5. The term “motor vehicle manufactured by phase” means a motor vehicle manufactured by phase in order to ensure that the operation prescribed in subparagraph 2 (referring to the act of enabling a motor vehicle’s use in accordance with its usage) is enabled by using an incomplete motor vehicle;
2. The term "operation" means an act of using a motor vehicle according to its usage, regardless of the transportation of people or freight;
3. The term "motor vehicle user" means the owner of a motor vehicle or a person who has been entrusted with the matters regarding operation, etc. of a motor vehicle by its owner;
4. The term "model" means any type, standard, and performance regarding the structure and devices of a motor vehicle;
- 4-2. The term "pressure-resistant container" means a container

定，以安裝於動力車輛為目的，使用高壓氣體為燃料而製造之容器（包括容器之閥門以及安全裝置）；

5. 車輛報廢：指拆卸國土基礎建設與交通法規規定之動力車輛裝置，進行裁切、壓縮、粉碎，使其不能保持其性能，或者不進行拆卸而逕將動力車輛進行壓縮、粉碎等；
6. 動力車輛管理業務：指動力車輛交易業務、動力車輛維修業務以及動力車輛報廢與回收業務；
7. 動力車輛交易業務：指從事動力車輛（不包括新造動力車輛與機車）買賣、中介之業務，並代為執行其註冊申請事宜；
8. 動力車輛維修業務：指從事動力車輛（機車除外）之檢查、維修或改裝工程之任何業務。但國土基礎建設與交通法規有特別規定者除外；
9. 動力車輛報廢回收業務：指接管申請報廢之動力車輛（機車除外）、回收可重複利用部分零件、報廢動力車輛以及代辦註銷登記申請之業務；

manufactured for the purpose of being installed in a motor vehicle, as prescribed in subparagraph 2 of Article 3 of the High-Pressure Gas Safety Control Act in order to use high-pressure gas as fuel (including a valve and a safety device of the container);

5. The term "vehicle scrapping" means dismantling a motor vehicle and then compressing, crushing, or cutting the devices of the motor vehicle set forth in Ordinance of the Ministry of Land, Infrastructure and Transport so that it cannot maintain its performance, or compressing or crushing a motor vehicle without dismantling it;
6. The term "motor vehicle management business" means motor vehicle transaction business, motor vehicle maintenance business, and motor vehicle scrapping and recycling business;
7. The term "motor vehicle transaction business" means any business engaged in the sale and purchase of motor vehicles (excluding newly constructed motor vehicles and motorcycles), intermediation therein and vicarious execution of application for their registration;
8. The term "motor vehicle maintenance business" means any business engaged in the inspection and maintenance of motor vehicles (excluding motorcycles) or the tuning works: Provided, That those prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport shall be excluded herefrom;
9. The term "motor vehicle scrapping and recycling business" means any business engaged in the takeover of motor vehicles requested for scrapping (excluding motorcycles), collection of reusable parts,

10. 事故記錄裝置：指儲存關於動力車輛之運行資訊，並可以驗證國土基礎建設與交通法規所規定之事故（包括動力車輛碰撞）發生前後特定時間段內儲存資訊之任何裝置或功能；
  
11. 動力車輛改裝：指對動力車輛結構、裝置之某一部分進行改造或者在動力車輛上增加附著物；
  
12. 標準維修時間：動力車輛維修經營單位協會編制、公開揭露以及使用之各項維修工作所需之平均時間；
  
13. 全損動力車輛：完全損壞、毀壞或污損致使動力車輛無法修復，或者損壞、滅失之金額及其保險公司應當承擔之費用數額至少為可保價值之動力車輛。《保險業務法》第二條規定之保險公司（以下簡稱保險公司）分類如下：
  - (a) 被歸類為被盜或丟失之動力車輛；

scrapping a motor vehicle and vicarious execution of application for cancellation of registration;

10. The term “accident recording device” means any device or function that stores operation information about a motor vehicle and verifies information stored for a specific period of time before and after an accident set forth in Ordinance of the Ministry of Land, Infrastructure and Transport, including motor vehicle collisions;
11. The term “motor vehicle tuning” means altering a certain part of motor vehicle structure and devices or adding affixed objects to a motor vehicle;
12. The term “standard maintenance time” means the average time required for each maintenance work which is prepared, publicly disclosed and used by the association of the motor vehicle maintenance business entities;
13. The term “motor vehicle subject to total loss” means a motor vehicle, the condition of which is completely damaged, destroyed, or stained to make it unrepairable, or the amount of damage or loss of which and the amount of the expenses to be borne by its insurance company is at least the insurable value, which is classified as follows by the insurance company prescribed in Article 2 of the Insurance Business Act (hereinafter referred to as “insurance company”):
  - (a) Where it is classified as a stolen or lost motor vehicle;

(b)被歸類為可修理動力車輛；

(c)被歸類為不可修復且可能報廢之動力車輛；

14. 動力車輛拍賣：指依據本法第60條規定設立拍賣場所後，以拍賣之方式（包括《電子文件和交易框架法》第2條第5項規定之電子交易拍賣）處置動力車輛（不包括新造動力車輛和機車）。

### 第3條（動力車輛之種類）

(1) 動力車輛分類如下：<經2019年8月27日第16564號法案修訂；2013年3月23日第11690號法案修訂；2011年5月24日第10721號法案修訂>

1. 乘用車：適合最多可運送10人之動力車輛；

2. 客貨動力車輛：適合運載11人以上之動力車輛。但下列動力車輛，不論乘客人數多寡，均視為客貨動力車輛：

(a) 適合運輸最多10人之國土基礎建設與交通法規，在動力車輛中裝有特殊設備或設施；

(b) Where it is classified as a repairable motor vehicle;

(c) Where it is classified as unrepairable and subject to be scrapped;

14. The term “motor vehicle auction” means disposal of motor vehicles (excluding newly constructed motor vehicles and motorcycles), after establishing an auction place pursuant to Article 60, by the method of selling them by auction (including the auction through electronic transactions prescribed in subparagraph 5 of Article 2 of the Framework Act on Electronic Documents and Transactions).

### **Article 3 (Types of Motor Vehicles)**

(1) Motor vehicles shall be classified as follows: <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013; Act No. 16564, Aug. 27, 2019>

1. Passenger vehicles: A motor vehicle suitably manufactured to transport up to 10 persons;

2. Motor vehicles for passengers and freight: A motor vehicle suitably manufactured to transport 11 persons or more: Provided, That any of the following motor vehicles shall be deemed motor vehicles for passengers and freight, regardless of the number of passengers:

(a) A motor vehicle suitably manufactured to transport up to 10 persons with special equipment or facilities fitted in the motor vehicle;

(b) 作為國土基礎建設與交通法規規定之緊湊型動力車輛，適合運輸最多10人之前轉向動力車輛；

(c) 刪除；<經2019年8月27日第16564號法案刪除>

3. 貨運動力車輛：配有裝載空間之動力車輛，該裝載空間使車輛適於運輸貨物，並且當除駕駛人員以外之所有乘客皆於乘車空間時，裝載空間內貨物之總重量須大於乘客之總重量；

4. 特種動力車輛：適用於牽引其他動力車輛或用於救援工作或其他用途的動力車輛，既不是客運動力車輛，也不是客運和貨運動力車輛，也不是貨運動力車輛；

5. 機車：凡係機車或其他具有類似結構之動力車輛皆屬之，適用於運輸一至二人，而動力車輛之總排量或定額輸出功率大小在所不問。

(2) 前項之詳細分類標準，由國土基礎建設與交通法規根據動力車輛之尺寸、結構、發動機類型、總排量或定額輸出功率等標準規定；<經2013年3月23日第11690號法案；2011年5月24日第10721號法案增訂>

(b) A front-steering motor vehicle suitably manufactured to transport up to 10 persons as a compact motor vehicle prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;

(c) Deleted; <by Act No. 16564, Aug. 27, 2019>

3. Freight motor vehicles: A motor vehicle equipped with a loading space which makes the car suitable for transporting freight and in which the gross weight for a carload of freight in the loading space is heavier than that of the passengers when all passengers, except the driver, are on board in the boarding space;

4. Special motor vehicles: A motor vehicle suitably manufactured for the towing of other motor vehicles or for rescue work or other uses and that is neither a passenger motor vehicle, a motor vehicle for passengers and freight, nor a freight motor vehicle;

5. Motorcycles: A motorcycle and other motor vehicles with a structure similar thereto, which are suitably manufactured to transport one or two persons, regardless of the size of total displacement or rated output of a motor vehicle.

(2) The detailed criteria for classification under paragraph (1) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, based on the criteria, such as size, structure, motor type, total displacement, or rated output of a motor vehicle. <Newly Inserted by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013>

- (3) 第1項之動力車輛之分類，得依國土基礎建設與交通法規之標準進行再分類。<經2013年3月23日第11690號法案；2011年5月24日第10721號法案修訂>

#### 第4條（動力車輛管理工作之指導與監督）

為了建立健全有效之動力車輛管理制度，並且提高動力車輛管理行政工作效率，在特別市市長、廣域市市長、特別自治市市長、道知事或特別自治道知事（以下簡稱「市長」或「道知事」）授權下規定之任何動力車輛管理工作，國土交通部之部長皆應予以指導與監督。<經2017年10月24日第14950號法案；2013年3月23日第11690號法案修訂>

#### 第4條之2（制定動力車輛政策總體計畫）

- (1) 為了達成有效管理動力車輛並提高其安全性之目的，國土交通部部長應每五年制定並實施一項動力車輛政策總體計畫（以下簡稱「總體計畫」）。<經2013年3月23日第11690號法案修訂>
- (2) 總體計畫應包括以下內容：

- (3) The types of motor vehicles classified in paragraph (1) may be sub-classified in accordance with the standards prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013>

#### **Article 4 (Guidance and Supervision of Motor Vehicle Management Work)**

The Minister of Land, Infrastructure and Transport shall guide and supervise any motor vehicle management work prescribed under the authority of the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as the "Mayor/Do Governor") or a Metropolitan City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu (hereinafter referred to as the "head of a Si/Gun/Gu"; the head of a Gu refers to the head of an autonomous Gu) in this Act in order to establish an adequate and efficient system for motor vehicle management and to improve the efficiency of administrative work for motor vehicle management. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14950, Oct. 24, 2017>

#### **Article 4-2 (Formulation of Master Plans for Motor Vehicle Policy)**

- (1) In order to efficiently manage motor vehicles and to improve safety thereof, the Minister of Land, Infrastructure and Transport shall formulate and implement a master plan for motor vehicle policy (hereinafter referred to as "master plan") every five years. <Amended by Act No. 11690, Mar. 23, 2013>

- (2) The master plan shall include the following:

1. 動力車輛相關技術之發展前景，以及動力車輛安全管理政策之推廣方向；
  2. 本法第29條規定動力車輛安全標準之研發、基礎建設以及國際兼容性等事項；
  3. 關於提高動力車輛安全性之事項；
  4. 動力車輛管理以及消費者保護相關事項；
  5. 其他為動力車輛安全管理所必需之事項。
- (3) 國土交通部部長若欲依第1項擬定總體計畫，應先與中央相關行政機關之首長、市長與道知事協商，並由國家交通委員會根據《國家交通運輸系統效率法》第106條對此進行審議後最終確定該計畫。對總體計畫之任何修改亦適用上開之程序（總統令規定中無關緊要之修改除外）。<經2013年3月23日第11690號法案修訂>
- (4) 總體計畫確定後，國土交通部部長應通知相關中央行政機關首長、市長與道知事，並予以公佈（包括在網路上發布）。<經2013年3月23日第11690號法修訂>

1. Prospect for development of motor vehicle-related technologies, and promotional direction of the motor vehicle safety and management policies;
  2. Matters regarding the research and development, foundation creation and international compatibility of motor vehicle safety standards under Article 29;
  3. Matters regarding increasing safety of motor vehicles;
  4. Matters regarding a system for managing motor vehicles and protection of consumers;
  5. Other matters necessary for safety and management of motor vehicles.
- (3) Where the Minister of Land, Infrastructure and Transport intends to formulate a master plan in accordance with paragraph (1), he or she shall first consult with the head of a relevant central administrative agency and the Mayor/Do Governor, and finalize the plan after deliberation thereon by the National Transport Committee pursuant to Article 106 of the National Transport System Efficiency Act. The same shall also apply to any modification to the master plan (excluding insignificant modifications prescribed by Presidential Decree). <Amended by Act No. 11690, Mar. 23, 2013>
- (4) Once a master plan is finalized, the Minister of Land, Infrastructure and Transport shall notify the head of a relevant central administrative agency and the Mayor/Do Governor thereof, and

- (5) 根據前開1至4項之製定、修改總體計畫所需之事項以及其他必要事項，由總統令規定。

### 第5條（登記）

動力車輛(不包括機車；本法第47條之12亦適用之)應於動力車輛登記書(以下簡稱「登記書」)中進行登記，否則不得運營。但根據本法第27條(1)在特定獲許期間內獲得臨時運營許可之動力車輛不在此限。<經2020年2月4日第16950號法案；2017年10月24日第14950號法案修訂>

### 第6條（動力車輛所有權變更之效力）

動力車輛所有權之取得、喪失或變更，應通過登記始生效力。

### 第7條（動力車輛之登記）

- (1) 市長或道知事須提供及管理登記書。<經2015年1月6日第12986號法案修訂>
- (2) 若登記書遭全部或部分銷毀或遺失，市長或道知事應按照總統令之規定採取必要措施予以恢復。
- (3) 國土交通部部長或市長、道知事應採取必要措施，防止登記

shall publicly announce it (including posting on the Internet).

<Amended by Act No. 11690, Mar. 23, 2013>

- (5) Matters necessary for formulating and modifying a master plan under paragraphs (1) through (4), and other necessary matters, shall be prescribed by Presidential Decree.

### **Article 5 (Registration)**

No motor vehicle (excluding motorcycles; hereafter in this Article through Article 47-12, the same shall apply) shall be operated unless it is registered in the motor vehicle register (hereinafter referred to as "register"): Provided, That this shall not apply where a motor vehicle is operated with temporary operation permission obtained under Article 27 (1) within the permitted period. <Amended by Act No. 14950, Oct. 24, 2017; Act No. 16950, Feb. 4, 2020>

### **Article 6 (Validity of Change of Ownership of Motor Vehicles)**

Acquisition, loss or change of the ownership of a motor vehicle shall take effect only through registration.

### **Article 7 (Motor Vehicle Register)**

- (1) The Mayor/Do Governor shall furnish and manage the register.

<Amended by Act No. 12986, Jan. 6, 2015>

- (2) Where the register is fully or partially destroyed or lost, the Mayor/Do Governor shall take measures necessary for its restoration, as prescribed by Presidential Decree.

- (3) The Minister of Land, Infrastructure and Transport or the Mayor/

書或其中任何相關記錄說明被銷毀、毀損或以其他方式違法洩漏，並予以保存。〈經2013年3月23日第11690號法案修訂〉

- (4) 任何人如擬查閱註冊登記書之紀錄或收取註冊登記書之核證副本或節本，須按照國土基礎建設與交通法規之規定，向市長或道知事提交申請。〈經2013年3月23日第11690號法案修訂〉
- (5) 當市長或道知事依前項規定允許某人檢查登記書或簽發經其核證之副本或節本時，其可根據國土基礎建設與交通法規，省略其中部分記錄之描述，以防止個人資訊外洩。〈經2013年3月23日第11690號法案修訂〉
- (6) 登記書應當載明動力車輛之註冊號碼、識別號碼、名稱、主要使用地點、所有權人、發動機型號、車型、用途、詳細類型、變更之結構與裝置、檢驗有效期限、抵押權資訊以及其他需要公告之事項。而細節、文件形式與陳述方法應由總統令規定。〈經2015年1月6日第12986號法案新增訂〉

### 第8條（新註冊登記）

- (1) 任何人如擬為動力車輛作出新登記，須按總統令之規定，向

Do Governor shall take measures necessary to prevent destruction, mutilation, or other illicit leak of the register or any descriptions recorded therein and to preserve the same. <Amended by Act No. 11690, Mar. 23, 2013>

- (4) A person who intends to inspect the register or to receive a certified copy or abridged copy thereof shall file an application therefor with the Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (5) When the Mayor/Do Governor allows a person to inspect the register or issues a certified copy or abridged copy thereof pursuant to paragraph (4), he or she may omit part of the descriptions recorded therein, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, for preventing disclosure of personal information. <Amended by Act No. 11690, Mar. 23, 2013>
- (6) The register shall specify a motor vehicle's registration number, identification number, name, main place of use, title owner, engine model, vehicle type, usage, detailed type, changed structure and device, term of validity of inspection, information on any mortgage right and other matters necessary to be publicly notified. In such cases, details to be included, documentary forms and method of statement shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 12986, Jan. 6, 2015>

### **Article 8 (New Registration)**

- (1) A person who intends to make a new registration of a motor

市長或道知事提出申請(以下稱為「新登記」)。

- (2) 市長或道知事在接獲新登記之申請後，應將所需之事項記錄在登記書內，並核發動力車輛登記證明書。
- (3) 凡製造、裝配或進口動力車輛者(包括受委托銷售動力車輛之人；以下簡稱「動力車輛製造商製造商、銷售商等」)售出動力車輛後，須立即將註冊登記所需之動力車輛製造證明書相關資料送交本法第69條根據國土基礎建設與交通法規所規定成立之電子資料處理組織，並須代表買受人從速提出新登記之申請。但若係買受人主動提出新登記之申請，則無前開規定適用。〈經2013年3月23日第11690號法案；2012年12月18日第11588號法案修訂〉
- (4) 凡動力車輛製造商、銷售商依第1項提出新登記申請時，其得依國土基礎建設與交通法規之規定向動力車輛之買受人收取費用。〈經2013年3月23日第11690號法案修訂〉

vehicle shall file an application therefor (hereinafter referred to as "new registration") with the Mayor/Do Governor, as prescribed by Presidential Decree.

- (2) Upon receipt of an application for the new registration, the Mayor/Do Governor shall record necessary matters in the register and issue a motor vehicle registration certificate.
- (3) Where a person who manufactures, assembles, or imports motor vehicles (including persons entrusted with the sale of motor vehicles by such person; hereinafter referred to as "motor vehicle manufacturer, seller, etc.") has sold a motor vehicle, he or she shall immediately transmit information on a certificate of manufacture of a motor vehicle necessary for entering in the register to the electronic information processing organization established under Article 69, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, and shall file an application for new registration without delay on behalf of the buyer: Provided, That the foregoing shall not apply where a buyer himself or herself files an application for new registration, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11588, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>
- (4) Where any motor vehicle manufacturer, seller, etc. files an application for new registration under paragraph (1), he or she may collect a fee from a buyer of a motor vehicle, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

### 第8條之2（通知動力車輛製造商以及銷售者之義務）

(1) 動力車輛製造商、銷售商之銷售已依照本法第13條(1)(2)規定退還而被撤銷登記之動力車輛，其應將買賣標的退回之事實通知買受人。〈經2014年1月7日第12217號法案修訂〉

(2) 動力車輛製造商、銷售商於銷售動力車輛時，應將動力車輛製造商將其出廠後（指動力車輛之製造日期）、交付前發生之故障、瑕疵、其他瑕疵之修理情形以及動力車輛現況通知買受人。但根據本法第47條之2要求更換或者退款之情事下，該通知應包含更換或退款之理由，且該理由應載於有關動力車輛之製造證書中。〈經2017年10月24日第14950號法案；2014年1月7日第12217號法案新增訂〉

### 第9條（新註冊登記之拒絕）

在以下任何情況，市長或道知事應拒絕新註冊：〈經2015年12月29日第13686號法案；2015年1月28日第13089號法案；2009年6月9日第9770號法案修訂〉

1. 取得動力車輛無正當理由或者申請登記之事項存在虛偽不實者；

**Article 8-2 (Duty to Notify Motor Vehicle Manufacturers and Sellers)**

- (1) Where any motor vehicle manufacturer, seller, etc. sells a motor vehicle regarding which registration for cancellation has been made due to return under Article 13 (1) 2, he or she shall notify the buyer of the fact that the relevant motor vehicle has been returned to the manufacturer. <Amended by Act No. 12217, Jan. 7, 2014>
  
- (2) Where any motor vehicle manufacturer, seller, etc. sells a motor vehicle, he or she shall notify the buyer of the repair of malfunction, flaw and other defects that occurred before the delivery of the motor vehicle after it was released from the factory by its manufacturer (referring to the date of manufacture of the motor vehicle) and its current condition: Provided, That in cases of a motor vehicle returned upon request for replacement or refund under Article 47-2, such notification shall include the reason for replacement or refund, and such reason shall also be stated in the certificate of manufacture of the relevant motor vehicle. <Newly Inserted by Act No. 12217, Jan. 7, 2014; Act No. 14950, Oct. 24, 2017>

**Article 9 (Rejection of New Registration)**

The Mayor/Do Governor shall reject new registration in any of the following cases: <Amended by Act No. 9770, Jun. 9, 2009; Act No. 13089, Jan. 28, 2015; Act No. 13686, Dec. 29, 2015>

1. Where no legitimate cause exists for the acquisition of the relevant motor vehicle or there are any false entries in an application for registration;

2. 未標明本法第22條規定之動力車輛識別號碼或者發動機型號，或者標明之號碼或者型號與第30條第4項規定之動力車輛自認證標誌或第43條第3項規定之新檢驗證書不一致；
  
3. 若申請人登記之動力車輛係用於商業用途，而此登記與《客運服務法》規定之客運車輛運輸服務或《貨運業務法》規定之卡車運輸服務執照、登記、核准或報告細節不符合；
  
4. 申請登記違反《液化石油氣安全管理和經營法》第28條使用液化石油氣作燃料之限制；
  
5. 依據《空氣污染防治法》第48條和《噪音防治法》第31條，若申請人登記無動力車輛製造認證之動力車輛，或者在其啟動裝置系統中使用石棉；
  
6. 非完整之動力車輛。

### 第10條（動力車輛登記牌照）

- (1) 市長或道知事須依照國土基礎建設與交通法規之規定，檢附動力車輛登記牌照(以下稱為「登記牌照」)並於其上蓋印。但若動力車輛所有人或根據本法第8條第3項及12條第2項之主

2. Where any identification number or engine model of a motor vehicle prescribed in Article 22 is not indicated, or the number or model indicated is inconsistent with that of the self-authentication mark of a motor vehicle prescribed in Article 30 (4) or a new inspection certificate prescribed in Article 43 (3);
3. Where a person intends to register a motor vehicle for commercial use inconsistent with the license, registration, or approval, or reported details of the passenger vehicle transport service under the Passenger Transport Service Act or of the truck transport service under the Trucking Transport Business Act;
4. Where a person intends to make a registration, in violation of the restrictions on use of liquefied petroleum gas as fuel prescribed in Article 28 of the Safety Control and Business of Liquefied Petroleum Gas Act;
5. Where a person intends to register a motor vehicle without certification of manufactured motor vehicles under Article 48 of the Clean Air Conservation Act and Article 31 of the Noise and Vibration Control Act, or which has used asbestos in its brake system;
6. Where it is an incomplete motor vehicle.

### **Article 10 (Motor Vehicle Registration License Plates)**

- (1) The Mayor/Do Governor shall attach and seal a motor vehicle registration license plate (hereinafter referred to as "registration license plate"), as prescribed by Ordinance of the Ministry of Land,

要條文為所有人申請登記之代表人擬自行檢附及蓋印登記牌照，市長或道知事得讓相關人員自行為之。〈經2013年3月23日第11690號法案修訂〉

- (2) 除獲得市長或道知事准許或另有規定外，依前項所檢附之註冊牌照及蓋印不得拆除。
- (3) 凡登記牌照或蓋印脫落或難以辨認，動力車輛所有人須按第1項規定，向市長或道知事提交申請，要求將登記牌照再行裝上或重新加蓋印章。
- (4) 無第1項及第3項附有登記牌照並加蓋印章，不得駕駛動力車輛。但若有本法第27條第2項之臨時駕駛許可證牌照，上述規定即不適用之。
- (5) 登記牌照不得加蓋或使其難以辨認，否則不得駕駛。
- (6) 任何人不得製造、進口、出售或提供用於故意遮擋登記牌照

Infrastructure and Transport: Provided, That where the owner of a motor vehicle or a person who applies for registration on behalf of the owner under the main clauses of Articles 8 (3) and 12 (2) intends to attach and seal a registration license plate on his or her own, the Mayor/Do Governor may have such person attach and seal a registration license plate, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

- (2) No registration license plate and seal attached under paragraph (1) shall be detached, unless permission from the Mayor/Do Governor is obtained or otherwise provided in other statutes.
- (3) Where a registration license plate or seal is detached or illegible, the owner of a motor vehicle shall file with the Mayor/Do Governor an application for reattachment and reseal of the registration license plate, as prescribed in paragraph (1).
- (4) No motor vehicle shall be operated without the attachment and seal of a registration license plate under paragraphs (1) and (3): Provided, That the foregoing shall not apply where a temporary operation permit license plate under Article 27 (2) has been attached.
- (5) No one shall cover a registration license plate nor make it illegible, and no motor vehicle with the covered or illegible registration license plate shall be operated.
- (6) No person shall manufacture, import, sell, or offer devices to

或使其難以辨認之裝置。〈根據2011年5月24日第10721號法案增訂〉

(7) 依照國土基礎建設與交通法規，登記牌照因被附於動力車輛用以攜帶單車之裝置或其他外部裝置所遮蓋而不可見時，動力車輛所有人須向市長或道知事提出申請申請附加外部設備登記牌照。前開第1至6項應比照適用於外部裝置之登記牌照。〈根據2013年3月23日第11690號法案；2012年5月23日第11449號法案新增訂〉

(8) 市長或道知事須將交回或退回之登記牌照銷毀及廢棄，且不能重複使用。〈經2012年5月23日第11449號法案；2011年5月24日第10721號法案修訂〉

(9) 不得以除第1項加貼、加封牌照外之任何方式干擾查封、沒收註冊牌照，亦不得操作任何違反前開規定之動力車輛。〈2015年1月6日第12986號法案新增訂〉

### 第11條（變更登記）

(1) 記錄於登記書內任何事項如有變更（不包括第12條之轉讓登

be used for shielding a registration license plate intentionally or making it illegible. <Newly Inserted by Act No. 10721, May 24, 2011>

- (7) Where the registration number plate becomes invisible because it is covered by a certain device for carrying a bicycle that is attached to a motor vehicle or by other external devices, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, the owner of the aforementioned motor vehicle shall file an application with the Mayor/Do Governor for attachment of the registration number plate for external devices, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. Paragraphs (1) through (6) shall apply mutatis mutandis to the registration number plate for external devices. <Newly Inserted by Act No. 11449, May 23, 2012; Act No. 11690, Mar. 23, 2013>
- (8) Where a registration license plate and its seal are returned, the Mayor/Do Governor shall destroy and discard them so that they cannot be re-used. <Amended by Act No. 10721, May 24, 2011; Act No. 11449, May 23, 2012>
- (9) A person shall neither affix nor seal the registration license plate in any methods other than affixing and sealing the license plate in accordance with paragraph (1), in order to interfere with the seizure of the registration license plate, nor operate any vehicles violating the same. <Newly Inserted by Act No. 12986, Jan. 6, 2015>

### **Article 11 (Registration for Modification)**

- (1) Where any matter recorded in the register is modified (excluding

記以及第13條之註銷登記），動力車輛所有人須按總統令之規定，向市長或道知事提出變更登記之申請（以下稱為「變更登記」）。但總統令所規定之非屬重大登記事項之變更，不在此限。

(2) 變更登記準用第9條第3項及第4款項之規定。

### 第12條（轉讓登記）

(1) 因轉讓而獲得動力車輛者應向市長或道知事依總統令提交動力車輛所有權轉讓登記申請（以下簡稱「轉讓登記」）。

(2) 已依照第53條申請登記動力車輛交易業務者（以下稱為「動力車輛交易商」）銷售動力車輛或經紀銷售動力車輛，須代表其買受人依據前項提出轉讓登記申請。但若買受人提出轉讓登記申請，則無上述規定之適用。〈經2013年3月23日第11690號法案修訂〉

cases corresponding to the registration of transfer under Article 12 and the registration for cancellation under Article 13), the owner of a motor vehicle shall file with the Mayor/Do Governor an application for the registration for modification (hereinafter referred to as "registration for modification") as prescribed by Presidential Decree: Provided, That the foregoing shall not apply to any modification to insignificant registered matters prescribed by Presidential Decree.

- (2) Subparagraphs 3 and 4 of Article 9 shall apply mutatis mutandis to the registration for modification.

### **Article 12 (Registration of Transfer)**

- (1) A person who acquires a registered motor vehicle by transfer shall file with the Mayor/Do Governor an application for registration of transfer of ownership of the motor vehicle (hereinafter referred to as "registration of transfer"), as prescribed by Presidential Decree.
- (2) Where a person who has filed for registration of motor vehicle transaction business (hereinafter referred to as "motor vehicle dealer") prescribed in Article 53 sells a motor vehicle or brokers the sale of a motor vehicle, he or she shall file an application for registration of transfer under paragraph (1), on behalf of its buyer: Provided, That the foregoing shall not apply where the motor vehicle dealer sells a motor vehicle or brokers the sale of the motor vehicle to another motor vehicle dealer and where the buyer files an application for registration of transfer in person, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.  
<Amended by Act No. 11690, Mar. 23, 2013>

- (3) 以轉讓方式取得動力車輛者擬再轉讓予第三人，應於轉讓前以本人名義申請第1項之轉讓登記。
  
- (4) 以轉讓方式取得動力車輛者未依第1項規定提出轉讓登記申請，轉讓人（指申請轉讓登記時記錄在登記書上之動力車輛所有權人）得代表該受讓人申請登記。
  
- (5) 收受前項轉讓登記申請後，市長或道知事應依這總統令之規定接受登記。
  
- (6) 保險公司接獲有關全損動力車輛之過戶登記申請，僅於依照本法第43條第1項以及第5項動力車輛完成修理檢查時，市長或道知事方會接受該項申請。〈經2015年8月11日通過第13486號法案新增訂〉
  
- (7) 前開第1項以及第4項準用本法第9條第1項、第3項及第4項之規定。〈經2015年8月11日第13486號法案修訂〉

### 第12條之2（利害關係人申請核發動力車輛登記書）

動力車輛轉讓登記後，登記書上所載之利害關係人得向市長或道

- (3) Where a person who has acquired a motor vehicle by transfer intends to re-transfer it to any third party, he or she shall apply for registration of transfer as prescribed in paragraph (1) under his or her own name prior to such transfer.
- (4) Where a person who has acquired a motor vehicle by transfer fails to file an application for registration of transfer as prescribed in paragraph (1), a transferor (referring to the owner recorded in the register as at the time of applying for registration of transfer) may apply for such registration on behalf of such transferee, as prescribed by Presidential Decree.
- (5) Upon receipt of an application for registration of transfer under paragraph (4), the Mayor/Do Governor shall accept the registration, as prescribed by Presidential Decree.
- (6) Where the insurance company has received an application for registration of transfer with respect to the motor vehicle subject to total loss, the Mayor/Do Governor shall accept the application only where the inspection of repair under Article 43 (1) 5 is completed for the relevant motor vehicle. <Newly Inserted by Act No. 13486, Aug. 11, 2015>
- (7) Subparagraphs 1, 3, and 4 of Article 9 shall apply mutatis mutandis to the registration of transfer under paragraphs (1) and (4). <Amended by Act No. 13486, Aug. 11, 2015>

### **Article 12-2 (Interested Party's Application for Issuance of Motor Vehicle Register)**

Where transfer of the relevant motor vehicle is registered, an interested

知事總督提出申請，要求查閱或發放登記書或其節錄本，而市長或道知事總督應允之。

### 第13條（註銷登記）

(1) 注冊登記之動力車輛有以下情形之一者，該車輛之所有人（包括財產管理人及繼承人；以下在本條中亦同樣適用）須交還相關動力車輛之登記證書、登記牌照和蓋印，並向市長或道知事提出註銷登記申請（以下稱為「註銷登記」）。但在第7款或第8款之情形下，車輛之所有人可逕向市長或道知事提交註銷登記申請。〈經2017年10月24日第14950號法案修訂〉

1. 依照本法第53條規定向動力車輛報廢業務經營單位(以下簡稱「動力車輛報廢業務單位」)申請辦理登記動力車輛報廢；
2. 動力車輛交還予製造商、銷售商等。(包括依據第47條之2要求更換或退款而交還動力車輛之情形)；
3. 超過《客運車輛運輸服務法》規定之動力車輛使用年限；

party on the register may file with the Mayor/Do Governor an application for perusal or issuance of the register or an abridged copy thereof, and the Mayor/Do Governor who receives such application shall comply.

### **Article 13 (Registration for Cancellation)**

(1) Where a registered motor vehicle falls under any of the following cases, the owner of the motor vehicle (including any administrator of property and inheritor; hereafter in this Article the same shall apply) shall return the motor vehicle registration certificate, the registration license plate, and the seal of the relevant motor vehicle, as prescribed by Presidential Decree, and shall file an application for registration for cancellation (hereinafter referred to as "registration for cancellation") with the Mayor/Do Governor: Provided, That in cases falling under subparagraph 7 or 8, the owner may file an application for registration for cancellation:  
<Amended by Act No. 14950, Oct. 24, 2017>

1. Where motor vehicle scrapping is requested to a person who has filed for registration of motor vehicle scrapping business under Article 53 (hereinafter referred to as "motor vehicle scrapping business entity");
2. Where a motor vehicle is returned to the motor vehicle manufacturer, seller, etc. (including cases where a motor vehicle is returned upon request for replacement or refund under Article 47-2);
3. Where the age of a motor vehicle as prescribed by the Passenger

4. 依據《客運服務法》和《貨運運輸業務法》，執照、註冊登記、授權或相關報告被宣告無效或註銷；
5. 動力車輛因自然災害、交通事故或火災而造成其功能無法回復之毀壞；
6. 動力車輛出口；
7. 依本法第14條完成扣押登記後，尚未強制執行之動力車輛，依總統令之相關規定（如：車齡過大）被認定無市場價值，於此情形下，市長或道知事接受相關動力車輛所有人之註銷登記請求，應迅速將此事實通知委托進行扣押登記之法院或委託扣押之行政部門以及動力車輛登記書上之利害關係人；
8. 總統令別有規定者，例如用於教育或研究目的。

(2) 於前項第1款或第6款之情形下，動力車輛報廢業務單位或出

Vehicle Transport Service Act has been exceeded;

4. Where the license, registration, authorization, or report has been declared invalid or canceled under the Passenger Transport Service Act and the Trucking Transport Business Act;
5. Where it is impracticable to restore the functions of the motor vehicle which has been destroyed by a natural disaster, traffic accident, or fire;
6. Where a motor vehicle is exported;
7. Where it is deemed that there remains no market value in terms of the criteria prescribed by Presidential Decree, such as the vehicle age, among the motor vehicles for which no succeeding procedures for compulsory execution have been performed even after the completion of a seizure registration made under Article 14. In such cases, where the Mayor/Do Governor accepts a request for registration of cancellation from the owner of the relevant motor vehicle, he or she shall promptly notify such fact to the court or the administrative office delegating such seizure registration, and to the interested parties on the motor vehicle register;
8. Where a motor vehicle falls under any ground prescribed by Presidential Decree, such as use for the purpose of education or research.

(2) In cases falling under paragraph (1) 1, a motor vehicle scrapping

口動力車輛者須分別代表動力車輛之所有人申請註銷登記。但汽車所有人親自申請註銷登記，無上述規定之適用。〈經2013年3月23日第11690號法案修訂〉

(3) 有下列情況之一者，市長或道知事得依職權提出註銷登記申請：〈經2015年8月11日第13486號法修訂〉

1. 第1項、第2項所規定之註銷登記申請義務人並未提出申請；
2. 動力車輛之車底盤(指動力車輛車身為無底盤之動力車輛；以下相同者皆適用)與登記書記錄不同者；
3. 依照本法第24條之2第2項已核發暫停動力車輛運營之命令，惟繼續運營動力車輛者；
4. 依照本法第26條報廢動力車輛者；
5. 以詐欺或者其他不正當手段進行登記者。

business entity, and in cases falling under paragraph (1) 6, a person who exports motor vehicles shall file an application for registration of cancellation, respectively, on behalf of the owner of the relevant motor vehicle: Provided, That the foregoing shall not apply where the owner of a motor vehicle files an application for registration of cancellation in person, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

(3) The Mayor/Do Governor may, ex officio, file an application for registration of cancellation in any of the following cases: <Amended by Act No. 13486, Aug. 11, 2015>

1. Where a person obligated to file an application for registration of cancellation prescribed in paragraphs (1) and (2) fails to do so;
2. Where the chassis of a motor vehicle (referring to the motor vehicle body for a motor vehicle with no chassis; hereinafter the same shall apply) is different from the one recorded in the register;
3. Where a person continues to operate the motor vehicle, despite the order to suspend operation of a motor vehicle pursuant to Article 24-2 (2);
4. Where a motor vehicle is scrapped under Article 26;
5. Where the registration has been made by fraud or other

- (4) 若市長或道知事欲依前項規定，依職權提出註銷登記申請，於註銷登記前一個月內應通知動力車輛登記所有人與利害關係人，敘明理由及註銷登記之預定日期。但動力車輛登記所有人與利害關係人同意註銷登記，或屬於第1項第3、5款以及第3項第4款之情形，不適用之。〈經2015年8月11日第13486號法案修訂〉
- (5) 市長或道知事依第3項規定，依職權提出註銷登記申請應通知動力車輛所有人。被通知之一方應立即交還動力車輛登記書、登記車牌和有關動力車輛之蓋印。但國土基礎建設與交通法規另有規定者，不在此限。〈經2013年3月23日第11690號法案修訂〉
- (6) 市長或道知事依職權提出註銷登記申請，依第4項通知後得扣留或廢棄動力車輛登記書、登記牌照和有關動力車輛之蓋印。

wrongful means.

- (4) Where the Mayor/Do Governor intends to file an application for registration of cancellation, ex officio, prescribed in paragraph (3), he or she shall give the registered owner of the motor vehicle and interested person a notification, stating the grounds for and the scheduled date of the registration of cancellation, by no later than one month before the registration of cancellation: Provided, That the foregoing shall not apply where the appropriate owner of the motor vehicle and the interested person agree on the registration of cancellation for the motor vehicle or in cases falling under paragraph (1) 3, 5 or (3) 4. <Amended by Act No. 13486, Aug. 11, 2015>
- (5) Where the Mayor/Do Governor has, ex officio, filed an application for registration of cancellation for a motor vehicle prescribed in paragraph (3), he or she shall notify its owner thereof. In such cases, the other party so notified shall, without delay, return the motor vehicle registration certificate, the registration license plate, and the seal of the relevant motor vehicle, except under special circumstances prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (6) Where the Mayor/Do Governor has filed an application for registration of cancellation, ex officio, under paragraph (3), he or she may detain or discard the motor vehicle registration certificate, the registration license plate, and the seal of the relevant motor vehicle after giving notification under paragraph (4).

(7) 動力車輛所有人屬於下列情況之一者，得依照總統令之規定向市長或道知事提出註銷登記申請：<經2019年8月27日第16564號法案；2015年12月29日第13686號法修訂>

1. 動力車輛被竊者；

2. 以詐欺手段盜用、奪取動力車輛者。

(8) 依照第1項第6款規定申請註銷登記者（係指按照第2項規定申請註銷登記者，動力車輛所有人未出口）應向市長或道知事報告是否按照總統令規定進行出口。於此情形下，未能出口動力車輛，得要求動力車輛報廢業務單位報廢動力車輛，亦得依照第8條規定重新登記。<經2011年5月24日第10721號法案修訂>

(9) 與已提交註銷登記之動力車輛具利害關係者，得向市長或道知事申請核發證明註銷登記之證書。

(10) 欲申請重新登記已註銷登記之動力車輛者，應依照總統令規定申請新登記。於前開情形下，若抵押權等權利於前述註銷

- (7) Where the owner of a motor vehicle falls under any of the following cases, he or she may file an application for registration of cancellation with the Mayor/Do Governor, as prescribed by Presidential Decree: <Amended by Act No. 13686, Dec. 29, 2015; Act No. 16564, Aug. 27, 2019>
1. Where he or she has his or her motor vehicle stolen;
  2. Where he or she has his or her motor vehicle embezzled or deprived of by fraud.
- (8) A person who has filed an application for registration of cancellation under paragraph (1) 6 (referring to a person who applied for registration of cancellation pursuant to paragraph (2), where the owner of a motor vehicle did not make an export) shall report to the Mayor/Do Governor on whether he or she has made an export, as prescribed by Presidential Decree. In such cases, where he or she has failed to export the relevant motor vehicle, he or she may request a motor vehicle scrapping business entity to scrap a motor vehicle or may apply for new registration made under Article 8. <Amended by Act No. 10721, May 24, 2011>
- (9) A person interested in a motor vehicle, for which the registration of cancellation has been filed, may apply for the issuance of a certificate proving the registration of cancellation to the Mayor/Do Governor.
- (10) Where a person intends to filed for re-registration of a motor vehicle, for which the registration of cancellation has been

登記時已於登記書登記者，應證明該等相關權利依照國土基礎建設與交通法規已消滅。〈經2014年3月18日第12472號法案修訂〉

- (11) 市長或道知事得使用本法第69條規定之電子資訊處理機構或《電子政府法案》第36條第1項規定之行政資訊驗證是否進行動力車輛出口；已依照第8項提出註銷申請者應被視為已向市長或道知事報告是否進行上述動力車輛之出口。〈經2016年1月28日第13933號法案新增訂〉

#### 第14條（扣押登記）

有以下情況之一者，市長或道知事應依照國土基礎建設與交通法規，在相關動力車輛登記書中申請扣押登記：〈經2016年12月27日第14476號法案；2010年3月31日第10219號法修；2013年3月23日第11690號法案；2015年1月6日第12986號法案新增訂〉

1. 法院依強制執行法要求登記扣押者；

made, he or she shall apply for new registration, as prescribed by Presidential Decree. In such cases, if a right of mortgage, etc. was registered in the register as of the aforementioned registration of cancellation, he or she shall prove that the relevant right of mortgage, etc. has been dissolved, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 12472, Mar. 18, 2014>

- (11) Where the Mayor/Do Governor can verify, by using the electronic information processing organization prescribed in Article 69 or by jointly utilizing administrative information prescribed in Article 36 (1) of the Electronic Government Act, whether exporting motor vehicles is performed, a person who has filed his or her application for de-registration pursuant to paragraph (8) shall be deemed to have reported to the Mayor/Do Governor concerning whether the aforementioned exportation of motor vehicles is performed. <Newly Inserted by Act No. 13933, Jan. 28, 2016>

#### **Article 14 (Registration for Seizure)**

In any of the following cases, the Mayor/Do Governor shall file for registration for seizure in the register of the relevant motor vehicle, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: <Amended by Act No. 10219, Mar. 31, 2010; Act No. 11690, Mar. 23, 2013; Act No. 12986, Jan 6, 2015; Act No. 14476, Dec. 27, 2016>

1. Where a request is made by a court to register seizure under the Civil Execution Act;

2. 行政機關依國稅徵收法或地方稅徵收法要求登記扣押者；
  
3. 事業單位管理法第4條規定之事業單位（以下簡稱「事業單位」）委託查封登記事項者。

#### **第14條之2（解除扣押登記之注意事項）**

- (1) 依本法第14條第2款或第3款委託辦理扣押登記事務之行政機關或事業單位（以下稱「委託扣押登記機關」）得委託國土交通部代為辦理欠繳國稅、地方稅、行政罰款等款項之收繳、結算、委託撤銷扣押等事宜，辦理解除扣押手續。
  
- (2) 國土交通部解除扣押登記時，應通知扣押登記委託機關及其市長或道知事。

#### **第14條之3（解除扣押登記）**

市長或道知事收受前條第2項之通知後，應對相關動力車輛進行扣押登記。

2. Where a request is made by an administrative agency to register seizure under the National Tax Collection Act or the Local Tax Collection Act;
3. Where the public institution prescribed in Article 4 of the Act on the Management of Public Institutions (hereinafter referred to as “public institution”) has entrusted the affairs of the registration for seizure.

#### **Article 14-2 (Affairs to Be Processed for Release of Seizure)**

- (1) The administrative or public institution which has entrusted the affairs of registration of seizure in accordance with subparagraph 2 or 3 of Article 14 (hereinafter referred to as “institution entrusting registration of seizure”) may authorize the Minister of Land, Infrastructure and Transport to conduct, on its behalf, the affairs of receipt, settlement, entrustment of revocation of seizure with respect to the amount of State tax, local tax and administrative fines, etc. in arrears and other affairs to be processed for release of seizure.
- (2) Where the Minister of Land, Infrastructure and Transport has conducted de-registration of seizure, he or she shall notify the institution entrusting registration of seizure and the Mayor/Do Governor thereof, as prescribed by Presidential Decree.

#### **Article 14-3 (De-Registration of Seizure)**

The Mayor/Do Governor, in receipt of the notification pursuant to Article 14-2 (2), shall conduct de-registration of the seizure with respect to the relevant motor vehicle as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

### 第15條

刪除。〈經1999年4月15日第5968號法案刪除〉

### 第16條（動力車輛登記號碼之轉讓）

對動力車輛進行新註冊登記時，市長或道知事應分發註冊登記號碼（以下簡稱「登記號」）予相關動力車輛，並應隨著用途之改變，市長或道知事應更改並分配登記號碼。

### 第17條

刪除。〈經1999年4月15日第5968號法案〉

### 第18條（動力車輛註冊登記證之發放）

(1) 刪除。〈經2015年8月11日第13486號法案刪除〉

(2) 動力車輛登記證遺失或者難以識別者，動力車輛所有人應申請補發。

### 第19條（登記牌照之發放）

本法第10條登記車牌之製作、發放之方式，由國土基礎建設與交通法規訂定之。〈經2013年3月23日第11690號法修訂〉

### 第20條（發放登記牌照機關之指定）

(1) 市長認為有必要時，得指定代理人代為辦理第19條登記牌

### **Article 15**

Deleted. <by Act No. 5968, Apr. 15, 1999>

### **Article 16 (Assignment of Motor Vehicle Registration Numbers)**

Where new registration for a motor vehicle has been filed, the Mayor/Do Governor shall assign a registration number to the relevant motor vehicle (hereinafter referred to as "registration number"), and in the event of any ground prescribed by Presidential Decree, such as the change of usage, the Mayor/Do Governor shall change and assign the registration number.

### **Article 17**

Deleted. <by Act No. 5968, Apr. 15, 1999>

### **Article 18 (Placement of Motor Vehicle Registration Certificates)**

(1) Deleted. <by Act No. 13486, Aug. 11, 2015>

(2) Where a motor vehicle registration certificate is lost or indiscernible, a motor vehicle owner shall file an application for reissuance.

### **Article 19 (Issuance of Registration License Plates)**

The methods of manufacturing, issuing, and sealing registration license plates under Article 10 shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

### **Article 20 (Designation of Registration License Plate Issuance Agents)**

(1) If deemed necessary, the Mayor/Do Governor may designate an

照之製作、簽發等事宜（以下簡稱「登記牌照簽發代理人」）。於前述指定代理人之情形，指定代理人之方法與代理期限得由相關地方政府之法令所規定。〈經2013年3月23日第11690號法案；2009年12月29日第9867號法案修訂〉

- (2) 登記牌照發行代理人所具備之設施、設備等標準、代理人之指定程序及其他必要事項，由國土基礎建設與交通法規規定。〈經2013年3月2日第11690號法案修訂〉
- (3) 登記牌照發放代理人可依照國土基礎建設與交通法規收取登記牌照之發放相關費用。〈經2013年3月23日第11690號法案修訂〉
- (4) 發證機關辦理動力車輛登記牌照之凸起面製作時當採取必要之安全措施，以防被盜用。

## 第21條（取消發放登記牌照代理人之資格）

- (1) 發放登記牌照代理人有下列情形之一，市長或道知事得取消

agent who handles as proxy such matters as the manufacture, issuance and seal of registration license plates under Article 19 (hereinafter referred to as "registration license plate issuance agent"), as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. In such cases, the method of designating agents and the agency period may be prescribed by ordinance of the relevant local government. <Amended by Act No. 9867, Dec. 29, 2009; Act No. 11690, Mar. 23, 2013>

- (2) Standards for facilities, equipment, etc. that the registration license plate issuance agents need to have, procedures for designation of such agents, and other necessary matters, shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) Registration license plate issuance agents may collect a fee for issuance and seal of registration license plates, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (4) In the case of managing a convexity for manufacturing motor vehicle registration license plate, registration license plate issuance agents shall take necessary safety measures to prevent the theft of the relevant convexity, and shall not take out the respective convexity.

## **Article 21 (Cancellation of Designation as Registration License Plate Issuance Agents)**

- (1) Where a registration license plate issuance agent falls under any

該代理人之指定或命令暫停營業長達六個月。但於第1款或第10款之情形下，市長或道知事應取消其指定：<2013年3月23日第11690號法案修訂>

1. 以詐欺或其他不正當手段取得指定資格者；
2. 不符合第20條第2項所之標準者；
3. 違反第20第4項規定，製造動力車輛登記牌照之凸起面被盜用、取出者；
4. 未依第72條第1項規定程序繳交報告者；
5. 拒絕、干擾、規避第72條第2項規定之檢查，或沈默、虛偽回應者；
6. 不當得利或從事其他與其業務相關之違法行為者；
7. 因財務狀況不佳等原因認為其無法繼續經營者；
8. 無正當理由拒絕核發或蓋章者；

of the following cases, the Mayor/Do Governor may cancel the designation of such agent or order the suspension of business for a period of up to six months: Provided, That the Mayor/Do Governor shall cancel the designation in cases falling under subparagraph 1 or 10: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where he or she has been designated by fraud or other wrongful means;
2. Where he or she has failed to meet any of the standards for facilities, equipment, etc. referred to in Article 20 (2);
3. Where a convexity for manufacturing motor vehicle registration license plate is stolen or taken out, in violation of Article 20 (4);
4. Where he or she has failed to file a report under Article 72 (1), or files a report;
5. Where he or she has refused, interfered with or evaded an inspection under Article 72 (2), or failed to reply to questions or replied by falsity;
6. Where he or she has accepted unjust enrichment or engaged in other unlawful conduct in relation to his or her business;
7. Where it is deemed impossible for him or her to continue the business due to such causes as bad financial status;
8. Where he or she refuses the issuance or seal of a registration

9. 製造、交付或運輸登記牌照違反國土交通部長公佈之登記牌照種類、材質、顏色等標準；

10. 在暫停運營期間內經營業務者。

(2) 前項之詳細處理標準、程序，以及其他必要事項，由國土基礎建設與交通法規訂定之。〈經2013年3月23日第11690號法案修訂〉

### **第22條（動力車輛識別號碼標誌）**

(1) 依國土基礎建設與交通法規，動力車輛應標明識別號碼或發動機型號。〈經2013年3月23日第11690號法案修訂〉

(2) 除從事製造或組裝動力車輛或發動機業務之人員外，不得任意標記動力車輛之識別號或發動機型號。〈經2013年3月23日第11690號法案修訂〉

license plate without justifiable grounds;

9. Where he or she manufactures and delivers a registration license plate, in violation of the standards concerning specification, such as the type, quality of the material, or color of a registration license plate, as publicly notified by the Minister of Land, Infrastructure and Transport;

10. Where he or she has operated the business during the suspension period, in violation of an order to suspend business issued under this Article.

(2) Detailed standards and procedures for taking dispositions under paragraph (1), and other necessary matters, shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

## **Article 22 (Mark of Identification Numbers of Motor Vehicles)**

(1) The identification number or the engine model shall be marked in a motor vehicle in accordance with Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

(2) No person shall mark the identification number or engine model of a motor vehicle, other than a person who engages in the business of manufacturing or assembling motor vehicles or engines, or a person designated by the Minister of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

**第23條（識別號碼標誌消除之禁止）**

- (1) 任何人不得消除、抹滅動力車輛之識別號碼或發動機型號之標記，亦不得使該標記難以識別。但如因不得已之事由而取得國土交通部長之核准，或已依據第2項之命令，則無上述規定之適用。〈經2013年3月23日第11690號法案修訂〉
  
- (2) 有下列情形之一者，國土交通部長得命令動力車輛所有人消除識別號碼或發動機型號之標記，或命令對其進行標記：〈經2013年3月23日第11690號法案修訂〉
  1. 動力車輛無識別號碼、發動機型號之標記，或者標識方式及其製造程序不符合第22條第1項規定者；
  2. 動力車輛識別號碼或者發動機型號標識與其他動力車輛之標識相似者；
  3. 動力車輛識別號碼或者發動機型號標識被塗抹或者無法辨識者。
  
- (3) 依前二項但書消除、抹滅動力車輛之識別號碼或發動機型號之標記，應向從事動力車輛或發動機製造、組裝業務之人員提出申請。前述情形產生之費用得向動力車輛所有人收取。〈

**Article 23 (Prohibition on Erasing Marks)**

- (1) No one shall erase a mark of the identification number or the engine model of a motor vehicle, nor make it indiscernible: Provided, That the foregoing shall not apply where approval has been obtained from the Minister of Land, Infrastructure and Transport due to an unavoidable reason and where an order has been issued under paragraph (2). <Amended by Act No. 11690, Mar. 23, 2013>
- (2) Where a motor vehicle falls under any of the following cases, the Minister of Land, Infrastructure and Transport may order its owner to erase a mark of the identification number or engine model number or order to have it marked: <Amended by Act No. 11690, Mar. 23, 2013>
1. Where a vehicle has no mark of the identification number or engine model number, or the marking method and its system are not in compliance with Article 22 (1);
  2. Where a mark of the identification number or engine model number of a motor vehicle is similar to that of another motor vehicle;
  3. Where a mark of the identification number or of the engine model number of a motor vehicle is erased or indiscernible.
- (3) Where a person intends to erase a mark or have it marked under the proviso of paragraph (1) and (2), he or she shall file an application therefor with a person who engages in the business

經2013年3月23日第11690號法案；2011年5月24日第10721號法案修訂>

- (4) 第1項以及第2項之但書規定中有關核准和命令之必要程序，由國土基礎建設與交通法規訂定之。<經2013年3月23日第11690號法案修訂>

## 第24條

刪除。<經1999年4月15日5968號法案刪除>

## 第24條之2（動力車輛之暫停運營）

- (1) 動力車輛車應由本法第2條第3款規定之動力車輛使用人經營。
- (2) 不符合前項規定且無正當理由運營動力車輛者，市長、道知事或市、郡以及區之首長得徵求下列之人同意或請求命令其停止運營：<經2018年2月21日第15402號法案修訂>

1. 動力車輛所有人之同意或要求其同意；

of manufacturing or assembling motor vehicles or engines, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, or with a person designated by the Minister of Land, Infrastructure and Transport. In such cases, the expenses incurred therein may be collected from the owner of the motor vehicle in accordance with Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013>

- (4) Necessary procedures regarding approval and orders as prescribed in the proviso of paragraph (1) and paragraph (2) shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 24**

Deleted. <by Act No. 5968, Apr. 15, 1999>

#### **Article 24-2 (Suspension of Operation of Motor Vehicles)**

- (1) A motor vehicle shall be operated by the motor vehicle user as defined in subparagraph 3 of Article 2.
- (2) Where a person who fails to satisfy the requirement under paragraph (1) operates a motor vehicle, without justifiable grounds, the Mayor/Do Governor or the head of a Si/Gun/Gu may order such person to suspend the operation thereof, with consent or at the request of either of the following persons: <Amended by Act No. 15402, Feb. 21, 2018>

1. Consent or request of the owner of the motor vehicle;

2. 調查機關負責人之請求。但經調查機關負責人確認非第2條第3款規定之動力車輛使用者駕駛動力車輛者，方可申請。

(3) 市長、道知事或市、郡以及區之首長依據前項規定下令停止運營動力車輛者，其應執行下列事項：

1. 登記有關動力車輛停駛處理情況；
2. 向警察廳廳長提供為預防與調查停駛動力車輛所需之相關資訊，比如：動力車輛登記號碼、規格等；
3. 必要時扣押動力車輛之登記牌照，並將該情況通知市長、道知事或市、郡以及區之首長以及動力車輛所有人；
4. 在政府公報與官方網站上公開動力車輛登記號碼、停運理由、動力車輛規格等。

(4) 市長、道知事或市、郡以及區之首長依第2項規定命令停止運營之動力車輛，如有必要，得通過公開拍賣之方式將其出售

2. Request of the head of an investigation agency: Provided, That this shall apply only where the head of an investigation agency has confirmed the fact that a person other than a motor vehicle user defined in subparagraph 3 of Article 2 operated the motor vehicle.
- (3) Where the Mayor/Do Governor or the head of a Si/Gun/Gu orders suspension of operation of a motor vehicle pursuant to paragraph (2), he or she shall perform the following:
1. Recording the disposition of suspension of the relevant motor vehicle's operation in the register;
  2. Providing the Commissioner General of the National Police Agency with the information about the relevant motor vehicle, such as its motor vehicle registration number and specifications, which are necessary to prevent and investigate operation of suspended motor vehicles;
  3. Where necessary, detaining the motor vehicle's registration license plate and notifying such fact to the Mayor/Do Governor or the head of a Si/Gun/Gu and to the motor vehicle owner;
  4. Publicly announcing the motor vehicle registration number, grounds for suspension of operation and specifications of the motor vehicle, etc. in the Official Gazette and on the website.
- (4) With respect to the motor vehicle against which the Mayor/Do Governor or the head of a Si/Gun/Gu orders suspension of

以贖回拖欠之費用。

(5) 前項規定之公開拍賣因需要專業性或因其他特殊情況認為不宜直接公開拍賣者，市長、道知事或市、郡以及區之首長得依據《韓國資產管理法》授權韓國資產管理公司代理進行公開拍賣。前述情形，公開拍賣被視為由市長、道知事或市、郡以及區之首長進行。〈經2019年1126日第16652號法案修訂〉

(6) 前開第2項、第3項之同意、請求或命令停止營運及扣留登記牌照之方法，由國土基礎建設與交通法規訂定之。

### 第25條（動力車輛運營之限制）

(1) 若國土交通部部長認為發生以下任何原因或事件，得事先與警察廳長協商下令限制動力車輛之運營：〈經2013年3月23日第1169號法案；2020年2月4日第16950號法案修訂〉

1. 戰爭、災害或其他類似突發事件；

operation pursuant to paragraph (2), if necessary, the Mayor/Do Governor or the head of a Si/Gun/Gu may sell it by public auction to redeem the amount of charges in arrears.

- (5) Where expert knowledge is required for the public auction under paragraph (4) or where a direct public auction is deemed inappropriate due to other extraordinary circumstances, the Mayor/Do Governor or the head of a Si/Gun/Gu may authorize the Korea Asset Management Corporation established pursuant to the Act on the Establishment of Korea Asset Management Corporation to conduct the public auction as a proxy. In such cases, the public auction shall be deemed to have been conducted by the Mayor/Do Governor or the head of a Si/Gun/Gu. <Amended by Act No. 16652, Nov. 26, 2019>
- (6) Matters regarding the consent, request or order to suspend operation and the method of detaining a registration license plate pursuant to paragraphs (2) and (3) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

### **Article 25 (Restrictions on Operation of Motor Vehicles)**

- (1) If the Minister of Land, Infrastructure and Transport deems that any of the following causes or events occurs, he or she may order restrictions on the operation of motor vehicles in prior consultation with the Commissioner of the National Police Agency: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 16950, Feb. 4, 2020>

1. Responding to war, disaster, or other similar emergencies;

2. 預防或解決交通堵色；

2-2. 因使用第31條第1項之有瑕疵動力車輛再次發生火災，對公共安全造成嚴重危害之虞；

3. 防止空氣污染或總統令規定之其他理由。

(2) 國土交通部長限制前項規定之動力車輛運營時，應經國務會議審議，公佈目的、期限、區域、具體內容。限制、目標動力車輛類型以及其他必要事項。〈經2015年12月29日第13686號法案；2013年3月23日第11690號法案修訂〉

(3) 國土交通部長依本條第1項第2-2款下令限制動力車輛之運營，依第30條第3項規定動力車輛製造商等、第30條之2第1項規定之零件製造商等以及國土基礎建設與交通法規規定制定保護動力車輛所有人之措施，並應通過郵件、簡訊等方式向所有人揭露該措施。〈經2020年2月4日第16950號法案新增訂〉

## 第26條（動力車輛之強制措施）

(1) 動力車輛（包括與動力車輛形狀相似之物品，下同）所有人

2. Preventing or addressing heavy traffic congestion;

2-2. If recurrent fires caused by the operation of defective motor vehicles referred to in Article 31 (1) are likely to pose serious hazards to public safety;

3. Preventing air pollution or other grounds prescribed by Presidential Decree.

(2) If the Minister of Land, Infrastructure and Transport intends to restrict the operation of motor vehicles prescribed in paragraph (1), he or she shall publicly announce, after deliberation by a relevant cabinet meeting, the purpose, period, area, details of restrictions, types of target motor vehicles and other necessary matters in advance. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13686, Dec. 29, 2015>

(3) Where the Minister of Land, Infrastructure and Transport orders restrictions on the operation of motor vehicles under paragraph (1) 2-2, the motor vehicle manufacturer, etc. under Article 30 (3) or the parts manufacturer, etc. under Article 30-2 (1) shall prepare measures for protecting the owners of motor vehicles, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, shall disclose such measures to the owners of motor vehicles by mail, text message to a mobile phone, etc., and shall implement the measures. <Newly Inserted by Act No. 16950, Feb. 4, 2020>

## **Article 26 (Compulsory Disposal of Motor Vehicles)**

(1) Any owner or possessor of a motor vehicle (including any item

或者佔有人不得有下列行為：<經2019年8月27日第16564號法案修訂>

1. 將動力車輛用於非經營用途；
2. 動力車輛停駛於道路上且持續一定期間無人照管；
3. 無正當理由將動力車輛停駛於他人土地上且持續一定期間無人照管。一定期間之相關規定由總統令訂明之。

(2) 市、郡以及區之首長認為屬於前項任何一款者，應命動力車輛所有人或者佔有人報廢動力車輛或命其將相關動力車輛移至特定地點後採取適當措施。<經2013年3月23日第11690號法修訂>

(3) 動力車輛所有人或者佔有人違反前項命令或者能確定有關動力車輛所有人或者所有人的，市、郡以及區之首長得出售或報廢動力車輛。於此情形下，出售或報廢動力車輛之費用得向動力車輛所有人或佔有人收取。

which has the shape similar to that of a motor vehicle; hereafter in this Article the same shall apply) shall not engage in any of the following conduct: <Amended by Act No. 16564, Aug. 27, 2019>

1. Fixing a motor vehicle on a certain place and using it for purposes other than operation;
  2. Leaving a motor vehicle unattended on the road continuously;
  3. Leaving a motor vehicle unattended on another person's land with no justifiable ground for a period of not less than the period prescribed by Presidential Decree.
- (2) If the head of a Si/Gun/Gu deems that a case falls under any of the subparagraphs of paragraph (1), he or she shall issue an order or other disposition to the owner or possessor of a motor vehicle to scrap the motor vehicle, or order him or her to take appropriate measures, such as taking the relevant motor vehicle back, etc., as determined by Ordinance of the Ministry of Land, Infrastructure and Transport, after moving the relevant motor vehicle to a specific place. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) Where the owner or possessor of a motor vehicle fails to comply with an order as prescribed in paragraph (2) or the owner or possessor of the relevant motor vehicle cannot be identified, the head of a Si/Gun/Gu may sell or scrap the motor vehicle, as prescribed by Presidential Decree. In such cases, the expenses incurred in selling or scrapping the motor vehicle may be collected from the owner or possessor of the relevant motor vehicle.

- (4) 前項出售或報廢動力車輛於支付相關費用後若有餘額，應交予動力車輛所有人或佔有人。但不能確定動力車輛所有人或佔有人者，餘額應繳納於國庫。

### 第27條（臨時駕駛許可）

- (1) 未辦理登記手續而臨時駕駛動力車輛者，應取得國土交通部、市長或到道知事之臨時駕駛許可（以下簡稱「臨時駕駛許可」）。但以測試或研究為目的駕駛自動駕駛動力車輛者，必須符合國土基礎建設與交通法規規定之獲准自動動力車輛相關檢測與故障警告裝置、避免功能失效裝置、區域限制以及其他應遵守事項之安全運輸駕駛條件，並應獲得國土交通部之臨時經營許可。<經2015年8月11日第13486號法案；2013年3月23日第11690號法案修訂>

- (2) 收到臨時駕駛許可申請後，國土交通部長或市長、道知事應依國土基礎建設與交通法規給予許可並核發臨時駕駛許可和臨時駕駛許可牌照。但若係欲申請為期一天之出口目的而設限制區臨時經營許可，國土交通部長或市長、道知事認為有

- (4) In the case of having a motor vehicle sold or scrapped under paragraph (3), the balance, if any, after appropriating for the expenses incurred therein, shall be paid to the owner or possessor of the relevant motor vehicle: Provided, That where the owner or possessor of the motor vehicle cannot be identified, the balance shall be deposited under the Deposit Act.

**Article 27 (Permission for Temporary Operation)**

- (1) A person who intends to operate a motor vehicle temporarily without filing for registration of it shall obtain permission to temporarily operate the motor vehicle (hereinafter referred to as "temporary operation permission") from the Minister of Land, Infrastructure and Transport or the Mayor/Do Governor, as prescribed by Presidential Decree: Provided, That a person who intends to operate an autonomous driving motor vehicle for the purposes of testing or research shall satisfy the requirements for safe operation as prescribed by Ordinance of the Minister of Land, Infrastructure and Transport, in connection with the objects to be permitted, the devices for detecting and warning malfunction, devices for disabling various functions, areas for operating in and other matters the driver is to comply with; and shall obtain temporary operation permission from the Minister of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13486, Aug. 11, 2015>
- (2) Upon receipt of an application for temporary operation permission, the Minister of Land, Infrastructure and Transport or the Mayor/Do Governor shall grant permission and issue a temporary operation permit and a temporary operation permit license plate,

必要時，得僅准許臨時經營而不核發臨時經營許可證牌照。〈經2013年3月23日第11690號法案；2011年5月24日第10721號法案修訂〉

- (3) 除前項但書之情形外，得臨時駕駛許可之動力車輛應在臨時駕駛、許可證、臨時駕駛許可證牌照之許可目的與期限內經營。〈經2011年5月24日10721號法修訂〉
- (4) 獲得臨時駕駛、許可者，於前項規定期限屆滿後，應於國土基礎建設與交通法規規定期限內歸還臨時駕駛、許可證以及臨時駕駛許可證牌照。〈經2013年3月23日第11690號法修訂〉
- (5) 為確保自動駕駛力車輛運行之安全，依第1項但書獲得臨時駕駛許可者應向國土交通部長報告駕駛資訊，包含主要系統、功能、運行記錄之變化以及是否發生交通事故等事項。〈經2017年10月24日第14950號法案新增訂〉

as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That where a person requests for a one-day temporary operation permit by fixing a restricted operations area for export purposes and where he or she deems it necessary to allow the operation of a motor vehicle without a temporary operation permit license plate attached thereon, he or she need not issue the temporary operation permit license plate. <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013>

- (3) A motor vehicle for which temporary operation permission is granted shall be operated within the limit of the purpose and period of such permission, as the temporary operation permit and the temporary operation permit license plate (excluding cases falling under the proviso of paragraph (2)) imposed on it. <Amended by Act No. 10721, May 24, 2011>
- (4) A person who has obtained temporary operation permission, upon the expiry of the period prescribed in paragraph (3), shall return a temporary operation permit and temporary operation permit license plate within the period, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (5) A person who has obtained temporary operation permission under the proviso of paragraph (1) shall report to the Minister of Land, Infrastructure and Transport the matters specified by the Ordinance of the Ministry of Land, Infrastructure and Transport, including information on operation, such as changes in main systems and functions and operation records, and information on traffic

(6) 國土交通部長得依第32條第3項，委託指定進行性能測試之人員作為代理人進行調查。〈經2017年10月24日第14950號法案新增〉

(7) 前項所進行之調查發現動力車輛不符合第1項但書規定之安全操作要求或動力車輛極有可能引發交通事故，國土交通部長得令其採取整改措施，暫停該動力車輛之駕駛。但自動駕駛動力車輛在駕駛過程中發生交通事故者，經認定有安全瑕疵者，國土交通部長得立即令其暫時停止此類動力車輛之駕駛。〈經2017年10月24日第14950號法案新增訂〉

### 第28條（提出異議）

(1) 對市長或道知事索為之動力車輛登記不服者，得依國土基礎建設與交通法規提出異議。〈經2013年3月23日第11690號法修訂〉

accidents, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, in order to ensure safe operation of autonomous driving motor vehicles. <Newly Inserted by Act No. 14950, Oct. 24, 2017>

- (6) If necessary to verify matters reported on in accordance with paragraph (5), the Minister of Land, Infrastructure and Transport may authorize the person designated to conduct a performance test, as proxy, under Article 32 (3) to investigate such matters. <Newly Inserted by Act No. 14950, Oct. 24, 2017>
- (7) If an investigation conducted under paragraph (6) finds that a motor vehicle fails to meet the requirements for safe operation prescribed in the proviso of paragraph (1) or that a motor vehicle is highly likely to cause a traffic accident, the Minister of Land, Infrastructure and Transport may issue an order to take corrective measures and temporarily suspend the operation of such motor vehicle: Provided, That if an autonomous driving motor vehicle causes a traffic accident while in operation and is found to have a safety defect, the Minister of Land, Infrastructure and Transport may immediately issue an order to temporarily suspend the operation of such motor vehicle. <Newly Inserted by Act No. 14950, Oct. 24, 2017>

### **Article 28 (Filing Objections)**

- (1) A person dissatisfied with the registration of a motor vehicle conducted by the Mayor/Do Governor may file an objection, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

- (2) 前項異議之提出，市長或道知事認為有理由者，應立即予以修正。
- (3) 市長或道知事依前項規定作出修正或認為異議無理由者，皆應立即通知申請人以及登記書所載之利害關係人。
- (4) 對動力車輛登記不服者，無論是否已提出第1項之異議，皆可依行政訴訟法規定提起行政訴訟。

### 第29條（動力車輛之結構與裝置）

- (1) 動力車輛之結構與裝置不符合安全駕駛所要求之性能及標準（以下簡稱「動力車輛安全標準」）者，不得駕駛該動力車輛。
- (2) 安裝或使用於動力車輛上之任何零件、裝置或安全設備（以下簡稱「動力車輛零件」）應滿足安全操作所需之性能要求及標準（以下簡稱「零件安全標準」）。
- (3) 國土基礎建設與交通法規所規定之露營用車輛，應符合為使

- (2) Upon receipt of an objection filed under paragraph (1), the Mayor/Do Governor shall immediately correct it if he or she deems it reasonable.
- (3) Where the Mayor/Do Governor has made a correction as prescribed in paragraph (2) or deems the objection unreasonable, he or she shall without delay notify an applicant and an interested person who is recorded in the register thereof.
- (4) A person dissatisfied with the registration of a motor vehicle may file a request for administrative appeal under the Administrative Appeals Act or institute an administrative litigation under the Administrative Litigation Act, regardless of whether an objection has been filed under paragraph (1).

### **Article 29 (Structure and Devices of Motor Vehicles)**

- (1) If the structure and devices of a motor vehicle as prescribed by Presidential Decree fail to meet the performance requirements and standards required for safe operation (hereinafter referred to as "safety standards for motor vehicles"), the motor vehicle shall not be operated.
- (2) Any parts, devices, or safety equipment, as prescribed by Presidential Decree, which are installed or used on a motor vehicle (hereinafter referred to as "motor vehicle parts") shall satisfy the performance requirements and standards required for safe operation (hereinafter referred to as "safety standards for parts").
- (3) Storage facilities, gas appliances, piping facilities, and other

用液化石油氣烹飪與露營而設置之儲藏設施、燃氣器具、管道設施以及其他電力與露營設施之安全標準。前開標準由國土交通部訂定之。〈經2019年8月2日第16564號法案；2015年8月11日第13486號法案新增訂〉

- (4) 動力車輛之安全標準以及零件安全標準由國土基礎建設與交通法規訂定之。〈經2015年8月11日第13486號法案；2013年3月23日第11690號法案修訂〉

### 第29條之2（安全標準之研究與開發）

- (1) 國土交通部長得委託本法第32條第3項規定之動力車輛性能測試代理人（以下簡稱「性能測試代理人」）進行第29條第1項與第2項之動力車輛安全標準與動力車輛零件安全標準，以及第35條之5第1項之耐壓容器安全標準等動力車輛安全標準之研究與開發，必要時建立研究與開發之數據庫。前項情形，國土交通部長應於預算範圍內資助此類研究與開發以及數據庫之建立與運作。〈經2011年5月24日第10721號法案修訂；2013年3月23日第11690號法案；2017年12月26日第15321號法案〉

- (2) 刪除。〈經2011年5月24日第10721號法案刪除〉

facilities to be installed for the purposes of cooking and camping with liquefied petroleum gas in any vehicle for camping prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport; and electric facilities and camping facilities therefor shall comply with the standards for safety as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Newly Inserted by Act No. 13486, Aug. 11, 2015; Act No. 16564, Aug. 27, 2019>

- (4) The safety standards for motor vehicles and the safety standards for parts shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13486, Aug. 11, 2015>

**Article 29-2 (Research and Development for Safety Standards)**

- (1) The Minister of Land, Infrastructure and Transport may authorize a person designated as an agent for performance tests under Article 32 (3) (hereinafter referred to as "performance testing agent") to perform research and development for safety standards for motor vehicles or parts thereof under Article 29 (1) and (2), safety standards for pressure-resistant containers under Article 35-5 (1), or safety-related technologies and to establish and operate a database for such research and development, if necessary. In such cases, the Minister of Land, Infrastructure and Transport shall subsidize such research and development and establishment and operation of a database, within budgetary limits. <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013; Act No. 15321, Dec. 26, 2017>

- (2) Deleted. <by Act No. 10721, May 24, 2011>

### 第29條之3（安裝事故記錄設備與資訊提供）

- (1) 動力車輛製造商、銷售商，應依國土基礎建設與交通法規於動力車輛上安裝事故記錄裝置。〈經2013年3月23日第11690號法修訂〉
  
- (2) 動力車輛製造商、銷售者銷售安裝有前項規定事故記錄裝置之動力車輛，應將有關動力車輛安裝事故記錄裝置此事通知買受人。
  
- (3) 動力車輛所有人或依國土基礎建設與交通法規要求提供記錄資訊者要求提供資訊時，安裝事故記錄裝置之動力車輛製造商、銷售商依第1項應提供以下各款資訊：〈經2016年1月28日第13933號法案；2013年3月23日第11690號法案修訂〉
  1. 有關動力車項事故記錄裝置中所記錄之資訊；
  
  2. 依本法或其他法令規定對前款資訊進行分析之報告結果。
  
- (4) 事故記錄裝置安裝標準、事故記錄裝置安裝通知、記錄資訊提供方式、事故分析結果報告等事項，由國土基礎建設與交

**Article 29-3 (Installation of Accident Recording Devices and Provision of Information)**

- (1) Where any motor vehicle manufacturer, seller, etc. installs an accident recording device, he or she shall do so, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
  
- (2) Where any motor vehicle manufacturer, seller, etc. sells a motor vehicle in which an accident recording device is installed pursuant to paragraph (1), he or she shall notify the buyer of the fact that the relevant motor vehicle is fitted with the accident recording device.
  
- (3) Where an owner of a motor vehicle or any person determined by Ordinance of the Ministry of Land, Infrastructure and Transport demands the provision of recorded information, the motor vehicle manufacturer, seller, etc. who has installed an accident recording device pursuant to paragraph (1) shall provide each of the following information: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13933, Jan. 28, 2016>
  1. Information recorded in the relevant motor vehicle's accident recording device;
  
  2. Where the information prescribed in subparagraph 1 is analyzed pursuant to this Act or other statutes or regulations, any reports on the findings of such analysis.
  
- (4) Matters regarding the standards for installation of accident recording devices, notification of the installation of accident

通法規訂定之。〈經2016年1月28日第13933號法案；2013年3月23日第11690號法案修訂〉

### 第30條（動力車輛之自我認證）

- (1) 製造、組裝或進口（以下簡稱「製造等」）動力車輛（包括不完整之動力車輛與分階段製造之動力車輛）者應進行動符合動力車輛安全標準之自我認證（以下簡稱「動力車輛自我認證」）；前述自我認證之規定，於本法第30條之2至第30條之5、第31條、第31條之2、第32條、第32條之2以及第33條亦適用之。〈經2015年12月29日第13686號法案；2013年3月23日11690號法案修訂〉

- (2) 進行動力車輛自我認證者應向國土交通部長申請動力車輛製造、測試或檢查等設施之註冊。國土基礎建設與交通法規之重要事項變更，亦同。〈經2013年3月23日第11690號法案修訂〉

recording devices, methods of providing recorded information and the reports on the findings of accident-analysis, etc. shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13933, Jan. 28, 2016>

### **Article 30 (Self-Authentication of Motor Vehicles)**

- (1) A person who intends to manufacture, assemble or import (hereinafter referred to as "manufacture, etc.") a motor vehicle (including the incomplete motor vehicle and the motor vehicle manufactured by phase; The same shall apply in this Article and Articles 30-2 through 30-5, 31, 31-2, 32, 32-2, and 33) shall self-authenticate (hereinafter referred to as "self-authentication of motor vehicles") that the model of the relevant motor vehicle meets the safety standards for motor vehicles (in cases of an incomplete motor vehicle or a motor vehicle manufactured by phase, referring to the safety standards for motor vehicles to be applied as at the time a manufacture, etc. concerned is finished), as determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13686, Dec. 29, 2015>
  
- (2) A person who intends to make a self-authentication of motor vehicles shall file for registration of facilities for the manufacture, testing, or inspection of motor vehicles, etc. with the Minister of Land, Infrastructure and Transport, as determined by Ordinance of the Ministry of Land, Infrastructure and Transport. The same shall also apply to any modification to important matters determined by Ordinance of the Ministry of Land, Infrastructure and Transport,

(3) 動力車輛製造商等如未能達成製造規模、安全以及性能測試設施等自我認證之要求，由完成前項自我認證者透過性能檢測單位之技術審查以及安全檢查等就與動力車輛安全運行直接相關之事項對其進行動力車輛自我認證。但如動力車輛製造商等具備安全測試設施者得按照規定直接進行安全檢查。〈經2011年5月24日第10721號法案；2013年3月23日第11690號法案修訂〉

(4) 動力車輛生產企業等進行了第1項、第3項動力車輛自我認證，應將動力車輛之技術規格告知性能檢測單位，並提交動力車輛之自我認證標誌（包括動力車輛製造日期）。〈經2019年8月27日第16564號法案；2013年3月2日第11690號法案修訂〉

of the registered matters. <Amended by Act No. 11690, Mar. 23, 2013>

- (3) A motor vehicle manufacturer, etc. who has failed to satisfy the requirements for self-authentication determined by Ordinance of the Ministry of Land, Infrastructure and Transport, such as the scale of manufacture, test facilities for safety and performance, etc., from among the persons who have made a registration prescribed in paragraph (2) (hereinafter referred to as "motor vehicle manufacturer, etc."), shall perform the self-authentication of motor vehicles on the matters directly related to the safe operation of motor vehicles, which are determined by Ordinance of the Ministry of Land, Infrastructure and Transport, by undergoing technology review and safety inspections from the performance testing agent: Provided, That the motor vehicle manufacturer, etc. who is equipped with test facilities for safety among the requirements for self-authentication capabilities may directly conduct a safety inspection, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013>
- (4) Where a motor vehicle manufacturer, etc. has performed the self-authentication of motor vehicles prescribed in paragraph (1) or (3), he or she shall notify the specifications of the motor vehicle to the performance testing agent, and put the mark (including the date of manufacture of the motor vehicle) of self-authentication of motor vehicles on the relevant motor vehicle, as determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 16564, Aug. 27, 2019>

- (5) 生產數量不超過國土基礎建設與交通法規規定數量之製造或組裝動力車輛，動力車輛製造商或組裝商得不考慮第1項規定之動力車輛安全標準。第1項通過安全檢查方法進行動力車輛之自我認證，其級別類似於本法動力車輛安全標準。於此情形下，動力車輛製造商或組裝商應依第3項規定進行技術審查與安全檢查後，進行動力車輛自我認證。<經2015年12月29日13686號法案新增訂>
- (6) 國土交通部長確認依第2項登記之動力車輛之製造、測試或檢查設施與登記之內容不符時，得取消相關登記或命令變更登記事項。<經2013年3月23日第11690號法案修訂>

### 第30條之2（動力車輛部分零件之自我認證）

- (1) 製造、組裝、進口動力車輛零部件者（以下簡稱「零部件製造商等」）應證明相關動力車輛零部件符合零部件安全標準（以下簡稱「零部件安全標準」）。零部件安全標準，由國土基礎建設與交通法規訂定之。<經2013年3月23日第11690號法案修訂>

(5) Regarding the manufactured or assembled motor vehicles with their number of production not more than the number prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, a motor vehicle manufacturer or assembler may, notwithstanding the safety standards for motor vehicles prescribed in paragraph (1), conduct the self-authentication of motor vehicles by the method of safety-checking, the level of which is similar to the aforementioned safety standards for motor vehicles, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. In such cases, the motor vehicle manufacturer or assembler shall conduct the self-authentication of motor vehicles after undergoing the technology review and safety inspections conducted under paragraph (3). <Newly Inserted by Act No. 13686, Dec. 29, 2015>

(6) Where the Minister of Land, Infrastructure and Transport verifies that the facilities for the manufacture, testing, or inspection of motor vehicles registered under paragraph (2) are different from the details registered, he or she may cancel the relevant registration or order modification to matters registered. <Amended by Act No. 11690, Mar. 23, 2013>

### **Article 30-2 (Self-Authentication of Motor Vehicle Parts)**

(1) A person who manufactures, assembles, or imports motor vehicle parts (hereinafter referred to as "parts manufacturer, etc.") shall authenticate that the relevant motor vehicle parts satisfy the safety standards for parts (hereinafter referred to as "self-authentication of parts"), as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

- (2) 零部件製造商等應依國土基礎建設與交通法規之規定向國土交通部長申請零部件製造商名稱、零部件種類等之註冊。國土基礎建設與交通法規規定之對登記重要事項之變更，亦同。〈經2013年3月23日第11690號法案修訂〉
  
- (3) 零部件製造商等進行零部件自我認證者，應將零部件規格告知性能檢測代理人，並於相關動力車輛零部件上加貼零部件自我認證標誌。〈經2013年3月23日第11690號法案修訂〉
  
- (4) 國土交通部長確認依第2項註冊之零部件製造商名稱、動力車輛零部件類型以及其他與註冊相關之詳細資訊時，得撤銷該註冊或命令修改已註冊之事項。〈經2013年3月23日第11690號法案修訂〉
  
- (5) 動力車輛製造商等依本法第30條第1項規定對動力車輛進行自我認證者，安裝於該動力車輛上之零部件視為進行零部件自我認證。

- (2) A parts manufacturer, etc. shall file for registration of the name of the parts manufacturer, type of the motor vehicle part, etc. with the Minister of Land, Infrastructure and Transport, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. The same shall also apply to any modification to important matters determined by Ordinance of the Ministry of Land, Infrastructure and Transport, of the registered matters. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) Where any parts manufacturer, etc. has performed self-authentication of parts, he or she shall notify the performance testing agent of the specifications of parts, and place the mark of self-authentication of parts on the relevant automobile part, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (4) Where the Minister of Land, Infrastructure and Transport confirms that the name of the parts manufacturer, type of the motor vehicle parts, etc. registered under paragraph (2) are different from the details of the registration, he or she may revoke such registration or order modification to the matters registered. <Amended by Act No. 11690, Mar. 23, 2013>
- (5) Where a motor vehicle manufacturer, etc. has performed self-authentication of a motor vehicle pursuant to Article 30 (1), the motor vehicle parts installed on the relevant motor vehicle shall be deemed to have undergone self-authentication of parts.

### 第30條之3（暫停生產、銷售動力車輛或其零部件）

(1) 經第30條之5第3項規定效率與質量認證之動力車輛製造商等或零部件製造商等或更換零部件製造商等有下列情形之一者，國土交通部長得下令停止製造、組裝、進口或銷售相關動力車輛或動力車輛零部件；但屬於第1款者，應停止其製造、組裝、進口或銷售。<經2020年2月4日第16950號法案；2017年10月24日第14950號法案；2014年1月7日第12217號法案；2013年3月23日第11690號法案；2011年5月24日第10721號法案修訂>

1. 以詐欺或其他不正當手段進行動力車輛自我認證、動力車輛零部件自我認證或更換零件效率、質量認證或取得更換零件效率、質量認證者；

1-2. 有第25條第1項第2-2款所定之限制營運事由者；

2. 違反第30條規定，對不符合動力車輛安全標準之動力車輛進行自我認證者；

3. 違反第30條之2第1項規定，對不符合零部件安全標準之動力車輛零部件進行自我認證者；

### **Article 30-3 (Suspension of Manufacture or Sale of Motor Vehicles or Motor Vehicle Parts)**

(1) Where any motor vehicle manufacturer, etc. or parts manufacturer, etc. or manufacturer, etc. of replacement parts the efficiency and quality of which have been authenticated under Article 30-5 (3) falls under any of the following, the Minister of Land, Infrastructure and Transport may issue an order to suspend the manufacture, assembly, import, or sale of the relevant motor vehicles or motor vehicle parts: Provided, That the manufacture, assembly, import, or sale shall be suspended in cases falling under subparagraph 1: <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12217, Jan. 7, 2014; Act No. 14950, Oct. 24, 2017; Act No. 16950, Feb. 4, 2020>

1. Where he or she has performed self-authentication of motor vehicles, self-authentication of motor vehicle parts or authentication of the efficiency and quality of replacement parts or has obtained authentication for efficiency and quality of replacement parts, by fraud or other improper means;
- 1-2. Where a ground exists for restricting operation under Article 25 (1) 2-2;
2. Where he or she has performed self-authentication of motor vehicles not in compliance with the safety standards for motor vehicles, in violation of Article 30;
3. Where he or she has performed self-authentication of motor vehicle parts not in compliance with the safety standards for parts, in violation of Article 30-2 (1);

3-2. 違反第30之2第2項規定，製造、組裝、進口動力車輛零部件，未註冊登記零部件生產商名稱、動力車輛零部件種類等者；

3-3. 未達到本法第30條之5第5項規定之更換件效率、質量鑑定標準者；

4. 未遵守第31條第3項之整改命令者；

5. 銷售與動力車輛自認證明不符之動力車輛者；

6. 銷售動力車輛零部件與零部件自認證明不符者；

7. 銷售與授權更換零件不符之更換零件者。

(2) 為確認動力車輛製造商等或零部件製造商是否屬於前項任何一款情形，國土交通部長得委託性能測試單位進行調查。調查經費由國土交通部支出。<經2013年3月23日第11690號法案修訂>

- 3-2. Where he or she has manufactured, assembled, or imported motor vehicle parts without making registration of the parts manufacturer's name, types of the motor vehicle parts, etc., in violation of Article 30-2 (2);
  - 3-3. Where he or she has failed to satisfy the standards for authentication of the efficiency and quality of replacement parts prescribed in Article 30-5 (5);
  4. Where he or she has failed to comply with a corrective order issued under the main clause of Article 31 (3);
  5. Where he or she has sold a motor vehicle which is manufactured differently from the details of self-authentication of motor vehicles;
  6. Where he or she has sold a motor vehicle part which is different from the details of self-authentication of parts;
  7. Where he or she has sold the replacement parts different from the authorized replacement parts.
- (2) In order to confirm whether a motor vehicle manufacturer, etc. or parts manufacturer, etc. falls under any of the subparagraphs of paragraph (1), the Minister of Land, Infrastructure and Transport may have a performance testing agent conduct the investigation of such fact. In such cases, the Minister of Land, Infrastructure and Transport shall subsidize such investigation. <Amended by Act No. 11690, Mar. 23, 2013>

**第30條之4（動力車輛自我認證之豁免）**

有下列各款情形之一者，國土交通部長得依國土基礎建設與交通法規之規定免除動力車輛自我認證：<經2013年3月23日第11690號法案修訂>

1. 依照對外貿易法規相關規定免予進口許可，以搬遷居留作為個人財產進口之動力車輛者；
2. 屬於第70條第1項至第3項之動力車輛者；
3. 依韓國與美國《共同防禦條約》協定實施後進口予駐韓美軍之動力車輛者；
4. 政府、地方政府、動力車輛製造商或試驗研究機構為試驗或研究目的製造動力車輛等，或於屬於國土基礎建設與交通法規規定其他情況下之事件或原因者。

**Article 30-4 (Exemption from Self-Authentication of Motor Vehicles)**

In any of the following cases, the Minister of Land, Infrastructure and Transport may exempt the self-authentication of motor vehicle, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where an approval for import is exempted pursuant to the Foreign Trade Act, for a motor vehicle which is imported by bringing in as one's property from moving residency;
2. Where a motor vehicle, which falls under any of subparagraphs 1 through 3 of Article 70, is imported as has been domestically operated;
3. Where a motor vehicle is imported as are used in the U.S. armed forces stationed in the Republic of Korea pursuant to the Act on Temporary Special Cases concerning the Customs Act Following the Implementation of the Agreement under Article IV of the Mutual Defense Treaty between the Republic of Korea and the United States of America, regarding Facilities and Areas and the Status of United States Armed Forces in the Republic of Korea;
4. Where the Government, a local government, a motor vehicle manufacturer, or a test and research institute manufactures motor vehicles, etc. for testing or research purposes, or in other cases falling under an event or cause determined by Ordinance of the Ministry of Land, Infrastructure and Transport.

### 第30條之5（更換零部件之效率與質量認證）

- (1) 更換零部件係指可用於替換動力車輛製造商生產之安裝於動力車輛上零件之零部件。〈經2017年10月24日第14950號法案修訂〉
- (2) 除依第30條之2第1項自我認證零件外，所有更換零件之零件皆應取得授權。
- (3) 國土交通部長得指定符合國土基礎建設與交通法規規定標準之人員，授權該人員對更換零部件之效率與質量進行認證。〈經2017年10月24日第14950號法案修訂〉
- (4) 由前項之指定人員認證製造商更換零部件之效率與質量（以下稱為「認證更換零部件」），對更換零部件之效率與質量進行認證（以下簡稱「代理認證更換零部件」）者，得於相關更換文件上註明此類認證。〈經2018年6月12日第15681號法案；2017年10月24日第14950號法案修訂〉
- (5) 前兩項之標準與程序由國土基礎建設與交通法規訂定之。〈經2017年10月24日第14950號法修訂〉

### **Article 30-5 (Authentication of Efficiency and Quality of Replacement Parts)**

- (1) A replacement part means a part that can be used in replacement of a part installed in a motor vehicle released by a motor vehicle manufacturer. <Amended by Act No. 14950, Oct. 24, 2017>
- (2) Among the replacement parts, those parts that are subject to authorization shall be all parts other than those self-authenticated pursuant to Article 30-2 (1).
- (3) The Minister of Land, Infrastructure and Transport may designate a person who meets the standards prescribed by Ordinance of the Minister of Land, Infrastructure and Transport to authorize the person to authenticate the efficiency and quality of replacement parts. <Amended by Act No. 14950, Oct. 24, 2017>
- (4) A manufacturer, etc. of replacement parts the efficiency and quality of which have been authenticated (hereinafter referred to as "authenticated replacement parts") by a person designated under paragraph (3) to authenticate the efficiency and quality of replacement parts (hereinafter referred to as "agency authenticating replacement parts") may indicate such authentication on the relevant replacement parts. <Amended by Act No. 14950, Oct. 24, 2017; Act No. 15681, Jun. 12, 2018>
- (5) Matters regarding the procedures for designating the agency authenticating replacement parts under paragraph (3), and the standards and methods for authenticating the efficiency and quality of replacement parts and indication, etc. of authentication under

### 第30條之6（撤銷更換零部件鑑定機構之指定）

(1) 有下列情形之一者，國土交通部長得撤銷更換零部件鑑定機構之指定；或得令更換零部件鑑定機構暫停其業務運營長達六個月；但屬於第1款或第2款者，應撤銷其指定：

1. 以詐欺或其他不正當手段取得更換零部件鑑定代理機構資格者；
2. 更換零部件鑑定機構以詐欺或其他不正當手段對更換零部件之效率、質量進行鑑定者；
3. 更換零部件鑑定機構不符合本法第30條之5第3項規定之更換零部件鑑定機構標準者；
4. 更換零部件鑑定機構對不符合第30條5第5項規定之效率與質量鑑定標準之更換零部件進行鑑定者；

paragraph (4) shall be prescribed by Ordinance of the Minister of Land, Infrastructure and Transport. <Amended by Act No. 14950, Oct. 24, 2017>

**Article 30-6 (Revocation of Designation of Agencies Authenticating Replacement Parts)**

(1) In any of the following cases, the Minister of Land, Infrastructure and Transport may revoke the designation of an agency authenticating replacement parts; or may order an agency authenticating replacement parts to suspend his or her business operations for a period of up to six months: Provided, That in cases falling under subparagraph 1 or 2, the designation shall be revoked:

1. Where a person has obtained designation as an agency authenticating replacement parts by fraud or other improper means;
2. Where an agency authenticating replacement parts authenticates the efficiency and quality of replacement parts by fraud or other improper means;
3. Where an agency authenticating replacement parts ceases to meet the standards for designating agencies authenticating replacement parts under Article 30-5 (3);
4. Where an agency authenticating replacement parts authenticates replacement parts not conforming to the standards for the authentication of efficiency and quality prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport under

5. 更換零部件鑑定機構未按第72條第1項規定提交報告或提交之報告有虛偽不實之情形者；
6. 更換零部件鑑定機構拒絕、干擾或者規避第72條第2項規定之檢查者；
7. 更換零部件鑑定機構未遵守國土基礎建設與交通法規規定之其他更換零部件認證規則者。

(2) 前項之詳細程序事項以及其他事項由國土基礎建設與交通法規訂定之。

### 第31條（製造瑕疵之糾正）

(1) 動力車輛製造商等或零部件製造商等製造之動力車輛或動力車輛零部件（僅適用於動力車輛之零部件與動力車輛係屬分開銷售者，本條、第31條之2以及第33條，亦同）不符合動力車輛安全標準或者零部件安全標準，或安全駕駛瑕疵者，動力車輛製造商等或者零部件製造商等應即時通過郵件、手機簡訊等方式，告知動力車輛所有人，使其了解並採取糾正、整改措施；但對動力車輛或者動力車輛零部件安全標準中存在下列瑕疵之一者，經濟補償得代替糾正、整改措施：<經

Article 30-5 (5);

5. Where an agency authenticating replacement parts fails to submit a report under Article 72 (1) or submits a false report;
6. Where an agency authenticating replacement parts refuses, interferes with, or evades an inspection under Article 72 (2); fails to answer a question; or gives a false answer to any question;
7. Where an agency authenticating replacement parts fails to observe any other rule prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport regarding the authentication of replacement parts.

(2) Matters regarding detailed guidelines and procedures for the measures referred to in paragraph (1) and other matters shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

### **Article 31 (Correction of Manufacturing Defects)**

(1) Where any motor vehicles or motor vehicle parts manufactured by a motor vehicle manufacturer, etc. or a parts manufacturer, etc. (only applicable where motor vehicle parts are sold separately from motor vehicles; hereafter in this Article and Articles 31-2, 31-3, and 33, the same shall apply) have any defect prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, including a failure to meet the safety standards for motor vehicles or safety standards for parts or the hindrance of safe operations or

2017年1月17日第14546號法案；2015年12月29日第13686號法案；2015年1月6日第12986號法案；2013年3月23日第11690號法案；2011年5月24日第10721號法案；2009年12月29日第9867號法案修訂>

1. 顯示油耗率遠高於實際油耗率；
2. 發動機定額功率顯示高於實際功率；
3. 前二款規定類似之其他情形，由國土基礎建設與交通法規訂定之。

(2) 動力車輛製造商等或零部件製造商等依前項但書進行經濟補償代替糾正措施的，應向國土交通部長提交計劃。<經2013年3月23日第11690號法案；2011年5月24日10721號法案新增訂>

a problem with their design, manufacture, or function which may raise safety concerns, the motor vehicle manufacturer, etc. or the parts manufacturer, etc. shall, from the date of acknowledging the facts, disclose such defect by mail, text message to a mobile phone, etc. without delay, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, so that the motor vehicle owners can be clearly aware of the facts and plans for corrective measures accordingly, and shall take corrective measures: Provided, That with respect to any of the following defects from among the safety standards for motor vehicles or motor vehicle parts, economic compensation may be made in lieu of the aforesaid corrective measures: <Amended by Act No. 9867, Dec. 29, 2009; Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12986, Jan. 6, 2015; Act No. 13686, Dec. 29, 2015; Act No. 14546, Jan. 17, 2017; Act No. 16950, Feb. 4, 2020>

1. Indication of the fuel consumption rate excessively higher than the actual rate;
  2. Indication of the rated power of engine excessively higher than the actual power;
  3. Other cases similar to those prescribed in subparagraphs 1 and 2, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.
- (2) The relevant motor vehicle manufacturer, etc. or parts manufacturer, etc. who intends to make an economic compensation in lieu of corrective measures in accordance with the proviso of

- (3) 國土交通部長依國土基礎建設與交通法規對未依第1項公開瑕疵或採取糾正措施者發出糾正、整改命令。但依前項規定提交經濟補償計劃，且係不符合動力車或動力車輛零部件安全標準之事項被視為第1項但書所指之瑕疵者，不得依國土基礎建設與交通法規為糾正命令。〈經2015年1月6日第12986號法案；2013年3月23日第11690號法案；2011年5月24日10721號法案修訂〉
- (4) 國土交通部長得對需要驗證動力車輛或製造之動力車輛零部件是否存在瑕疵者進行性能測試調查。於此情形，國土交通部長得委託代理人進行，且應補貼與調查所需之設施、設備有關費用以及調查費用等。〈經2013年3月23日第11690號法案；2011年5月24日第10721號法修訂〉
- (5) 性能檢測代理人依據前項規定進行調查時，應事先通知動力車輛製造商等或者零部件製造商等；動力車輛製造商等或者

paragraph (1) shall submit a plan therefor to the Minister of Land, Infrastructure and Transport. <Newly Inserted by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013>

- (3) The Minister of Land, Infrastructure and Transport shall issue an order for correction to a motor vehicle manufacturer, etc. or parts manufacturer, etc. who fails to publicize such defect or take corrective measures under the main clause of paragraph (1), as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That where a plan for economic compensation is submitted in accordance with paragraph (2), and matters not in compliance with the safety standards for motor vehicles or motor vehicle parts are deemed the defects referred to in the proviso of paragraph (1), he or she may not issue an order for correction, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12986, Jan. 6, 2015>
- (4) Where it is necessary to verify whether a motor vehicle or a motor vehicle part manufactured, etc. has any defect, the Minister of Land, Infrastructure and Transport may have a performance testing agent investigate it. In such cases, the Minister of Land, Infrastructure and Transport shall subsidize the expenses associated with the facilities and equipment required for such investigation and expenses for the investigation, etc. <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013>
- (5) When a performance testing agent intends to conduct an investigation pursuant to paragraph (4), he or she shall give prior

零部件製造商等應於國土基礎建設與交通法規規定之期限內，向性能檢測機構提交前項瑕疵調查所需之資料。但已依第8項規定於規定期限內交付整改計劃或經濟補償計劃者，無本條規定之適用。〈經2020年2月4日第16950號法案新增訂〉

(6) 符合總統令規定之條件，例如同一型號之動力車輛再次起火，但動力車輛製造商等或者零部件製造商等未依前項規定提交瑕疵調查所需之資料，根據第1項，此類動力車輛應被推定為有瑕疵。〈經2020年2月4日第16950號法案新增〉

(7) 國土交通部長依第4項，認為調查有必要時，得令動力車輛製造商等或者零部件製造商等提供相關之動力車輛或零部件。於此情形下，國土交通部長應依國土基礎建設與交通法規，向動力車輛製造商等或者零部件製造商等支付公平合理之價格。〈經2020年2月4日第16950號法案新增訂〉

(8) 動力車輛製造商等或者零部件製造商等依照第1項、第3項規

notice thereof to the motor vehicle manufacturer, etc. or the parts manufacturer, etc.; and the motor vehicle manufacturer, etc. or the parts manufacturer, etc. shall submit materials necessary for the investigation of defects under paragraph (4) to the performance testing agent within the period prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That this shall not apply where a report on the plan for corrective measures or the plan for economic compensation has been filed pursuant to paragraph (8) within the prescribed period. <Newly Inserted by Act No. 16950, Feb. 4, 2020>

- (6) If the requirements prescribed by Presidential Decree are met, such as recurrence of fires in motor vehicles of the same model, but the motor vehicle manufacturer, etc. or the parts manufacturer, etc. fails to submit materials in accordance with paragraph (5), such motor vehicles shall be presumed to be defective under paragraph (1). <Newly Inserted by Act No. 16950, Feb. 4, 2020>
- (7) If necessary for an investigation under paragraph (4), the Minister of Land, Infrastructure and Transport may order a motor vehicle manufacturer, etc. or a parts manufacturer, etc. to provide him or her with relevant motor vehicles or parts. In such cases, the Minister of Land, Infrastructure and Transport shall pay a fair price to the motor vehicle manufacturer, etc. or the parts manufacturer, etc., as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Newly Inserted by Act No. 16950, Feb. 4, 2020>
- (8) When a motor vehicle manufacturer, etc. or a parts manufacturer,

定採取糾正、整改措施或者給予經濟補償者，依應國土基礎建設與交通法規交付整改方案或者經濟補償方案，與國土交通部長報告整改或經濟補償之進展。〈經2020年2月4日第16950號法案；2013年3月23日第11690號法案；2011年5月24日第10721號法案修訂〉

(9) 國土交通部長於收受前項報告後，得授權性能測試代理人對糾正整改措施等計劃適當性進行調查，並應通知相關部門對動力車輛製造商等或者零部件製造商等等進行調查之結果。如若動力車輛製造商等或者零部件製造商等於第4項規定之調查開始後提交糾正措施等計劃報告，國土交通部長則應委託性能檢測機構對整改計劃之適當性等進行調查。〈經2020年2月4日第16950號法案新增訂〉

(10) 動力車輛製造商等或者零部件製造商等應委託性能測試代理人依第1項規定，將動力車輛或者動力車輛零部件存在瑕疵之事實及其整改計劃通知動力車輛所有人。於此情形，動力車輛製造商等或者零部件製造商等應承擔通知之實際費用。〈經2017年1月17日第14546號法案新增訂〉

etc. takes corrective measures or makes economic compensation pursuant to paragraph (1) or (3), he or she shall file a report on the plan for corrective measures or the plan for economic compensation (hereinafter referred to as "plan for corrective measures, etc.") and the progress with the Minister of Land, Infrastructure and Transport, as determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013; Act No. 16950, Feb. 4, 2020>

(9) Upon receipt of a report under paragraph (8), the Minister of Land, Infrastructure and Transport may authorize a performance testing agent to conduct an investigation with respect to the appropriateness of the plan for corrective measures, etc. and shall notify the findings from such investigation to the motor vehicle manufacturer, etc. or the parts manufacturer, etc.: Provided, That if a report on the plan for corrective measures, etc. is filed after the commencement of an investigation under paragraph (4), the Minister of Land, Infrastructure and Transport shall authorize a performance testing agent to conduct an investigation with respect to the appropriateness of the plan for corrective measures, etc. <Newly Inserted by Act No. 16950, Feb. 4, 2020>

(10) Where a motor vehicle manufacturer, etc. or a parts manufacturer, etc. notifies a motor vehicle owner of any facts on defective motor vehicles or motor vehicle parts and his or her plan for corrective measures in accordance with paragraph (1), he or she shall have a performance testing agent make the notification on his or her behalf. In such cases, the motor vehicle manufacturer, etc. or the

- (11) 性能檢測機構按照前項規定通知動力車輛所有人者，得要求國土交通部長提供動力車輛所有人之相關資訊。〈經2017年1月17日第14546號法案新增訂〉
- (12) 動力車輛製造商等或者零部件製造商等依第8項報告之糾正、整改或者經濟補償進展不符合國土基礎建設與交通法規規定之標準，國土交通部長得令動力車輛製造商等或者零部件製造商等向民眾揭露糾正、整改或經濟補償計畫之進展以及第1項之瑕疵。〈經2020年2月4日第16950號法案新增訂〉
- (13) 國土交通部長得要求環境部提供有關依《清淨空氣保護法》第51條第1項進行之瑕疵確認檢查、糾正計劃之資訊。《清淨空氣保護法》第51條第5項規定之瑕疵，以及同法第53條第1項規定之瑕疵修復進度與瑕疵零部件現狀等，由國土基礎建設與交通法規訂定之。除有正當理由外，環境部長不得

parts manufacturer, etc. shall bear the costs actually incurred in making such notification. <Newly Inserted by Act No. 14546, Jan. 17, 2017; Act No. 16950, Feb. 4, 2020>

- (11) Where a performance testing agent makes a notification to a motor vehicle owner on behalf of a motor vehicle manufacturer, etc. or a parts manufacturer, etc. in accordance with paragraph (10), the performance testing agent may request the Minister of Land, Infrastructure and Transport to provide him or her with information on the motor vehicle owner. <Newly Inserted by Act No. 14546, Jan. 17, 2017; Act No. 16950, Feb. 4, 2020>
- (12) If the progress of corrective measures or economic compensation reported on by a motor vehicle manufacturer, etc. or a parts manufacturer, etc. pursuant to paragraph (8) fails to meet the standards prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, the Minister of Land, Infrastructure and Transport may order the motor vehicle manufacturer, etc. or the parts manufacturer, etc. to disclose again to the public the defects referred to in paragraph (1) and the plan for corrective measures, etc. therefor, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Newly Inserted by Act No. 16950, Feb. 4, 2020>
- (13) The Minister of Land, Infrastructure and Transport may request the Minister of Environment to provide him or her with materials about the inspection for confirmation of defects under Article 51 (1) of the Clean Air Conservation Act, the plan for the correction of defects under Article 51 (5) of that Act, and materials about

拒絕提供相關資料。〈經2020年2月4日第16950號法案新增訂〉

### 第31條之2（動力車輛所有人自行糾正之補償）

(1) 動力車輛製造商等或者零部件製造商等應給予符合以下情形之一者補償：〈經2017年1月17日第14546號法案；2011年5月24日第10721號法案修訂〉

1. 動力車輛所有人（包括動力車輛前所有人並於所有期間內糾正瑕疵者）於動力車輛製造商等或零部件製造商等依第31條第1項、第3項以及第30條之3第2項或第31條第4項性能測試調查或公布瑕疵日期前一年自行糾正瑕疵者；
2. 動力車輛所有人經動力車輛製造商等或者零部件製造商等依第31條第1項、第3項公布瑕疵後改正瑕疵者。

(2) 前項之補償計算標準、支付補償之期限、申請補償支付程序

the progress on the correction of defects and the current status of defective parts, etc. under Article 53 (1) of that Act, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. In such cases, the Minister of Environment shall provide materials as requested, in the absence of good cause to the contrary. <Newly Inserted by Act No. 16950, Feb. 4, 2020>

**Article 31-2 (Compensation for Motor Vehicle Owners Who Made Self-Correction)**

(1) Any motor vehicle manufacturer, etc. or parts manufacturer, etc. shall compensate for the expenses of correction to any of the following persons: <Amended by Act No. 10721, May 24, 2011; Act No. 14546, Jan. 17, 2017>

1. Any motor vehicle owner who has corrected a defect after the date earlier between the date of one year before the date the motor vehicle manufacturer, etc. or the parts manufacturer, etc. publicizes the defect pursuant to the main clauses of Article 31 (1) and (3) and the date of commencing the investigation pursuant to Article 30-3 (2) or Article 31 (4) (including a person who was the previous motor vehicle owner and has corrected the defect during the period of ownership);
2. Any motor vehicle owner who has corrected a defect after the motor vehicle manufacturer, etc. or the parts manufacturer, etc. publicized the defect pursuant to the main clauses of Article 31 (1) and (3).

(2) Matters regarding the standards for calculating the compensation

以及其他與補償支付相關之事項，由國土基礎建設與交通法規訂定之。〈經2013年3月23日第11690號法案修訂〉

### 第31條之3（動力車輛事故調查）

- (1) 性能檢測機構懷疑國土基礎建設與交通法規之動力車輛事故係由第31條第1項規定之瑕疵所引起者，得進行調查以查明事故之原因（以下簡稱「事故調查」）。於此情形下，國土交通部長應提供事故調查所需之設施與設備，並補貼調查相關費用。
  
- (2) 因事故調查需要，性能檢測機構得詢問動力車輛所有人、經營者、託管人以及其他相關人員，並要求其提交相關資料，保存、出借或購買有關動力車輛或其零部件。
  
- (3) 同意依前項之要求保存、出借或購買動力車輛或其零部件者，性能檢測機構應依國土基礎建設與交通法規之規定向支付公平合理之費用。

prescribed in paragraph (1), the deadline for payment thereof, the procedures for applying for compensation payment, and other matters related to the compensation payment shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.  
<Amended by Act No. 11690, Mar. 23, 2013>

### **Article 31-3 (Investigations into Motor Vehicle Accidents)**

- (1) Any performance testing agent who suspects that a motor vehicle accident prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, such as fire, was caused by a defect under Article 31 (1) may conduct an investigation to find the cause of the accident (hereinafter referred to as "accident investigation"). In such cases, the Minister of Land, Infrastructure and Transport shall provide facilities and equipment necessary for the accident investigation and subsidies for expenses associated with the investigation.
- (2) If necessary for an accident investigation, a performance testing agent may make inquiries to the owner, operator, custodian, and other relevant persons and may request them to submit materials and preserve, lend, or purchase the relevant motor vehicles or parts.
- (3) When a person agrees to preserve, lend, or purchase motor vehicles or parts in compliance with a request under paragraph (2), the performance testing agent shall pay a fair price to such person in accordance with the guidelines prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

- (4) 為事故調查能快速有效率進行，性能檢測機構得提出事故調查進行時相關人等需要配合之要求，包括進入事故現場、保全動力車輛車或零部件等。除有正當理由外，相關機構之負責人（包含警察、消防部門等）不得違反前開要求。
- (5) 性能檢測機構進行事故調查時，得要求地方自治團體、警察、消防機關、保險公司、保險業法規定之保險費率計算相關機構以及其他相關機構等提供國土基礎建設與交通法規規定之資料。除有正當理由外，被要求者皆應遵守前開要求。

### 第32條（國家間之零部件相互認證）

- (1) 動力車輛製造商等或零部件製造商等要求對動力車輛上使用之零部件或設備進行認證以進行國家間相互認證時，國土交通部長得於進行測試此類零部件或設備之安全與性能後予以認證。（以下簡稱「性能測試」）。<經2013年3月23日第11690號法修訂>
- (2) 依前項認證之動力車輛零部件或設備不符合國家間相互認證條約規定之標準或未符合認證時達到之性能水平時，國土交通部長應撤銷其認證。<經2013年3月23日第11690號法修訂>

- (4) In order to conduct an accident investigation in a quick and efficient manner, a performance testing agent may request such cooperation as necessary for the accident investigation, including the entry to the scene of accident and the preservation of motor vehicles or parts, to the heads of relevant agencies, including the police and the fire authority. In such cases, the heads of relevant agencies shall comply with such request, in the absence of good cause to the contrary.
- (5) A performance testing agent who conducts an accident investigation may request local governments, the police, the fire authority, insurance companies and premium rate calculation institutions under the Insurance Business Act, other relevant institutions, etc. to provide materials prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. The persons so requested shall comply, in the absence of good cause to the contrary.

**Article 32 (Mutual Authentication between Countries on Parts)**

- (1) Where a motor vehicle manufacturer, etc. or a parts manufacturer, etc. requests authentication of parts or devices used on motor vehicles for the reciprocal authentication between countries, the Minister of Land, Infrastructure and Transport may grant authentication after performing tests on safety and performance of such parts or devices (hereinafter referred to as "performance test"). <Amended by Act No. 11690, Mar. 23, 2013>
- (2) Where a part or device of a motor vehicle authenticated under paragraph (1) fails to satisfy the standards prescribed by the mutual treaty of authentication between countries or falls short of

- (3) 國土交通部長得委託符合國土基礎建設與交通法規規定之指定條件者作為代理人進行性能測試。〈經2013年3月23日第11690號法案修訂〉
  
- (4) 前項之代理人進行性能測試時，應製作評價結果報告書，提交予國土交通部長。〈經2013年3月23日第11690號法案修訂〉
  
- (5) 第1項至第4項之規定，國家間相互認證條約對動力車輛零部件之相關認證程序等別有規定者，優先適用條約之規定。

### 第32條之2（自我認證動力車輛之事後管理）

- (1) 動力車輛製造商等經自我認證後銷售動力車者，應配備必要之設施與熟練之技術人員，並採取以下措施（本條以下簡稱「事後管理」）：〈經2017年10月24日14939號法案；2017年1月17日第14546號法案；2015年1月日第12986號法案；2013年7月16日第11929號法案；2013年3月23日第11690號法案修訂〉

the performance level reached at the time of authentication, the Minister of Land, Infrastructure and Transport shall revoke the authentication. <Amended by Act No. 11690, Mar. 23, 2013>

- (3) The Minister of Land, Infrastructure and Transport may allow a person designated by the Minister of Land, Infrastructure and Transport and satisfying the designation criteria determined by Ordinance of the Ministry of Land, Infrastructure and Transport to conduct performance tests, as proxy. <Amended by Act No. 11690, Mar. 23, 2013>
- (4) Where a performance testing agent has conducted a performance test, he or she shall prepare a report on the evaluation results and submit it to the Minister of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (5) Where as otherwise provided in the mutual treaty of authentication between the States on the authentication procedures, etc. in connection with the authentication of parts or devices to be used in motor vehicles, it shall be governed by the provisions of the treaty, notwithstanding the provisions of paragraphs (1) though (4).

#### **Article 32-2 (Post Management on Self-Authenticated Motor Vehicles)**

- (1) Where any motor vehicle manufacturer, etc. has sold a motor vehicle after self-authentication, he or she shall secure necessary facilities and skilled technicians and take the following measures (hereafter in this Article referred to as "post management"), as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: <Amended by Act No. 11690, Mar. 23, 2013; Act

1. 於國土基礎建設與交通法規規定之期間或一定行駛距離內產生之任何瑕疵與瑕疵進行無償維修；
  2. 供應動力車輛維修所需之零部件；
  3. 向依第53條規定登記之動力車輛維修經營單位提供動力車輛檢驗、維修、檢測所需之技術指導。於此情形下，提供技術指導、教育之對象與方法，提供維修設備或資料之類型、方法以及其他必要事項，由國土基礎建設與交通法規訂定之；
- 3-2. 無償向依韓國運輸安全管理局法設立之韓國運輸安全局（以下簡稱「韓國運輸安全局」）提供依第43條規定進行動力車輛檢驗以及第43條之2規定進行動力車輛綜合檢驗所需之資料，以及相關維修手冊、製造用於檢測故障動力車輛診斷設備之資料等。無償提供之資料種類由國土基礎建設與交通法規訂定之；

No. 11929, Jul. 16, 2013; Act No. 12986, Jan. 6, 2015; Act No. 14546, Jan. 17, 2017; Act No. 14939, Oct. 24, 2017>

1. Gratuitously repairing any defect that occurs during the period or travelling distance determined by Ordinance of the Ministry of Land, Infrastructure and Transport;
2. Supplying parts necessary for the maintenance of motor vehicles until the period determined by Ordinance of the Ministry of Land, Infrastructure and Transport;
3. Providing the motor vehicle maintenance business entity registered pursuant to Article 53 with the technical guidelines and education necessary for the inspection, maintenance, and testing of motor vehicles. In such cases, the target trainees and methods of providing technical guidelines and education, types and methods of providing equipment or materials for maintenance and other matters necessary therefor shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport;
- 3-2. Gratuitously providing the Korea Transportation Safety Authority established under the Korea Transportation Safety Authority Act (hereinafter referred to as the "Korea Transportation Safety Authority") with a maintenance manual, a material for manufacturing a diagnostic apparatus to be used for detecting malfunctioning motor vehicles and other materials necessary for the motor vehicle inspection conducted under Article 43 and the comprehensive motor

4. 於其官方網站上公佈動力車輛零部件價格數據。動力車輛零部件價格、公布之對象以及其他必要事項，由國土基礎建設與交通法規訂定之。

(2) 動力車輛製造商等得由已依第53條規定於動力車輛管理經營業務中申請動力車輛維修業務登記者代其進行第1項第1款之無償維修，代表他或她根據第(1)1段進行修理。〈經2013年3月23日11690號法案修訂〉

(3) 動力車輛製造商等依第1項第1款進行無償維修，不得以已使用經認證之更換零部件與依第34條之2規定之更換零部件為由拒絕修理。但動力車輛製造商等證明係使用更換零部件或調校零部造成動力車輛故障者，不在此限。〈經2018年6月12日15681號法案；2015年12月29日第1368號法案新增訂〉

(4) 動力車輛製造商等依第1項第1款對動力車輛進行無償維修

vehicle inspection conducted under Article 43-2. In such cases, types of the materials to be gratuitously provided shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;

4. Publishing the price data of motor vehicle parts on its official website: In such cases, matters necessary for the publication of price data of motor vehicle parts, such as objects of publication, shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.
- (2) Any motor vehicle manufacturer, etc. may have the person who has filed for registration of motor vehicle maintenance business among motor vehicle management business under Article 53, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, perform the gratuitous repair under paragraph (1) 1 on his or her behalf. <Amended by Act No. 11690, Mar. 23, 2013>
  - (3) Where a motor vehicle manufacturer, etc. conducts a gratuitous repair pursuant to paragraph (1) 1, he or she shall not refuse on the grounds that the authenticated replacement parts and the replacement parts authenticated in accordance with Article 34-2 for tuning were used: Provided, That this shall not apply where the motor vehicle manufacturer, etc. proves that the use of the replacement part or the part for tuning caused malfunction of the motor vehicle. <Newly Inserted by Act No. 13686, Dec. 29, 2015; Act No. 15681, Jun. 12, 2018>
  - (4) Where a motor vehicle manufacturer, etc. conducts a gratuitous

時，應依國土基礎建設與交通法規規定，通知動力車輛所有人維修之理由、瑕疵造成之詳細資訊以及無償維修計劃等，以便所有人了解。〈經2017年12月26日第15321號法案新增訂〉

- (5) 動力車輛製造商等不履行事後管理義務者（包括第2項規定之無償維修代理人不履行無償修理義務），國土交通部長得令機動力車輛製造商等履行其義務。〈經2017年12月26日第15321號法案；2015年12月29日第1368號法案；2013年3月23日第11690號法案修訂〉

### 第33條（提供有關動力車輛或動力車輛零部件之資料）

- (1) 動力車輛製造商等或零部件製造商等銷售動力車輛或動力車輛零部件者，應向買受人提供該動力車輛或動力車輛零部件之型號、用途等資料。〈經2013年3月23日第11690號法案修訂〉

repair of a motor vehicle pursuant to paragraph (1) 1, due to any of the causes specified by Ordinance of the Ministry of Land, Infrastructure and Transport, such as a defect originated from the manufacturing process, the motor vehicle manufacturer, etc. shall inform the owner of the motor vehicle of the details of such defect and a plan for gratuitous repair by mail or other means of communication, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, so that the owner of the motor vehicle can become aware of the details of the defect and the plan for gratuitous repair. <Newly Inserted by Act No. 15321, Dec. 26, 2017>

- (5) Where a motor vehicle manufacturer, etc. fails to perform the duty of post management (including where a person who performs the gratuitous repair prescribed in paragraph (2) as agent fails to perform the duty of the gratuitous repair), the Minister of Land, Infrastructure and Transport may order the motor vehicle manufacturer, etc. to perform such duty. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13686, Dec. 29, 2015; Act No. 15321, Dec. 26, 2017>

**Article 33 (Provision of Data on Motor Vehicles or Motor Vehicle Parts)**

- (1) Where any motor vehicle manufacturer, etc. or parts manufacturer, etc. sells motor vehicles or motor vehicle parts, he or she shall provide purchasers with the data on the model and use, etc. of said motor vehicles or motor vehicle parts, as determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

- (2) 動力車輛製造商等或零部件製造商等應記錄與保存依第30條之3第2項進行調查或糾正瑕疵、第31條第1項、第3項以及第4項糾正、整改措施所需之一切詳細資料。〈經2013年3月23日第11690號法案；2011年5月24日第10721號法案修訂〉
- (3) 動力車輛製造商等或零部件製造商等應依國土基礎建設與交通法規之規定向國土交通部長提交以下資料：〈經2017年1月17日第14546號法案；2013年7月16日第11929號法案；2013年3月23日第11690號法案修訂〉
1. 出口動力車輛或動力車輛零部件製造瑕疵糾正、整改情況；
  2. 進口同類型動力車輛或動力車輛零部件於國外製造瑕疵之糾正、整改情況；
  3. 動力車輛製造商等對動力車輛所有人實施無償檢查與維修之詳細情況；
  4. 與依第53條規定辦理登記之動力車輛維修經營單位為交換或無償維修等，就存在瑕疵或者不完整之動力車輛或者零部件交換之技術數據與資訊；

- (2) Any motor vehicle manufacturer, etc. or parts manufacturer, etc. shall record and preserve the data on the details of purchasers, etc. which are required for the investigation conducted under Article 30-3 (2) or the correction of defects prescribed in the main clauses of Article 31 (1) and (3) and in paragraph (4) of the same Article, as determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013>
- (3) Any motor vehicle manufacturer, etc. or parts manufacturer, etc. shall submit the following data to the Minister of Land, Infrastructure and Transport, as determined by Ordinance of the Ministry of Land, Infrastructure and Transport: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 11929, Jul. 16, 2013; Act No. 14546, Jan. 17, 2017>
1. Details of correction of manufacturing defects of motor vehicles or motor vehicle parts exported;
  2. Details of correction of manufacturing defects which has been made abroad, in the same type of motor vehicles or motor vehicle parts imported;
  3. Details of gratuitous inspections and repairs by the manufacturer, which have been implemented for a motor vehicle owner;
  4. Technical information data exchanged with a motor vehicle maintenance business entity who has made a registration pursuant to Article 53 for the purposes of exchange or gratuitous

5. 內部調查或應第三方要求之動力車輛事故技術分析資料。

(4) 性能檢測機構得要求動力車輛製造商等或零部件製造商等提交調查所需資料；被請求之動力車輛製造商等或零部件製造商等應依國土基礎建設與交通法規向性能檢測機構提交相關資料：〈經2020年2月4日第16950號法令新增訂〉

1. 依第30之3第2項之調查；

2. 依第31條第4項之調查；

3. 依第31條第9項規定之調查；

4. 根據第31條之3第1項進行之事故調查。

(5) 動力車輛製造商等銷售不完整之動力車輛者，應向買受人提供該不完整動力車輛是否滿足安全標準等資訊。〈經2020年2月4日第16950號法案；2015年12月29日第13686號法新增訂〉

maintenance, etc. in connection with defective or incomplete motor vehicles or motor vehicle parts;

5. Technical analysis data regarding the motor vehicle fire and accident investigated internally or upon request of a third party.

(4) Any performance testing agent may request a motor vehicle manufacturer, etc. or a parts manufacturer, etc. to submit materials necessary for an investigation; and the motor vehicle manufacturer, etc. or the parts manufacturer, etc. so requested shall submit relevant materials to the performance testing agent, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: <Newly Inserted by Act No. 16950, Feb. 4, 2020>

1. An investigation under Article 30-3 (2);

2. An investigation under Article 31 (4);

3. An investigation under Article 31 (9);

4. An accident investigation under Article 31-3 (1).

(5) Where a motor vehicle manufacturer, etc. sells an incomplete motor vehicle, he or she shall provide another motor vehicle manufacturer, etc. who purchases the incomplete motor vehicle with the information, such as whether the incomplete motor vehicle satisfies its safety standards. <Newly Inserted by Act No. 13686, Dec. 29, 2015; Act No. 16950, Feb. 4, 2020>

### 第33條之2（動力車輛之安全評價）

- (1) 為了提高動力車輛之安全水平，並鼓勵動力車輛製造商等生產安全水平更高之動力車輛，國土交通部長依國土基礎建設與交通法規規定，對動力車輛製造商等銷售動力車輛之安全性進行評價，並公佈評價結果。〈經2013年3月23日第11690號法修訂〉
  
- (2) 國土交通部長得要求性能測試代理人依前項進行評估。於此情形下，國土交通部長應補貼與此類評估相關之設施、設備與測試相關之費用。〈經2013年3月23日第11690號法修訂〉

### 第33條之3（新造動力車室內空氣品質管理）

- (1) 國土交通部長得決定並公佈動力車輛製造商或銷售商等銷售之新造動力車輛之室內空氣品質管理指南以及其他必要事項。〈經2013年3月23日第11690號法案修訂〉
  
- (2) 國土交通部長得依前項公開新造動力車輛之室內空氣品質，並依調查結果，向動力車輛製造商或銷售商等管理動力車輛提供必要之建議。〈經2013年3月23日第11690號法案修訂〉

**Article 33-2 (Evaluation of Safety of Motor Vehicles)**

- (1) The Minister of Land, Infrastructure and Transport shall evaluate the safety of the motor vehicles sold by motor vehicle manufacturers, etc. as determined by Ordinance of the Ministry of Land, Infrastructure and Transport, in order to provide consumers with data on the level of safety of motor vehicles and to encourage manufacturing of motor vehicles with higher level of safety, and publicize the results thereof. <Amended by Act No. 11690, Mar. 23, 2013>
  
- (2) The Minister of Land, Infrastructure and Transport may require a performance testing agent to perform evaluations under paragraph (1). In such cases, the Minister shall subsidize the expenses associated with the facilities, equipment, and tests for such evaluation. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 33-3 (Management of Indoor Air Quality of Newly Manufactured Motor Vehicles)**

- (1) The Minister of Land, Infrastructure and Transport may determine and publicly notify the guidelines for indoor air quality management of newly manufactured motor vehicles, etc. sold by motor vehicle manufacturers or sellers, etc., and other necessary matters. <Amended by Act No. 11690, Mar. 23, 2013>
  
- (2) The Minister of Land, Infrastructure and Transport may investigate and publicly announce the indoor air quality of newly manufactured motor vehicles under paragraph (1) and provide necessary recommendations for the management of the motor vehicles to the motor vehicle manufacturers or sellers, etc. based

- (3) 國土交通部長認為有必要時，得要求動力車輛製造商或銷售商等提交對新造動力車輛之室內空氣品質管理必要之報告或數據資料。〈經2013年3月23日第11690號法修訂〉

#### **第33條之4（動力車輛瑕疵資訊系統之建立與運作）**

國土交通部長為了收集、分析、管理以及提供第33條第3項、第4項之數據，得依國土基礎建設與交通法規建立與運營動力車輛瑕疵資訊系統。

#### **第34條（動力車輛之改裝）**

- (1) 動力車輛所有人擬對國土基礎建設與交通法規所訂明之項目進行改裝，須取得市、郡以及區之首長之核准。
- (2) 依前項獲得核准者應從動力車輛維修經營機構或動力車輛製造商等獲得改裝調整服務。由動力車輛製造商等進行改裝調整服務之範圍等，由國土基礎建設與交通法規訂定之。〈經2015年8月11日通過第13486號法案新增訂〉

upon the findings of the investigation. <Amended by Act No. 11690, Mar. 23, 2013>

- (3) If deemed necessary for the management of the indoor air quality of newly manufactured motor vehicles, the Minister of Land, Infrastructure and Transport may require motor vehicle manufacturers or sellers, etc. to submit necessary reports or data. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 33-4 (Establishment and Operation of Motor Vehicle Defects Information System)**

In order to collect, analyze, manage, and provide data under Article 33 (3) and (4), the Minister of Land, Infrastructure and Transport may establish and operate a motor vehicle defects information system, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

#### **Article 34 (Tuning of Motor Vehicles)**

- (1) Where the owner of a motor vehicle intends to make tuning with respect to the items as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, the owner of the relevant motor vehicle shall obtain approval from the head of a Si/Gun/Gu.
- (2) A person who has obtained approval for tuning pursuant to paragraph (1) shall receive tuning services from a motor vehicle maintenance business entity or from the motor vehicle manufacturer, etc. as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. In such cases, the scope of tuning services to be conducted by the motor vehicle manufacturer,

- (3) 第1項須予核准項目之標準及程序相關事宜，須由國土基礎建設與交通法規訂定之。〈經2015年8月11日第13486號法案修訂〉

### 第34條之2（確保經改裝後之動力車輛安全性）

- (1) 國土交通部長為了確保經改裝調整後動力車輛之安全性，得強制以下各款進行執行：〈經2020年4月7日第17235號法案修訂〉

1. 為確保改裝後動力車輛之安全而進行之設備調查、研發；
  - 1-2. 開發具有動力車輛改裝專業技術或技能之人力資源（以下簡稱「動力車輛改裝專業人才」），開發與分配動力車輛改裝相關培訓項目；
2. 引入動力車改裝零部件認證系統；
3. 其他國土交通部長認為必要之事項。

etc. shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Newly Inserted by Act No. 13486, Aug. 11, 2015>

- (3) Matters regarding the standards and procedures for approval of the items subject to approval under paragraph (1) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. Act No. 13486, Aug. 11, 2015>

### **Article 34-2 (Ensuring Safety of Tuned Motor Vehicles)**

- (1) The Minister of Land, Infrastructure and Transport may enforce each of the following in order to ensure the safety of tuned motor vehicles: <Amended by Act No. 17235, Apr. 7, 2020>

1. Investigations into, and research and development of, equipment in order to ensure safety of the tuned motor vehicles;
- 1-2. Development of human resources with professional techniques or skills for tuning motor vehicles (hereinafter referred to as "professional human resources for tuning motor vehicles") and development and distribution of tuning-related training programs;
2. Introduction of a system for authentication of motor vehicle parts for tuning;
3. Other matters deemed necessary by the Minister of Land, Infrastructure and Transport.

(2) 前項規定之必要事項，由國土基礎建設與交通法規訂定之。

### 第35條（禁止未經許可拆卸或操控動力車輛）

國土基礎建設與交通法規所規定之動力車輛裝置，未經許可不得拆卸或操縱（該裝置僅限於操縱限制動力車輛最高速度之裝置），但下列各款者除外：<經2017年12月26日第15321號法案；2014年1月7日第12217號法案；2013年3月23日第11690號法案修訂>

1. 對動力車輛進行檢查、維修或者改裝調整者；
2. 擬進行動力車輛報廢者；
3. 用於教育與研究目的，或屬於國土基礎建設與交通法規別有規定者。

### 第35條之2（低速電動車安全標準）

對於不超過國土基礎建設與交通法規規定之最高車速以及總重量之動力車輛（以下簡稱「低速電動車」，而低速電動車係指以電能為動力來源之電動車），國土交通部長得訂立不同於第29條第1項之動力車輛安全標準。<經2013年3月23日第11690號法案修訂>

(2) Matters necessary for adopting the authentication system under paragraph (1) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

**Article 35 (Prohibition on Unauthorized Dismantlement or Manipulation of Motor Vehicles)**

No person shall dismantle or manipulate (limited to where a device restricting the maximum speed of a motor vehicle is manipulated) any of the devices specified by Ordinance of the Ministry of Land, Infrastructure and Transport from a motor vehicle, except in the following cases: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12217, Jan. 7, 2014; Act No. 15321, Dec. 26, 2017>

1. Where he or she intends to conduct the inspection or maintenance of the motor vehicle or to make tuning;
2. Where he or she intends to conduct automobile scrapping;
3. Where it is to be used for educational and research purposes, or falls within the grounds prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

**Article 35-2 (Safety Standards for Low Speed Electric Motor Vehicles)**

The Minister of Land, Infrastructure and Transport may determine safety standards for motor vehicles different from those prescribed in Article 29 (1) for a motor vehicle which does not exceed the maximum speed and gross weight determined by Ordinance of the Ministry of Land, Infrastructure and Transport (hereinafter referred to as "low speed electric motor vehicle"), from among the electric motor vehicles

### 第35條之3（低速電動車之指定駕駛區域）

- (1) 市、郡以及區之首長得自行決定或應駕駛低速電動車者之要求，指定低速電動車之駕駛區域（以下簡稱「駕駛區域」），或得考量交通安全以及流量，在與相關警察單位協商後，從最高時速為60公里之道路中修改或撤銷此類指定；惟考慮到低速電動車之行進方向，如在某一地區之某一路段，認為低速電動車不可能在不經過最高時速超過60公里之道路之情況下，則市、郡以及區之首長得於該等道路中指定允許之最大時速為80公里。<經2015年8月11日第13486號法案修改>
  
- (2) 除經市、郡以及區之首長特別許可外，低速電動汽車不得在指定駕駛區域以外之道路上行駛。低速電動車之檢查、測試等由國土基礎建設與交通法規訂定之。<經2013年3月23日第11690號法案修訂>

which use electric energy as their power source. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 35-3 (Designation of Areas for Operation of Low Speed Electric Motor Vehicles)**

- (1) At his or her discretion or at the request of a person who intends to operate a low speed electric motor vehicle, the head of a Si/Gun/Gu may designate an area for operation of a low speed electric motor vehicle (hereinafter referred to as "operation area"), or may modify or revoke such designation from among the roads where permissible maximum speed is 60 kilometers per hour after consultation with the relevant chief of police in light of traffic safety and flow: Provided, That, considering the progressive direction of the low speed electric motor vehicle, where passage of the low speed electric motor vehicle is deemed impossible in certain section of an area without driving through a road where permissible maximum speed is more than 60 kilometers per hour, the head of a Si/Gun/Gu may designate, among those roads where permissible maximum speed is 80 kilometers per hour, the shortest road necessary for passing the aforementioned section as the operation area thereof. <Amended by Act No. 13486, Aug. 11, 2015>
  
- (2) A low speed electric motor vehicle shall not be operated on a road other than an operation area: Provided, That where the inspection, testing, etc. of a low speed electric motor vehicle is prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, such motor vehicle may be operated with permission from the head of a Si/Gun/Gu. <Amended by Act No. 11690, Mar. 23, 2013>

- (3) 低速電動車之駕駛區域指定及駕駛申請所需事項，由國土基礎建設與交通法規訂定之。〈經2013年3月23日第11690號法案修訂〉

#### 第35條之4（駕駛區域之公示）

- (1) 市、郡以及區之首長指定駕駛區域或變更、撤銷該指定（以下簡稱指定機關）應將下列各款事項公示，向各部門提供具體情況，並應事先提將與公眾閱覽之。第1款規定僅限於撤銷駕駛區域方有適用：〈經2013年3月23日第11690號法案修訂〉

1. 駕駛區域之位置及其所在路段；
2. 交通安全事項，如設置安全標誌；
3. 國土基礎建設與交通法規規定之其他事項。

- (2) 指定機關公開通知駕駛區域時，應將其內容通知國土交通部長。〈經2013年3月23日第11690號法案修訂〉

- (3) 指定機關得為動力車輛駕駛者設置以下設施，以便於識別駕駛區域：〈經2013年3月23日第11690號法案修訂〉

- (3) Matters necessary for the designation of an operation area and application for operation of a low speed electric motor vehicle shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 35-4 (Public Notice of Operation Areas)**

- (1) The head of a Si/Gun/Gu who designates an operation area, or modifies or revokes such designation (hereinafter referred to as "designating authority") shall publicly notify the following matters, and the details thereof shall be made available for the public's perusal in advance. The application of subparagraph 1 shall be limited to revocation of an operation area: <Amended by Act No. 11690, Mar. 23, 2013>

1. Location of an operation area and section of the road thereof;
2. Matters regarding traffic safety, such as installation of a safety sign;
3. Other matters prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

- (2) Where the designating authority publicly notifies an operation area, it shall notify the Minister of Land, Infrastructure and Transport of the details thereof. <Amended by Act No. 11690, Mar. 23, 2013>

- (3) The designating authority may install the following facilities for a motor vehicle operator to easily recognize an operation area: <Amended by Act No. 11690, Mar. 23, 2013>

1. 顯示駕駛區或禁止駕駛區域之道路標誌；
  2. 國土基礎建設與交通法規規定之其他安全駕駛設施。
- (4) 指定機關撤銷指定駕駛區，應於撤銷指定之日起90日前予以公告。
- (5) 公示或公開駕駛區域供公眾查閱之程序，由國土基礎建設與交通法規訂定之。<經2013年3月23日第11690號法案修訂>

#### **第35條之5（耐壓容器之安全標準）**

- (1) 耐壓容器應滿足動力車輛安全運行所必需之性能要求與標準（以下簡稱耐壓容器安全標準）。
- (2) 耐壓容器之安全標準由國土基礎建設與交通法規訂定之。<經2013年3月23日第11690號法案修訂>

#### **第35條之6（耐壓容器之檢驗）**

- (1) 耐壓容器之製造商、維修商或進口商（以下稱「耐壓容器之製造商等」）於耐壓容器銷售與使用前應接受國土交通部長之檢驗（以下稱為「耐壓容器檢驗」）。惟總統令另有特別

1. A road sign showing an operation area or an area prohibited from operation;
  2. Other facilities prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport for safe operation.
- (4) Where the designating authority intends to revoke designation of an operation area, public notice thereof shall be provided 90 days before the date of revocation of such designation.
- (5) Procedures for publicly notifying or disclosing an operation area for the public's perusal shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 35-5 (Safety Standards for Pressure-Resistant Containers)**

- (1) A pressure-resistant container shall satisfy the performance requirement and standards necessary for the safe operation of motor vehicles (hereinafter referred to as "safety standards for pressure-resistant containers").
- (2) The safety standards for pressure-resistant containers shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 35-6 (Inspections of Pressure-Resistant Containers)**

- (1) A person who manufactures, repairs, or imports pressure-resistant containers (hereinafter referred to as "manufacturer, etc. of pressure-resistant containers") shall undergo a test conducted by

規定者，耐壓容器檢驗得部分或全部省略。〈經2013年3月23日第11690號法案修訂〉

- (2) 國土交通部長依國土基礎建設與交通法規規定，銷毀耐壓容器試驗不合格之耐壓容器。〈經2013年3月23日第11690號法案修訂〉
- (3) 國土交通部長應依國土基礎建設與交通法規規定，在耐壓容器測試合格之耐壓容器上註記或標記必要事項。〈經2013年3月23日第11690號法案修訂〉
- (4) 機動力車輛製造商等依第30條第1項規定進行動力車輛自我認證時，應使用耐壓通過耐壓容器檢驗之容器。
- (5) 任何人不得以轉讓、出租、使用或者銷售為目的，展示依第1項主文進行耐壓容器檢驗之耐壓容器。

the Minister of Land, Infrastructure and Transport (hereinafter referred to as "test for pressure-resistant containers") before sale and use of the pressure-resistant containers: Provided, That the test for pressure-resistant containers may be, either partially or fully, omitted as to the pressure-resistant containers determined by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

- (2) The Minister of Land, Infrastructure and Transport shall destroy the pressure-resistant containers that have failed the test for pressure-resistant containers, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) The Minister of Land, Infrastructure and Transport shall carve or mark necessary matters on the pressure-resistant containers that have passed the test for pressure-resistant containers, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (4) Where a motor vehicle manufacturer, etc. intends to perform self-authentication of motor vehicles pursuant to Article 30 (1), he or she shall use pressure-resistant containers that have passed the test for pressure-resistant containers.
- (5) No person shall display the pressure-resistant containers subject to the test for pressure-resistant containers pursuant to the main clause of paragraph (1), which have failed the test, for the purpose of transferring, renting, using, or selling them.

(6) 依第1項製造、修理或進口但完全省略耐壓容器檢驗者應通知國土交通部長。〈經2013年3月23日第11690號法案修訂〉

(7) 耐壓容器檢驗種類及其他必要事項由國土基礎建設與交通法規訂定之。〈經2013年3月23日第11690號法案修訂〉

### 第35條之7（耐壓容器之安裝檢驗）

(1) 動力車輛製造商等擬安裝經第35之6第1項規定耐壓容器檢驗合格之耐壓容器者，應於進行動力車輛自我認證前，由性能檢測機構對耐壓容器及其連接所需之氣體設施進行安裝安全試驗（以下簡稱「耐壓容器安裝檢驗」）；以液化石油氣為燃料之動力車輛，耐壓容器安裝於通過耐壓容器檢驗之動力車輛後，耐壓容器安裝檢驗得由動力車輛自我認證替代。

(2) 性能檢測代理人進行耐壓容器安裝試驗後，認為符合耐壓容

- (6) Any person who has manufactured, repaired, or imported the pressure-resistant containers for which the test for pressure-resistant containers is fully omitted pursuant to the proviso of paragraph (1) shall inform the Minister of Land, Infrastructure and Transport thereof, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (7) Types of the test for pressure-resistant containers and other necessary matters shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 35-7 (Installation Tests for Pressure-Resistant Containers)**

- (1) A motor vehicle manufacturer, etc. who intends to install a pressure-resistant container which has passed the test for pressure-resistant container under Article 35-6 (1) shall, before performing the self-authentication of motor vehicles, undergo the test for installation safety conducted by the performance testing agent (hereinafter referred to as "installation test for pressure-resistant container") as to the pressure-resistant containers and the gas facilities necessary for the connection thereof: Provided, That in the case of motor vehicles fueled by liquefied petroleum gas, the installation test for pressure-resistant container may be substituted by self-authentication of motor vehicle after the pressure-resistant container is installed in the motor vehicle which has passed the test for pressure-resistant container.
- (2) After the performance testing agent conducts the installation test

器安裝檢驗標準者，出具耐壓容器安裝檢驗合格證明書。〈經2013年3月23日第11690號法案修訂〉

- (3) 耐壓容器安裝檢驗之標準、方法、程序及其他必要事項，由國土基礎建設與交通法規訂定之。〈經2013年3月23日第11690號法案修訂〉

### 第35條之8（耐壓容器之再檢驗）

- (1) 安裝耐壓容器之動力車輛所有人須依第34條、第43條第3項或第35條之7第1項主文完成耐壓容器安裝檢驗後，應接受國土交通部長之耐壓容器安裝檢驗，或於第35條之7第項但書進行動力車輛自我認證後接受國土交通部長依第44條第1項規定指定之動力車輛檢測代理人（以下簡稱「動力車輛檢測代理人」）指導下依以下分類（以下簡稱「耐壓容器再檢驗檢」）進行耐壓容器安裝檢驗；但以液化石油氣為燃料之動力車輛動力車輛，耐壓容器之再檢驗得由第43條第1項第2款之定期檢驗或第43條之2第1項之全面檢驗代替；〈經2014年1月7日第12217號法案；2013年3月23日第11690號法案修訂〉

for pressure-resistant container and finds that the criteria for the installation test for pressure-resistant container are met, he or she shall issue an inspection certificate of the installation of pressure-resistant container, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

- (3) The standards, methods, procedures and other matters necessary for the installation test for pressure-resistant container shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 35-8 (Re-Examination of Pressure-Resistant Containers)**

- (1) An owner of a motor vehicle in which a pressure-resistant container is installed shall undergo the installation test for pressure-resistant container conducted by the Minister of Land, Infrastructure and Transport after completing the tuning for the installation of a pressure-resistant container pursuant to Articles 34 and 43 (1) 3 or pursuant to the main clause of Article 35-7 (1), or shall undergo the test for the pressure-resistant container conducted by the Minister of Land, Infrastructure and Transport according to the following classification (hereinafter referred to as "re-examination of pressure-resistant container") under the direction of a person who tests a motor vehicle as proxy pursuant to Article 44 (1) (hereinafter referred to as "motor vehicle testing agent") after performing the self-authentication of motor vehicle pursuant to the proviso of Article 35-7 (1): Provided, That in the case of motor vehicles fueled by liquefied petroleum gas, the re-examination of pressure-resistant container may be substituted by the regular inspection

1. 定期檢驗耐壓容器：每經過國土基礎建設與交通法規確定之期限時定期進行檢驗；

2. 視需要檢驗耐壓容器：耐壓容器出現損壞、檢驗後註記或標記發生損壞、所填充之高壓氣體種類發生改變或國土基礎建設與交通法規所規定之其他原因時應進行檢驗。

(2) 動力車輛檢驗機構應依國土基礎建設與交通法規銷毀再檢驗不合格之耐壓容器。〈經2013年3月23日第11690號法案修訂〉

(3) 動力車輛檢驗機構應於合規之的耐壓容器複檢的耐壓容器上註記或標記必要事項。〈經2013年3月23日第11690號法案修訂〉

(4) 動力車輛耐壓容器再檢驗不合格者，該動力車輛不得為轉

under Article 43 (1) 2 or the comprehensive inspection under Article 43-2 (1): <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12217, Jan. 7, 2014>

1. Regular inspection of pressure-resistant container: A test regularly conducted every time the period determined by Ordinance of the Ministry of Land, Infrastructure and Transport elapses;
  2. On-demand inspection of pressure-resistant container: A test conducted in such cases as occurrence of damage, occurrence of damage to the carving or mark made after the test for pressure-resistant containers, a change to the types of high-pressure gas to be charged, or occurrence of other causes as determined by Ordinance of the Ministry of Land, Infrastructure and Transport.
- (2) A motor vehicle testing agent shall destroy the pressure-resistant containers which have failed the re-examination of pressure-resistant container, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) A motor vehicle testing agent shall carve or mark necessary matters on the pressure-resistant containers which have passed the re-examination of pressure-resistant container as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (4) No person shall display the motor vehicles subject to the re-

讓、出租、使用以及出售。

(5) 國土交通部長得依總統令之規定，補貼動力車輛檢驗機構再次檢驗耐壓容器所需之設備、購買設備等所需要知費用。〈經2013年3月23日第11690號法案修訂〉

(6) 耐壓容器之再檢驗標準、期限、程序及其他必要事項，由國土基礎建設與交通法規訂定之。〈經2013年3月23日第11690號法案修訂〉

### 第35條之9（停止耐壓容器之製造與銷售）

(1) 耐壓容器之製造商等有下列情形之一者，國土交通部長得令其暫時停止製造、進口或銷售相關耐壓容器。惟屬於第1款者，應暫時停止耐壓容器的製造、進口或銷售：〈經2013年3月23日第11690號法案修改〉

1. 以詐欺或者其他不正當手段進行耐壓容器檢驗者；

examination of pressure-resistant container under paragraph (1) which have failed the re-examination of pressure-resistant container, for the purpose of transferring, renting, using, or selling the motor vehicles.

- (5) The Minister of Land, Infrastructure and Transport may subsidize expenses incurred in the installation of facilities necessary for the re-examination of pressure-resistant containers, purchase of equipment, etc. by a motor vehicle testing agent, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>
- (6) The standards, period, procedures, and other matters necessary for the re-examination of pressure-resistant containers shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 35-9 (Suspension of Manufacture or Sale of Pressure-Resistant Containers)**

- (1) Where a manufacturer, etc. of pressure-resistant containers falls under any of the following cases, the Minister of Land, Infrastructure and Transport may order suspension of the manufacture, import, or sale of the relevant pressure-resistant containers: Provided, That in cases falling under subparagraph 1, the manufacture, import, or sale of the pressure-resistant containers shall be suspended: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where he or she has undergone the test for pressure-resistant container by fraud or other wrongful means;

2. 違反第35條之10第2項、第3項之命令者。

(2) 為確定耐壓容器之製造商等是否屬於前項任何一款者，國土交通部得要求性能測試代理人進行調查。於此情形下，國土交通部長應補貼調查所發生之費用。〈經2013年3月23日第11690號法案修訂〉

### 第35條之10（防止耐壓容器安全性風險之措施）

(1) 國土交通部長認為有必要進行耐壓容器之安全管理時，得要求性能檢驗機構收集耐壓容器並進行檢驗。於此情形下，國土交通部長應補貼與性能檢驗代理之相關費用。〈經2013年3月23日第11690號法案修訂〉

(2) 國土交通部長依前項之檢查結果，認為總統令規之的耐壓容器存在漏氣等重大瑕疵時，得令耐壓容器製造商等召回、更換或者退還已支付之價款，並公佈上開事實（以下簡稱「召回等」）。〈經2013年3月23日第11690號法案修訂〉

2. Where he or she has failed to comply with the order under Article 35-10 (2) and (3).

(2) In order to ascertain as to whether a manufacturer, etc. of pressure resistant containers falls under any subparagraph of paragraph (1), the Minister of Land, Infrastructure and Transport may require a performance testing agent to conduct an investigation. In such cases, the Minister of Land, Infrastructure and Transport shall subsidize the expenses incurred in such investigation. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 35-10 (Measures to Prevent Pressure-Resistant Containers from Safety Risks)**

(1) If deemed necessary for the safety management of pressure-resistant containers, the Minister of Land, Infrastructure and Transport may require a performance testing agent to collect the pressure-resistant containers and inspect them. In such cases, the Minister of Land, Infrastructure and Transport shall subsidize the expenses associated with the inspection by the performance testing agent. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where the Minister of Land, Infrastructure and Transport deems that the findings of an inspection under paragraph (1) reveal any significant defect in the pressure-resistant containers, such as gas-leakage, as determined by Presidential Decree, he or she may order the manufacturer, etc. of the pressure-resistant containers to recall or exchange them or to refund the prices paid therefor, or publish such fact (hereinafter referred to as "recall, etc."). <Amended by Act No. 11690, Mar. 23, 2013>

- (3) 惟若發現耐壓容器存在爆炸等總統令規定之可能危及公共安全之重大與明顯瑕疵，並迫切需要為緊急召回時，國土交通部長得不進行第1項規定之檢查，而逕令耐壓容器之製造商等進行召回等。〈經2013年3月23日第11690號法案修訂〉
- (4) 國土交通部長依第2項或第3項認為耐壓容器已發生或可能發生安全性風險時，得下令暫停或限制使用裝有相關耐壓容器之動力車輛，或得令廢棄耐壓容器內之高壓氣體。〈經2013年3月23日第11690號法案修訂〉
- (5) 依前項發布命令以維護公共安全，而動力車輛所有人或權利人無顯著過失時，國土交通部長應提供公平之補償損失：但自然災害、戰爭或其他不可抗力事件，無適用之。〈經2013年3月23日第11690號法案修訂〉
- (6) 耐壓容器之收集方法、召回程序與方法、動力車輛暫停、限制使用之程序等以及第1項至第4項規定之相關事項由國土基礎建設與交通法規訂定之。〈經2013年3月23日第11690號法案

- (3) Notwithstanding paragraph (2), where it is discovered that pressure-resistant containers have any significant and obvious defect likely to risk public safety as determined by Presidential Decree, such as an explosion accident, and there is an urgent need for such measures as urgent recall, the Minister of Land, Infrastructure and Transport may order the manufacturer, etc. of the pressure-resistant containers to make recall, etc. without conducting an inspection under paragraph (1). <Amended by Act No. 11690, Mar. 23, 2013>
- (4) Where the Minister of Land, Infrastructure and Transport deems that the safety risk has occurred or is likely to occur from pressure-resistant containers under paragraph (2) or (3), he or she may order suspension of or restriction on the use of motor vehicles equipped with the relevant pressure-resistant containers, or may order the disuse of the high pressure gas left inside the pressure-resistant containers. <Amended by Act No. 11690, Mar. 23, 2013>
- (5) Where an order is issued under paragraph (4) to maintain public safety with no clear fault on the part of a person who holds ownership of or rights to a motor vehicle, the Minister of Land, Infrastructure and Transport shall provide fair compensation for the loss, as prescribed by Presidential Decree: Provided, That this shall not apply to natural disasters, war or other force majeure events. <Amended by Act No. 11690, Mar. 23, 2013>
- (6) The method for collecting pressure-resistant containers, the procedures and methods for recall, etc., the procedures for suspension of or restriction on the use of motor vehicles, and other

修訂>

### 第35條之11（耐壓容器數據資料之提供）

- (1) 耐壓容器之製造商等於銷售耐壓容器時，應向買受人提供依國土基礎建設與交通法規規定之耐壓容器種類、用途等資料。<經2013年3月23日第11690號法案修訂>
  
- (2) 耐壓容器之製造商等應記錄並保存依第35條2項進行之檢查或依第35條9、第35條之10第2項至第4項規定之命令所需之關於買受人等詳細資料。<經2013年3月23日第11690號法案修訂>
  
- (3) 耐壓容器之製造商等應依國土基礎建設與交通法規規定，向國土交通部長提交出口耐壓容器製造瑕疵之修正資料，以及製造商等之無償檢查與維修之細節等已通知買受人並相應執行。<經2013年3月23日第11690號法案修訂>

### 第35條之12（與其他法規之關係）

本法未規定之耐壓容器註冊、安全管理、檢驗、再檢驗以及保險

matters pursuant to paragraphs (1) through (4) shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 35-11 (Provision of Data on Pressure-Resistant Containers)**

- (1) A manufacturer, etc. of pressure-resistant containers shall provide the purchaser with the data on the type, usage, etc. of pressure-resistant containers, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport when selling pressure-resistant containers. <Amended by Act No. 11690, Mar. 23, 2013>
  
- (2) A manufacturer, etc. of pressure-resistant containers shall record and keep the data on the details of the purchaser, etc. which are required for the inspection conducted under Article 35-9 (2) or for the order issued under Article 35-10 (2) through (4), as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
  
- (3) A manufacturer, etc. of pressure-resistant containers shall submit to the Minister of Land, Infrastructure and Transport the data on the correction of manufacturing defects of pressure-resistant containers exported, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, and on the gratuitous inspection by the manufacturer, etc. and the details, etc. of repairs, which have been notified to the owners and performed accordingly. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 35-12 (Relationship to Other Statutes)**

With respect to the matters regarding registration, safety management,

等事項，依照《高壓氣體安全管理法》、《液化石油氣安全管理與經營法》、《城市燃氣經營法》適用：但以下規定排除其適用：<經2015年1月28日第13089號法修改>

1. 《高壓氣體安全管理法》第17條、第18條、第20條、第24條、第40條、第42條、第43條；
2. 《液化石油氣安全管理與經營法》第44條、第73條；
3. 《城市燃氣經營法》第15條、第50條。

### 第36條（動力車輛之保養與維修）

動力車輛使用者如欲維修、保養動力車輛，應於國土基礎建設與交通法規規定之範圍內進行。<經2013年3月23日第11690號法案修訂>

### 第37條（檢查與維修之命令）

- (1) 市、郡以及區之首長得向下列任何一款者發出檢查、保養、維修或恢復原狀之命令：但如屬於第2款者，由市、郡以及區之首長發出第43條第1項第4款之恢復原狀及臨時檢查命令；如屬於第3款者，市、郡以及區之首長應令進行第43條第1項第2款規定之定期檢查或第43條之2規定之全面檢查；如屬於第4款者，市、郡以及區之首長應令進行第43條第1項第4款之臨時檢查：<經2017年1月17日第14546號法案；2014年1月7日

inspection, re-examination, purchase of insurance, etc. of pressure-resistant containers which are not provided for in this Act, the provisions of the High-Pressure Gas Safety Control Act, the Safety Control and Business of Liquefied Petroleum Gas Act, and the Urban Gas Business Act shall apply: Provided, That the following provisions shall not apply: <Amended by Act No. 13089, Jan. 28, 2015>

1. Articles 17, 18, 20, 24, 40, 42 and 43 of the High-Pressure Gas Safety Control Act;
2. Articles 44 and 73 of the Safety Control and Business of Liquefied Petroleum Gas Act;
3. Articles 15 and 50 of the Urban Gas Business Act.

### **Article 36 (Maintenance of Motor Vehicles)**

A user of a motor vehicle who intends to have the motor vehicle repaired shall do so within the scope allowed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

### **Article 37 (Orders for Inspection and Maintenance)**

- (1) The head of a Si/Gun/Gu may issue an order for checkup, maintenance, inspection or restoration to the original state, to an owner of any of the following motor vehicles, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That the head of a Si/Gun/Gu shall issue an order for restoration to the original state and the provisional inspection as prescribed in Article 43 (1) 4 where the owner falls under

第12217號法案；2013年3月23日第11690號法案修訂>

1. 被認定不符合動力車輛安全標準或安全操作有困難之動力車輛；
  2. 第34條規定之未經核准進行改裝之動力車輛；
  3. 未經第43條第1項第2款規定之定期檢驗或第43條第2項規定之綜合檢驗之動力車輛；
  4. 涉及《客運服務法》第19條第2項或《卡車運輸商業法》第19第1項第11款與第32條第1項第1款規定涉及嚴重交通事故之營業用動力車輛。
- (2) 市、郡以及區之首長下令進行前項之檢查、維修、檢驗或恢復原狀者，應依國土基礎建設與交通法規確定一定期限，且得同時下令暫停相關動力車輛之駕駛。<經2017年1月17日第14546號法案；2013年3月23日第11690號法案修訂>

subparagraph 2; the head of a Si/Gun/Gu shall order the regular inspection as prescribed in Article 43 (1) 2 or the comprehensive inspection as prescribed in Article 43-2 where the owner falls under subparagraph 3; the head of a Si/Gun/Gu shall order the provisional inspection as prescribed in Article 43 (1) 4 where the owner falls under subparagraph 4: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12217, Jan. 7, 2014; Act No. 14546, Jan. 17, 2017>

1. A motor vehicle deemed to have failed to satisfy the safety standards for motor vehicles or to have difficulty in safe operation;
  2. A motor vehicle which has been tuned without approval prescribed in Article 34;
  3. A motor vehicle which has not undergone a regular inspection conducted under Article 43 (1) 2 or a comprehensive motor vehicle inspection conducted under Article 43-2;
  4. A motor vehicle for business involved in any of the serious traffic accidents prescribed in Article 19 (2) of the Passenger Transport Service Act or Articles 19 (1) 11 and 32 (1) 12 of the Trucking Transport Business Act.
- (2) Where the head of a Si/Gun/Gu intends to give an order for inspection, maintenance, test, or restoration to the original state as prescribed in paragraph (1), he or she shall fix a period therefor, as prescribed by Ordinance of the Ministry of Land, Infrastructure

- (3) 若第1項第3款者不遵守依第1項進行之檢查命令，市、郡以及區之首長得沒收相關車輛之登記牌照，並保管該動力車輛。於此情形下，市、郡以及區之首長應將此類扣押通知市長或道知事與動力車輛所有人。
- (4) 前項規定之登記牌照扣押方法、程序以及其他必要事項，由國土基礎建設與交通法規訂定之。〈經2013年3月23日第11690號法案修訂〉

### 第38條與第39條

刪除。〈經1999年4月15日第5968號法案刪除〉

### 第40條（機器與設備之精密測試）

- (1) 製造、組裝、進口、銷售用於動力車輛之的檢查、維修、測次之機器、設備者及其使用人（以下簡稱「機器、設備之製造商等」），由國土交通部長進行精密測試。而機器與設備之結構、裝置以及其他任何修改亦適用之。〈經2013年3月23日第11690號法案修訂〉

and Transport. In such cases, he or she may simultaneously order suspension of operation of the relevant motor vehicle. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14546, Jan. 17, 2017>

(3) Where an owner of a motor vehicle falling under paragraph (1) 3 fails to comply with an order for inspection conducted under paragraph (1), the head of a Si/Gun/Gu may seize the registration license plate of the relevant motor vehicle to keep it in his or her custody. In such cases, the head of a Si/Gun/Gu shall notify the Mayor/Do Governor and the owner of the motor vehicle of such seizure.

(4) Methods and procedures for the seizure of registration license plates prescribed in paragraph (3), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

### **Articles 38 and 39**

Deleted. <by Act No. 5968, Apr. 15, 1999>

### **Article 40 (Precision Tests for Machines and Apparatuses)**

(1) A person who manufactures and assembles, or imports and sells machines and apparatuses used for the inspection, maintenance, or testing of a motor vehicle and a person who uses them (hereinafter referred to as "manufacturers, etc. of machines and apparatuses") shall have them undergo a precision test conducted by the Minister of Land, Infrastructure and Transport. The same shall also apply to any modification of the structure and devices of machines and

- (2) 前項規定之精密測試機器與設備之標準、程序以及其他必要事項，由國土基礎建設與交通法規訂定之。〈經2013年3月23日第11690號法案修訂〉

### 第41條與第42條

刪除。〈經1999年4月15日第5968號法案刪除〉

### 第43條（動力車輛之檢驗）

- (1) 動力車輛所有人（如屬於第1款者係指等待新登記）應依國土基礎建設與交通法規，依照以下分類讓國土交通部對其動力車輛進行檢驗：〈經2015年8月11日第13486號法案；2014年1月7日第12217號法案；2013年3月23日第11690號法案修訂〉

1. 新檢驗：為新登記註冊所進行之檢驗；
2. 定期檢驗：新登記註冊後每隔一定時間定期進行檢查；
3. 改裝檢查：按照第34條規定進行改裝動力車輛時進行之檢查；
4. 臨時檢查：本法或依本法發布之命令或動力車輛所有人申請

apparatuses. <Amended by Act No. 11690, Mar. 23, 2013>

- (2) Standards and procedures for testing machines and apparatuses subject to a precision test as prescribed in paragraph (1), and other necessary matters, shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

### **Articles 41 and 42**

Deleted. <by Act No. 5968, Apr. 15, 1999>

### **Article 43 (Inspections of Motor Vehicles)**

- (1) An owner of a motor vehicle (in cases falling under subparagraph 1, referring to an expectant of a new registration) shall have his or her motor vehicle inspected by the Minister of Land, Infrastructure and Transport, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, according to the following classification: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12217, Jan. 7, 2014; Act No. 13486, Aug. 11, 2015>

1. New inspection: Inspection conducted for a new registration;
2. Regular inspection: Inspection regularly conducted at a fixed interval after a new registration;
3. Inspection of tuning: Inspection conducted when a motor vehicle has been tuned under Article 34;
4. Provisional inspection: Inspection conducted when required by

時進行之檢查；

5. 修理檢查：對修理後全損之動力車輛進行檢查。

(2) 國土交通部長依前項對動力車輛進行檢驗（以下簡稱「動力車輛檢驗」）時，應檢查相關動力車輛之結構與裝置是否符合國土基礎建設與交通法規規定之檢驗標準（以下簡稱「動力車輛檢驗標準」），其識別號、發動機型號等是否與登記紀錄相符合，經檢驗後應將檢驗結果通知動力車輛所有人。商用動力車輛與非商用動力車輛應分別制定檢驗標準。〈經2013年3月23日第11690號法案；2012年12月18日第11588號法案；2009年12月29日第9867號法案修訂〉

(3) 動力車輛通過前項檢驗合格者，國土交通部長依照以下分類採取措施：〈經2014年1月7日第12217號法案；2013年3月23日第11690號法修訂〉

this Act or an order issued under this Act or by an application from an owner of a motor vehicle;

5. Repair inspection: Inspection conducted on a motor vehicle subject to total loss after repair.

(2) When the Minister of Land, Infrastructure and Transport performs an inspection of a motor vehicle under paragraph (1) (hereinafter referred to as "motor vehicle inspection"), he or she shall check whether the structure and devices of the relevant motor vehicle meet the inspection standards, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport (hereinafter referred to as "inspection standards for motor vehicles"), and whether the identification number, engine model, etc. are the same as those recorded in a motor vehicle registration certificate, and after the motor vehicle inspection, shall notify the owner of the motor vehicle of the results thereof, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. In such cases, separate inspection standards shall be determined for commercial motor vehicles and non-commercial motor vehicles. <Amended by Act No. 9867, Dec. 29, 2009; Act No. 11588, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>

(3) Where a motor vehicle has passed inspection conducted under paragraph (2), the Minister of Land, Infrastructure and Transport shall take measures according to the following classification: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12217, Jan. 7, 2014>

1. 新檢驗：簽發新檢驗證書；
  2. 定期檢驗、改裝檢查或臨時檢查：在登記簿以及動力車輛登記證上記錄檢查情況。
- (4) 國土交通部長認為動力車輛所有人因自然災害或其他不得已原因或事件而無法依照第1項第2款至第4款規定進行檢查，得延長或遲延動力車輛檢驗。〈經2013年3月23日第11690號法案修訂〉
- (5) 凡具有第30條第4項之動力車輛自我認證標誌之動力車輛重新登記（不包含被撤銷登記後重新登記之動力車輛），須依照第1項第1款規定視為新檢驗。
- (6) 國土交通部長依第1項第2款規定進行定期檢驗（以下簡稱「定期檢驗」），應將檢查現場與結果記錄保存於依第69條設立之電子資訊處理機構，直至國土基礎建設與交通法規規定之期限為止。〈經2013年3月23日第11690號法案修訂〉
- (7) 任何人不得操縱、篡改或者使他人操縱、篡改依動力車輛檢驗標準規定之用於動力車輛檢驗之機器、儀器之數值或者機

1. New inspection: Issuing a new inspection certificate;
  2. Regular inspection, inspection of tuning, or provisional inspection: Recording the fact of inspection on the register and on the motor vehicle registration certificate.
- (4) Where the Minister of Land, Infrastructure and Transport deems that an owner of a motor vehicle is unable to submit his or her motor vehicle for inspections under paragraph (1) 2 through 4 due to a natural disaster or other unavoidable causes or events, he or she may extend the period or postpone the inspection of the motor vehicle. <Amended by Act No. 11690, Mar. 23, 2013>
- (5) Where a motor vehicle with the mark of self-authentication of motor vehicle under Article 30 (4) is newly registered (excluding a motor vehicle which is newly registered after its registration is revoked), it shall be deemed newly inspected under paragraph (1) 1.
- (6) Where the Minister of Land, Infrastructure and Transport has performed a regular inspection pursuant to paragraph (1) 2 (hereinafter referred to as "regular inspection"), he or she shall record and keep the scene and results of the inspection with an electronic information processing organization established under Article 69 until the period prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (7) No person shall manipulate or alter, or have another person manipulate or alter, any value set in a machine or instrument used

器、儀器之測量數據。〈經2017年12月26日第15321號法案新增訂〉

### 第43條之2（動力車輛之綜合檢驗）

(1) 已依《空氣清淨保護法》第63條第1項於駕駛動力車輛之廢氣精密檢測(以下簡稱「精密檢測」)註冊之動力車輛動力車輛所有人，以及依《改善空氣控制區空氣質量特別法》第26條第1項註冊之部分柴油動力車輛所有人，須接受動力車輛綜合檢驗（以下簡稱「綜合檢驗」），該檢測與定期檢驗相結合，《空氣清淨保護法》第63條第1項對排放廢氣進行精確檢查，或根據《改善空氣控制區空氣質量特別法》第26條第2項對特定柴油動力車輛進行之廢氣檢查（以下簡稱「特定柴油車檢驗」），由國土交通部長與環境部長就以下事項聯合進行。而動力車輛經綜合檢驗者視為完成定期檢驗、精密檢驗以及特定柴油車檢驗：〈經2019年4月2日第16305號法案；2013年3月23日第11690號法案修訂〉

1. 進行感官檢驗（通過人體感官確認動力車輛狀態之檢查）與功能檢驗，以確認動力車輛識別以及廢氣相關裝置之運行狀況等）；

for inspections of motor vehicles according to the inspection standards for motor vehicles or any value measured by a machine or instrument. <Newly Inserted by Act No. 15321, Dec. 26, 2017>

**Article 43-2 (Comprehensive Motor Vehicle Inspections)**

(1) A motor vehicle owner who has registered in the area of exhaust gas precision inspection (hereinafter referred to as "precise inspection") of operating motor vehicles under Article 63 (1) of the Clean Air Conservation Act and certain diesel motor vehicle owners under Article 26 (1) of the Special Act on the Improvement of Air Quality in Air Control Zones shall undergo a comprehensive motor vehicle inspection (hereinafter referred to as "comprehensive inspection") which combines a regular inspection, a precise inspection of exhaust gas conducted under Article 63 (1) of the Clean Air Conservation Act, or an exhaust gas inspection of specific diesel motor vehicle (hereinafter referred to as "specific diesel automobile inspection") under Article 26 (2) of the Special Act on the Improvement of Air Quality in Air Control Zones, which is jointly conducted on the following matters by the Minister of Land, Infrastructure and Transport and the Minister of Environment. Where a motor vehicle has undergone a comprehensive inspection, it shall be deemed to have completed a regular inspection, precise inspection, and specific diesel motor vehicle inspection: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 16305, Apr. 2, 2019>

1. Common fields of conducting sensory inspection (inspection for confirming the status of motor vehicles by human sensory organs) and functional inspection to confirm the identity of a

2. 動力車輛安全檢驗；

3. 動力車輛廢氣精密檢驗。

(2) 進行綜合檢驗之程序、標的、有效期限、延期等事項須由國土交通部與環境部聯合條例（以下簡稱「聯合條例」）訂定之。〈經2013年3月23日第11690號法案修訂〉

(3) 本法第43條第2項、第3項、第4項、第6項、第7項以及第76條主文、第12款之規定於綜合檢驗準用之。〈經2017年12月26日第15321號法案修訂〉

#### 第44條（動力車輛檢驗代理人之指定）

(1) 國土交通部長得指定交通安全局為動力車輛檢查代理人，代表其進行動力車輛檢查並通報檢查結果。〈經2017年10月24日第14939號法案；2013年3月23日第11690號法案；2009年12月29日第9867號法案修訂〉

(2) 設施、設備等之標準、動力車輛檢查代理人之指定程序及其他必要事項，由國土基礎建設與交通法規訂定之。〈經2013年

motor vehicle and operating condition of the devices related to exhaust gas, etc.;

2. Motor vehicle safety inspection;

3. Motor vehicle exhaust gas precise inspection.

(2) Matters regarding the procedures, target, the term of validity, postponement, etc. for comprehensive inspections shall be determined by Joint Ordinance of the Ministry of Land, Infrastructure and Transport and the Ministry of Environment (hereinafter referred to as "Joint Ordinance"). <Amended by Act No. 11690, Mar. 23, 2013>

(3) Article 43 (2), (3), (4), (6), and (7); the proviso, with the exception of the subparagraphs, of Article 76; and subparagraph 12 of Article 76 shall apply mutatis mutandis to comprehensive inspection. <Amended by Act No. 15321, Dec. 26, 2017>

#### **Article 44 (Designation of Motor Vehicle Inspection Agents)**

(1) The Minister of Land, Infrastructure and Transport may designate the Korea Transportation Safety Authority as a motor vehicle inspection agent to conduct motor vehicle inspections and notification of the results thereof on his or her behalf. <Amended by Act No. 9867, Dec. 29, 2009; Act No. 11690, Mar. 23, 2013; Act No. 14939, Oct. 24, 2017>

(2) Standards for facilities, equipment, etc. and the procedures for designation of a motor vehicle inspection agent, and other

3月23日第11690號法案；2011年5月24日第10721號法案修訂>

#### 第44條之2（動力車輛綜合檢驗機構之指定）

- (1) 國土交通部長得指定交通安全局為綜合檢驗代理人（以下簡稱「綜合檢驗代理人」），代表其進行一般檢查並通報檢查結果。<經2017年10月24日第14939號法案；2013年3月23日第11690號法案；2009年12月29日第9867號法案修訂>
  
- (2) 設施、設備、人力資源標準、綜合檢驗代理人之資格以及業務範圍等事項由聯合條例訂定之。

#### 第45條（維修業務單位之指定）

- (1) 國土交通部長為了有效進行定期檢驗而認為有必要時，得指定動力車輛維修單位中具備合規定之設備、技能熟練之技術人員者為指定維修單位，並要求其提供定期檢驗服務並通報檢驗結果；但依《空氣清淨保護法》第63條第1項任何一款進行精密檢測者，部長得允許依第45條之2件鉸綜合檢驗之指定維修業單位進行定期檢驗而不指定維修業務單位進行定期檢驗。<經2013年3月23日第11690號法案；2009年12月29日第9867號法案修訂>

necessary matters, shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013>

**Article 44-2 (Designation of Motor Vehicle Comprehensive Inspection Agents)**

- (1) The Minister of Land, Infrastructure and Transport may designate the Korea Transportation Safety Authority as a comprehensive inspection agent (hereinafter referred to as "comprehensive inspection agent") to conduct general inspection on his or her behalf (including notification of the results thereof). <Amended by Act No. 9867, Dec. 29, 2009; Act No. 11690, Mar. 23, 2013; Act No. 14939, Oct. 24, 2017>
  
- (2) Matters regarding the standards for facilities, equipment and human resources, and the business scope of a comprehensive inspection agent shall be determined by Joint Ordinance.

**Article 45 (Designation of Designated Maintenance Business Entities)**

- (1) If deemed necessary for efficiently conducting regular inspections, the Minister of Land, Infrastructure and Transport may designate those who have secured the prescribed facilities and skilled technicians among motor vehicle maintenance business entities as designated maintenance business entities and require them to provide regular inspection services (including notification of the results thereof): Provided, That in areas subject to a precise inspection under any subparagraph of Article 63 (1) of the Clean Air Conservation Act, the Minister may allow a designated maintenance business entity for comprehensive inspection under

(2) 欲依前項被指定為維修業務單位之動力車輛維修單位（以下簡稱「指定維修業務單位」）應向國土交通部長提交指定申請，並滿足國土基礎建設與交通法規規定之設施以及技術人員之標準。而對國土基礎建設與交通法規規定之重要事項變更，有關指定之事項亦有適用；但動力車輛維修業務單位若修改國土基礎建設與交通法規規定之重要事項以外之任何事項，則須就此向國土交通部報告。〈經2019年8月27日第16564號法案；2013年3月23日第11690號法案修訂〉

(3) 經指定維修業務單位之相關設施、技術人員之標準、指定程序、檢查服務範圍等以及其他必要事項，應由國土基礎建設與交通法規訂定之。〈經2013年3月23日第11690號法案修訂〉

(4) 指定維修業務單位，準用第76條但書與同條第12款之規定。

Article 45-2 to conduct regular inspection without designating a maintenance business entity. <Amended by Act No. 9867, Dec. 29, 2009; Act No. 11690, Mar. 23, 2013>

- (2) A motor vehicle maintenance business entity who intends to be designated as a maintenance business entity under paragraph (1) (hereinafter referred to as "designated maintenance business entity") shall file an application for designation with the Minister of Land, Infrastructure and Transport, satisfying the standards for the facilities and skilled technicians prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. The same shall also apply to any modification to important matters determined by Ordinance of the Ministry of Land, Infrastructure and Transport, among matters regarding designation: Provided, That a motor vehicle maintenance business entity who intends to modify any matter other than the important matters determined by Ordinance of the Ministry of Land, Infrastructure and Transport shall report thereon to the Minister of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 16564, Aug. 27, 2019>
- (3) Standards for facilities and skilled technicians, procedures for designation, and the scope of inspection services, etc. for a designated maintenance business entity, and other necessary matters, shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (4) The proviso of Article 76 and subparagraph 12 of the same Article shall

- (5) 依第45條之3第1項規定被撤銷指定之維修業務單位，或從同一營業場所申請指定維修業務單位者，不符合被指定為指定維修業務單位之資格，除非自其指被撤銷定已滿兩年。
- (6) 指定維修業務單位收到動力車輛所有人定期檢驗申請者，應核查有關動力車輛是否符合第43條第2項規定之動力車輛檢驗標準。
- (7) 指定維修業務單位不得委託他人以其名義進行定期檢驗。
- (8) 指定維修業務單位暫停或關閉其全部或部分業務時，應依國土基礎建設與交通法規，向國土交通部長報告。但已依第55條第4項規定申報暫停、關閉動力車輛管理經營業務者，不在此限。〈經2013年3月23日第11690號法案修訂〉

#### 第45條之2（指定經指定維修業務單位進行綜合檢驗）

- (1) 國土交通部長認為為有效且有必要實施綜合檢驗時，與環境

apply mutatis mutandis to a designated maintenance business entity.

- (5) A designated maintenance business entity whose designation as a designated maintenance business entity under Article 45-3 (1) has been revoked, or a person who applies for the designation of a designated maintenance business entity from the same place of business shall not be eligible for designation as the designated maintenance business entity unless two years have passed since the revocation of its designation.
- (6) If a designated maintenance business entity receives an application for regular inspection from a motor vehicle owner, he or she shall check whether the relevant motor vehicle meets the inspection standards for motor vehicles as provided for in Article 43 (2).
- (7) A designated maintenance business entity shall not have another person conduct regular inspection under his or her name.
- (8) Where a designated maintenance business entity suspends or closes all or part of his or her business, he or she shall report thereon to the Minister of Land, Infrastructure and Transport, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That the same shall not apply where he or she has reported suspension or closure of motor vehicle management business in accordance with Article 55 (4).  
<Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 45-2 (Designation of Designated Maintenance Business Entities for Comprehensive Inspections)**

- (1) If deemed necessary for efficiently performing comprehensive

部長協商後，得從動力車輛指定維修業務單位中指定具備合規設備與熟練技術之人員作為動力車輛綜合檢驗之指定維修業務單位（以下簡稱「綜合檢驗指定維修業務單位」），要求其進行綜合檢驗並通知檢驗結果。〈經2013年3月23日第11690號法案；2009年12月29日第9867號法案修訂〉

(2) 動力車輛維修業務單位如欲被指定為綜合檢驗指定維修業務單位，應依聯合條例之規定，向國土交通部長提出指定申請。對聯合條例所規定重要事項之變更，亦同。但動力車輛維修業務單位變更聯合條例規定重要事項以外之事項者，應向國土交通部長報告。〈經2019年8月27日第16564號法案新增訂〉

(3) 綜合檢驗指定維修業務單位之設施、設備、人力資源標準、指定程序、檢查服務範圍等事項，由聯合條例訂定之。〈經2019年8月27日第16564號法案修訂〉

inspections, the Minister of Land, Infrastructure and Transport may designate those who have secured the prescribed facilities and skilled technicians from among motor vehicle maintenance business entities as designated maintenance business entities of motor vehicle comprehensive inspection (hereinafter referred to as "designated maintenance business entity for comprehensive inspection") after consultation with the Minister of Environment and may require them to conduct comprehensive inspection (including notification of the results thereof). <Amended by Act No. 9867, Dec. 29, 2009; Act No. 11690, Mar. 23, 2013>

- (2) A motor vehicle maintenance business entity who intends to be designated as a designated maintenance business entity for comprehensive inspection shall file an application for designation with the Minister of Land, Infrastructure and Transport, as prescribed by Joint Ordinance. The same shall also apply to any modification to important matters determined by Joint Ordinance, among matters regarding designation: Provided, That a motor vehicle maintenance business entity who intends to modify any matter other than the important matters determined by Joint Ordinance shall report thereon to the Minister of Land, Infrastructure and Transport. <Newly Inserted by Act No. 16564, Aug. 27, 2019>
- (3) Matters regarding the standards for facilities, equipment and human resources of the designated maintenance business entity for comprehensive inspection, the procedures for designation, and the scope of inspection services shall be determined by Joint Ordinance. <Amended by Act No. 16564, Aug. 27, 2019>

- (4) 綜合檢驗指定維修業務單位準用第45條第4項至第8項之規定。〈經2019年8月27日第16564號法案修訂〉

**第45條之3（撤銷指定）**

- (1) 動力車輛檢驗代理人、綜合檢驗代理人、指定維修業務單位、綜合檢驗指定維修業務單位有下列情形之一者，國土交通部長得撤銷其指定或命令暫停全部或部分業務長達6個月：如國土交通部長命令撤銷綜合檢驗代理或維修業務單位之指定，應與環境部長協商；屬於第1款、第15款或第18款者，應撤銷指定：〈經2019年8月27日第16564號法案；2017年12月26日第15321號法案；2015年1月6日第12986號法案；2013年3月23日第11690號法案修訂〉

1. 受詐欺或其他不正當方法所指定者；
2. 因該指定受有不當利益或有其他違法行為者；
3. 因財務狀況不佳等原因被認為不適宜繼續經營該業務者；

(4) Article 45 (4) through (8) shall apply mutatis mutandis to a designated maintenance business entity for comprehensive inspection. <Amended by Act No. 16564, Aug. 27, 2019>

**Article 45-3 (Revocation of Designation)**

(1) Where a motor vehicle inspection agent, a comprehensive inspection agent, a designated maintenance business entity, or a designated maintenance business entity for comprehensive inspection falls under any of the following cases, the Minister of Land, Infrastructure and Transport may revoke such designation or order the suspension of all or part of the business for a period of up to six months: Provided, That where the Minister of Land, Infrastructure and Transport orders revocation of the designation as a comprehensive inspection agent or designated maintenance business entity for comprehensive inspection or suspension of affairs, he or she shall consult with the Minister of Environment; in cases falling under subparagraph 1, 15 or 18, the designation shall be revoked: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12986, Jan. 6, 2015; Act No. 15321, Dec. 26, 2017; Act No. 16564, Aug. 27, 2019>

1. Where he or she has been designated by fraud or other wrongful means;
2. Where he or she has accepted unjust enrichment in relation to the affairs or engaged in other unlawful conduct;
3. Where it is deemed inappropriate for him or her to continue the business due to the bad financial status, etc.;

4. 未進行檢驗而製作不實的動力車輛檢驗單或者製作與檢驗結果不符之動力車輛檢驗單者；
  
5. 使用未依據第40條第1項進行精密測試的機器和設備或精確率未經證實的機器和設備進行檢查者；
  
6. 針對第43條第2項或第43條之2第3項所定檢驗動力車輛的結構和裝置所應檢查之項目，漏未進行檢查者；
  
7. 未依第43條第3項規定對檢驗結果採取措施者（包括依第43條之2第3項規定準用該條項之情形）；
  
8. 違反第43條第6項規定（包括依第43條之2第3項規定準用該項之情形），未拍攝或以不正方法拍攝檢驗結果（包括未拍攝動力車輛包含車牌在內之正面及背面之照片，或於動力車輛某部分遭遮蔽情形下拍攝照片）者；
  
- 8-2. 違反第43條第7項之規定（包括依據第43條之2第3項準用

4. Where he or she has prepared a false motor vehicle inspection sheet without conducting inspection or has prepared a motor vehicle inspection sheet inconsistent with the results of inspection;
  5. Where he or she has performed an inspection with machines and apparatuses not submitted to a precision test pursuant to Article 40 (1) or machines and apparatuses which have unconfirmed precision rates;
  6. Where he or she has performed an inspection by omitting any inspection items required for inspection of the structure and devices of a motor vehicle pursuant to Article 43 (2) or 43-2 (3);
  7. Where he or she has failed to take measures in response to the results of inspection pursuant to Article 43 (3) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Article 43-2 (3));
  8. Where he or she has failed to film or fraudulently filmed the inspection and results of the inspection (including where he or she has failed to take pictures of the front and back sides of the motor vehicle including its registered license plate, or where he or she takes pictures of the motor vehicle with certain parts covered), in violation of Article 43 (6) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Article 43-2 (3));
- 8-2. Where he or she manipulates or alters, or has another person

該條項之情形），操縱、篡改或者使他人操縱、篡改依動力車輛檢驗標準規定之用於動力車輛檢驗之機器、儀器之數值或者機器、儀器之測量數據者；

9. 在第45條第1項或第45條之2第1項所指定的維修單位以外的場所進行檢驗者；
10. 不符合第45條第2項或第45條之2第3項規定的設施、設備等指定標準者；
- 10-2. 未依第45條第2項後段規定申請變更指定，或違反同項但書規定未申報者；
11. 進行超出檢驗服務範圍，或不符合依據第45條第3項或第45條之2第3項所定標準的檢驗能力之檢查；
12. 違反第45條第7項規定，委託他人以其本人名義提供檢驗服務者（包括依第45條之2第4項規定準用該條項之情形）；
- 12-2. 未依第45條之2第2項後項申請變更指定，或違反同項但

manipulate or alter, any value set in a machine or instrument used for inspections of motor vehicles according to the inspection standards for motor vehicles or any value measured by a machine or instrument, in violation of Article 43 (7) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 43-2 (3));

9. Where he or she performs an inspection at a place other than the inspection facilities designated under Article 45 (1) or 45-2 (1);
10. Where he or she falls short of the designation standards for facilities, equipment, etc. as prescribed in Article 45 (2) or 45-2 (3);
- 10-2. Where he or she has failed to apply for a modification to designation under the latter part of Article 45 (2) or has failed to make a report, in violation of the proviso of the same paragraph;
11. Where he or she has performed an inspection beyond the scope of inspection services or beyond his or her capacity in terms of skilled technicians under Article 45 (3) or 45-2 (3);
12. Where he or she has had another person provide the inspection services under his or her name, in violation of Article 45 (7) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 45-2 (4));
- 12-2. Where he or she has failed to apply for a modification to

書規定未申報者；

13. 由非熟練的技術人員進行第46條第1項規定之檢驗者；

14. 未遵守第46條第2項規定，暫停或解除熟練技術人員之職務者。

15. 依第66條被撤銷動力車輛經營業務登記者；

16. 未依照第72條第1項規定進行相關之報告或報告虛偽不實者；

17. 拒絕、干擾或規避第72條第2項規定之檢查、不回答問題或對任何問題作虛偽不實之回答者；

18. 違反本條規定之停業命令，於暫停業務期間提供檢驗服務者。

(2) 國土交通部依前項撤銷或暫停動力車輛檢驗機構、綜合檢驗機構或指定維修業務單位等，國土交通部長應於第69條之電子資訊處理機構記錄並管理其資訊狀態。〈經2015年1月6日第12986號法案新增訂〉

designation under the latter part of Article 45-2 (2) or has failed to make a report, in violation of the proviso of the same paragraph;

13. Where he or she has had a person who is not a skilled technician conduct inspection as prescribed in Article 46 (1);
  14. Where he or she has failed to comply with the order for dismissal of a skilled technician or suspension of duty as prescribed in Article 46 (2);
  15. Where his or her registration of motor vehicle management business has been revoked under Article 66;
  16. Where he or she has failed to make a report as prescribed in Article 72 (1) or has made a false report;
  17. Where he or she refuses, interferes with or evades an inspection under Article 72 (2), fails to answer a question, or gives a false answer to any question;
  18. Where he or she has provided inspection services during the suspension period of services in violation of the order for suspension of services under this Article.
- (2) Where the Ministry of Land, Infrastructure and Transport has canceled or suspended motor vehicle inspection by a motor vehicle testing agent, a comprehensive inspection agent or a designated maintenance business entity, etc. pursuant to paragraph (1),

(3) 於第1項規定之情形，被指定之維修業務單位或綜合檢驗維修經營單位於國土基礎建設與交通法規所規定之情況下被撤銷指定，市長、道知事或市、郡以及區之首長應將此事實告知於不超過六個月前接受定期或綜合檢驗動力車輛所有人。〈經2017年12月26日第15321號法案新增訂〉

(4) 第1項、第2項之詳細標準、程序、管理方法以及其他必要事項，由國土基礎建設與交通法規訂定之；於綜合檢驗代理人、指定綜合檢驗維修業務單位之情形，由聯合條例訂定之，第46條規定亦同。〈由2015年1月6日第12986號法案；2013年3月23日第11690號法案修訂〉

#### 第46條（熟練技術人員之責任）

(1) 第44條第1項、第44條之2第1項、第45條第1項以及第45條之2第1項規定之動力車輛檢驗代理機構、動力車輛綜合檢驗機構、指定檢驗維修業務單位、指定綜合檢驗維修業務單位欲聘用之熟練技術人員分類以及責任等事項由國土基礎建設與

the Minister shall have the electronic information processing organization referred to in Article 69 record and manage the status thereof. <Newly Inserted by Act No. 12986, Jan. 6, 2015>

- (3) Where a designated maintenance business entity or a designated maintenance business entity for comprehensive inspection has his or her designation revoked in any of the cases specified by Ordinance of the Ministry of Land, Infrastructure and Transport, among the cases specified in paragraph (1), the Mayor/Do Governor or the head of a Si/Gun/Gu shall inform such fact to the owners of motor vehicles that underwent a regular or comprehensive inspection not longer than six months ago, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Newly Inserted by Act No. 15321, Dec. 26, 2017>
- (4) Detailed standards, procedures, and management methods for dispositions under paragraphs (1) and (2), and other necessary matters, shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport (referring to Joint Ordinance in cases of a comprehensive inspection agent and a designated maintenance business entity for comprehensive motor vehicle inspection; hereafter in Article 46 the same shall apply). <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12986, Jan. 6, 2015>

#### **Article 46 (Duties of Skilled Technicians)**

- (1) Matters regarding the classification and duties, etc. of skilled technicians to be employed by a motor vehicle inspection agent, a comprehensive motor vehicle inspection agent, a designated maintenance business entity, and a designated maintenance

交通法規訂定之。〈經2013年3月23日第11690號法案修訂〉

(2) 前項規定之熟練技術人員有下列情形之一者，國土交通部長得依國土基礎建設與交通法規向相關動力車輛檢驗代理人、動力車輛綜合檢驗代理人、指定維修業務單位或指定綜合檢驗維修業務單位發布命令，於一定期限內暫停或解除其職務；若係命令動力車輛綜合檢驗代理或指定綜合檢驗維修業務單位之相關技術人員暫停或解除其職務，應就此與環境部長協商；〈經2019年8月27日第16564號法案；2013年3月23日第11690號法案修訂〉

1. 有收受賄賂或有其他違法行為者；
2. 未經檢驗而出具虛假動力車輛檢驗單或出具與檢驗結果不符之動力車輛檢驗單者；
3. 對未依第40條第1項規定進行精密度檢驗之機器、設備或對

business entity for comprehensive inspection under Articles 44 (1), 44-2 (1), 45 (1), and 45-2 (1) shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Where a skilled technician under paragraph (1) falls under any of the following cases, the Minister of Land, Infrastructure and Transport may issue an order for dismissal or suspension of his or her duties for a fixed period to the relevant motor vehicle inspection agent, comprehensive motor vehicle inspection agent, designated maintenance business entity, or designated maintenance business entity for comprehensive inspection, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That where he or she orders a comprehensive motor vehicle inspection agent or designated maintenance business entity for comprehensive inspection to dismiss the relevant skilled technician or suspend his or her duties, he or she shall consult thereon with the Minister of Environment: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 16564, Aug. 27, 2019>

1. Where he or she has accepted unjust enrichment in relation to the affairs or engaged in other unlawful conduct;
2. Where he or she has prepared a false motor vehicle inspection sheet without performing the inspection or has prepared a motor vehicle inspection sheet inconsistent with the results of inspection;
3. Where he or she has performed an inspection with machines and

未確認精密度之機器、設備進行檢驗者；

4. 依第43條第2項或第43條之2第3項規定檢驗動力車輛結構、裝置時，省略檢查項目者；

5. 未對依第43條第3項規定之檢驗結果採取措施者（包含依第43條之2第3項規定準用之情形）；

6. 違反第43條第6項規定（包含依第43條之2第3項規定準用之情形），未記錄檢驗現場、結果或記錄虛偽不實者；

7. 於第45條第1項或第45條之2第1項規定檢驗場所以外之場所進行檢驗者；

8. 超出檢驗服務範圍或超出依第45條第3項、第45條之2第3項規定熟練技術人員之能力其職責範圍進行檢驗者。

(3) 根據前項被解除職務之熟練技術人員，自被解除職務之日起六個月內，不得再被任命為第1項規定之熟練技術人員。〈經2015年1月6日第12986號法案新增〉

apparatuses not submitted to a precision test pursuant to Article 40 (1) or machines and apparatuses which have unconfirmed precision rates;

4. Where he or she has performed an inspection by omitting any inspection items required for inspection of the structure and devices of a motor vehicle pursuant to Article 43 (2) or 43-2 (3);
5. Where he or she has failed to take measures in response to the results of inspection pursuant to Article 43 (3) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Article 43-2 (3));
6. Where he or she has failed to record the scene and results of the inspection, in violation of Article 43 (6) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Article 43-2 (3)) or recorded by falsity;
7. Where he or she has performed an inspection at a place other than the inspection facilities designated under Article 45 (1) or 45-2 (1);
8. Where he or she has performed an inspection beyond the scope of inspection services or beyond his or her capacity in terms of skilled technicians under Article 45 (3) or 45-2 (3).

(3) No skilled technician dismissed pursuant to paragraph (2) shall be appointed as a skilled technician under paragraph (1) within six months from the date of such dismissal. <Newly Inserted by Act

(4) 國土交通部依第69條規定，授權電子資訊處理機構對依第2項規定被解除或暫停職務等之熟練技術人員狀況進行管理。  
<2015年1月6日第12986號法案新增>

(5) 依第2項所發布之命令相關詳細標準與程序、管理方法以及其他必要事項由國土基礎建設與交通法規訂定之。<經2015年1月6日第12986號法案；2013年3月23日第11690號法案修訂>

#### 第47條（出租車計價器之驗證）

(1) 製造、修理、進口或使用計程車計價器（以下簡稱「計價器」）者，應依國土基礎建設與交通法規之規定，由國土交通部長核實。<經2013年3月23日第11690號法案修訂>

(2) 國土交通部長認為有必要時，得指定經授權之專門機構（以下簡稱「專門機構」）並得要求該機構依前項代其進行核查。<經2013年3月23日第11690號法案修訂>

No. 12986, Jan. 6, 2015>

- (4) The Ministry of Land, Infrastructure and Transport shall authorize the electronic information processing organization under Article 69 to manage the status of the skilled technicians who were dismissed or suspended, etc. pursuant to paragraph (2). <Newly Inserted by Act No. 12986, Jan. 6, 2015>
- (5) Detailed standards and procedures for issuing orders under paragraph (2), methods of management, and other necessary matters shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12986, Jan. 6, 2015>

#### **Article 47 (Verification of Taximeters)**

- (1) A person who manufactures, repairs, imports, or uses a taxi fare meter (hereinafter referred to as "taximeter") shall have it verified by the Minister of Land, Infrastructure and Transport, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) If deemed necessary, the Minister of Land, Infrastructure and Transport may designate a specialized institution authorized to verify a taximeter (hereinafter referred to as "specialized taximeter verification institution") and may require such institution to conduct verification on his or her behalf under paragraph (1), as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

- (3) 未經前二項規定之驗證，不得製造、修理、進口或使用計程車計價器，亦不得出售或中介其交易。
- (4) 專門檢驗計程車計價器之機構，亦有第40條、第45條第2項及第3項規定之適用。
- (5) 專門檢驗計程器之機構有下列情形之一者，國土交通部長得撤銷該指定或命令暫停其全部或部分業務，最長期限為6個月：屬於第1款或第8款者應撤銷此類指定：<經2013年3月23日第11690號法案修訂>
  1. 係以詐欺或其他不正當手段取得指定者；
  2. 收受賄賂或有其他違法行為者；
  3. 因財務狀況不佳等認為不宜繼續提供服務者；
  4. 不符合第45條第2項規定之設施、設備等指定標準者，從第4項之規定；
  5. 以未依第40條第1項規定進行精密度測試之機器、設備或未

- (3) No one shall manufacture, repair, import, or use a taximeter nor sell it nor intermediate its transaction without verification as prescribed in paragraph (1) or (2).
- (4) Articles 40 and 45 (2) and (3) shall apply *mutatis mutandis* to specialized taximeter verification institutions.
- (5) Where a specialized taximeter verification institution falls under any of the following cases, the Minister of Land, Infrastructure and Transport may revoke such designation or order suspension of all or part of its business for a period of up to six months: Provided, That the cases falling under subparagraph 1 or 8 shall be subject to the revocation of such designation: <Amended by Act No. 11690, Mar. 23, 2013>
1. Where he or she has been designated by fraud or other wrongful means;
  2. Where he or she has accepted unjust enrichment in relation to the affairs or engaged in other unlawful conduct;
  3. Where it is deemed inappropriate for him or her to continue the services due to the bad financial status, etc.;
  4. Where he or she fails to meet any of the designation standards for facilities, equipment, etc. as prescribed in Article 45 (2), which shall apply *mutatis mutandis* pursuant to paragraph (4);
  5. Where he or she has performed an inspection with machines and

確認精密度之機器、設備進行檢驗者；

6. 未依第72條第1項規定報告或報告內容虛偽不實者；

7. 拒絕、干擾、規避第72條第2項規定之檢查，不予回答或虛假答覆者；

8. 違反本條規定之暫停服務命令，於暫停服務期間仍提供驗證服務者。

(6) 依前項作出行政處分之具體標準與程序以及其他必要事項，由國土基礎建設與交通法規訂定之。〈經2013年3月23日第11690號法案修訂〉

#### 第47條之2（動力車輛更換或退款之要求）

(1) 動力車輛製造商等自我認證並在國內市場銷售之動力車輛符合所有下列各款者，其所有人（不包括《客運服務法》或《卡車運輸業法》規定之運輸業者擁有至少兩輛用於商業用途之動力車輛）得於交付之日起兩年內向動力車輛製造商等要求以新動力車輛更換該動力車輛或退還為該動力車輛支付之價款：

apparatuses not submitted to a precision test pursuant to Article 40 (1) or machines and apparatuses which have unconfirmed precision rates;

6. Where he or she has failed to make a report as prescribed in Article 72 (1) or has made a false report;
7. Where he or she refuses, interferes with or evades an inspection under Article 72 (2), fails to answer a question, or gives a false answer to any question;
8. Where he or she has provided verification services during the suspension period of services in violation of the order for suspension of services under this Article.

(6) Detail standards and procedures for taking administrative dispositions pursuant to paragraph (5) and other necessary matters shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

### **Article 47-2 (Requirements for Replacement of, or Refund for, Motor Vehicles)**

- (1) If a motor vehicle self-authenticated and sold in the domestic market by a motor vehicle manufacturer, etc. meets all the following requirements, its owner (excluding transport business entities under the Passenger Transport Service Act or the Trucking Transport Business Act who own at least two motor vehicles for business use) may claim replacement of such motor vehicle with

1. 依國土基礎建設與交通法規規定之書面契約出之動力車輛，一旦發生瑕疵時得予以更換新之動力車輛或保證退還購買時之價款等；
  
2. 因第29條1項規定之結構或機械瑕疵，導致安全性可疑、經濟價值顯著下降或不能使用之動力車輛；
  
3. 動力車輛有下列情形之一，且自交車之日起未超過一年（行駛里程數超過2萬公里者，視為已超過一年）者：
  - (a) 動力車輛已由相關動力車輛製造商等（包括動力車輛製造商委託維修人員等）維修由國土基礎建設與交通法規規定之裝置（例如發電機、動力傳輸系統、轉向系統或製動系統）至少兩次，但再次出現相同瑕疵者。前開情形包含動力車輛已至少維修過一次，且維修總時長超過30日者；

a new motor vehicle or the refund of the price paid for such motor vehicle from a motor vehicle manufacturer, etc. within two years from the date of delivery:

1. A motor vehicle sold under a written contract providing as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport that the motor vehicle can be replaced with a new motor vehicle, assuring refund of the purchase price, etc. upon the occurrence of a defect;
2. A motor vehicle with doubtful safety, with a significantly deteriorated economic value, or unusable, due to a structural or mechanical defect referred to in Article 29 (1);
3. A motor vehicle falling under either of the following cases, where one year has not passed since the motor vehicle was delivered to its owner (if the mileage exceeds 20,000 kilometers, the period shall be deemed to have lapsed):
  - (a) Where a motor vehicle has been repaired at least twice by the relevant motor vehicle manufacturer, etc. (including persons to whom repair work has been entrusted by the motor vehicle manufacturer, etc.), due to a defect that occurred with the same symptom in the structure or any of the devices specified by Ordinance of the Ministry of Land, Infrastructure and Transport, such as its motor, power transmission system, steering system, or brake system, but the identical defect reoccurs: Provided, That included herein shall be cases where a motor vehicle has been repaired at least once and the

(b) 動力車輛由相關動力車輛製造商等（包括動力車輛製造商委託維修人員等）修理至少三次；除前開(a)規定之結構或任何裝置外，其餘任何結構或裝置出現相同狀況之瑕疵，但本規定包括之情況應為動力車輛已至少修理過一次，且維修總時長超過30日者。

(2) 若於前項第3款(a)中前項之動力車輛修理一次後或於前項第3款(b)中前項第3款(a)之動力車輛修理兩次後，再次出現相同瑕疵者，該動力車輛之所有人（以下簡稱「瑕疵動力車輛所有人」）應依國土基礎建設與交通法規之規定通知相關動力車輛製造商等。

### 第47條之3（瑕疵之推定）

自動力車輛符合第47條2第1項之日起六個月內發現任何瑕疵，推定該瑕疵自動力車輛交付予動力車輛所有人之日起已經存在。

### 第47條之4（更換或退款之仲裁申請）

(1) 應瑕疵動力車輛所有人之請求，第47條之7規定之動力車輛安全與瑕疵審議委員會（以下簡稱「動力車輛安全與瑕疵審

total period of repair exceeds 30 days;

(b) Where a motor vehicle has been repaired at least three times by the relevant motor vehicle manufacturer, etc. (including persons to whom repair work has been entrusted by the motor vehicle manufacturer, etc.), due to a defect that occurred with the same symptom in any structure or device, other than the structure or any of the devices specified in item (a), but the identical defect reoccurs: Provided, That included herein shall be cases where a motor vehicle has been repaired at least once and the total period of repair exceeds 30 days.

(2) If a defect with the same symptom reoccurs after a motor vehicle falling under paragraph (1) has been repaired once in the case of paragraph (1) 3 (a) or twice in the case of paragraph (1) 3 (b), the owner of such motor vehicle (hereinafter referred to as "owner of the defective motor vehicle") shall notify the relevant motor vehicle manufacturer, etc. thereof, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

### **Article 47-3 (Presumption of Defects)**

Any defect discovered within six months from the date a motor vehicle falling under Article 47-2 (1) is delivered to the owner of the defective motor vehicle shall be presumed to have existed since its delivery.

### **Article 47-4 (Application for Arbitration for Replacement or Refund)**

(1) At the request of the owner of a defective motor vehicle, the Committee for Deliberation on Safety and Defects of Motor

議委員會」）符合下列所有條件者，應開啟更換或退款之仲裁程序（以下簡稱「更換或退款仲裁」）。聲請更換或退款仲裁之方法與程序等事項，由國土基礎建設與交通法規訂定之：

1. 有關動力車輛製造商等接受第47條之7第2項第1款(b)規定之更換、退款仲裁規則（以下簡稱「更換、退款仲裁規則」），由國土基礎建設與交通法規訂定之；
  2. 瑕疵動力車輛車所有人於締結相關買賣契約或提出聲請時，同意受國土基礎建設與交通法規規定之更換或退款仲裁規則之拘束。
- (2) 提前接受更換、退款仲裁規則之動力車輛製造生等，應於銷售動力車輛時將其接受更換、退款仲裁規則之情況告知買受人。
- (3) 依本條第1項提出之更換或者退款仲裁聲請有不符規定或程序瑕疵者，動力車輛安全與瑕疵審議委員會應令聲請人於合理

Vehicles under Article 47-7 (hereinafter referred to as the "Committee for Deliberation on Safety and Defects of Motor Vehicles") shall commence arbitration proceedings for replacement or refund of the purchase price (hereinafter referred to as "arbitration for replacement or refund") where all the following requirements are met. Such matters as the methods for filing an application for arbitration for replacement or refund shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport:

1. Where the relevant motor vehicle manufacturer, etc. accepted the rules on arbitration for replacement or refund under Article 47-7 (2) 1 (b) (hereinafter referred to as "rules on arbitration for replacement or refund"), in advance, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;
  2. Where the owner of the defective motor vehicle accepted the rules on arbitration for replacement or refund, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, at the time of concluding the relevant sale and purchase contract or filing an application for replacement or refund.
- (2) A motor vehicle manufacturer, etc. who accepted the rules on arbitration for replacement or refund in advance shall inform the purchaser of its acceptance of the rules on arbitration for replacement or refund at the time of selling a motor vehicle.
- (3) If an application for arbitration for replacement or refund filed under paragraph (1) is defective, the Committee for Deliberation

期限內更正。聲請人未於規定期限內提出者，動力車輛安全與瑕疵審議委員會不予受理。

- (4) 動力車輛安全與瑕疵審議委員會認為需要作出更換或者退款仲裁決定者，得要求相關動力車輛製造商等與動力車輛所有人提交仲裁所需之文件；並得要求性能檢測機構對相關動力車輛進行檢測，判定瑕疵。此項檢查所需之任何程序事項，由國土基礎建設與交通法規訂定之。

#### 第47條之5（仲裁判斷之效力）

- (1) 更換或退款之仲裁裁決與法院對相關動力車輛製造商等與動力車輛所有人作出之最終判決具有同等拘束力。
- (2) 不服更換或退款仲裁判斷或撤銷更換或退款之仲裁判斷之上訴程序，準用《仲裁法》第36條規定。
- (3) 除本法另有規定外，更換或退款之仲裁程序準用仲裁法之相關規定。

on Safety and Defects of Motor Vehicles shall order the applicant to correct such defect within a reasonable period. If the applicant fails to do so within the specified period, the Committee for Deliberation on Safety and Defects of Motor Vehicles shall reject the application.

- (4) If the Committee for Deliberation on Safety and Defects of Motor Vehicles deems it necessary for rendering an arbitral award for replacement or refund, the Committee may request the relevant motor vehicle manufacturer, etc. and the owner of the defective motor vehicle to submit documents necessary for arbitration; and may request a performance testing agent to inspect the relevant motor vehicle to locate defects. Matters necessary for such inspection shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

#### **Article 47-5 (Effects of Arbitral Awards)**

- (1) An arbitral award for replacement or refund is equally as binding as a final court judgment on the relevant motor vehicle manufacturer, etc. and for the owner of the relevant defective motor vehicle.
- (2) Article 36 of the Arbitration Act shall apply mutatis mutandis to any appeal against an arbitral award for replacement or refund and to the cancellation of an arbitral award for replacement or refund.
- (3) Except as otherwise provided in this Act, the Arbitration Act shall apply mutatis mutandis to the procedures for arbitration for replacement or refund.

### 第47條之6（仲裁判斷後之更換或退款方法）

- (1) 動力車輛製造商等依更換或者退款之仲裁判斷，向動力車輛原所有人交付新動力車輛以更換瑕疵動力車輛者，該動力車輛製造商等不得要求瑕疵動力車輛所有人返還從該瑕疵動力車輛所獲得之利益。
  
- (2) 若依更換或退款仲裁判斷，以新動力車輛更換瑕疵動力車輛者，總統令規定之稅款與公共費用（包括新動力車輛之購置稅）應視為瑕疵動力車輛所有人購買該瑕疵動力車輛時已繳納。
  
- (3) 動力車輛製造商等依更換或退款仲裁判斷還購買價款者，動力車輛製造商等應依國土基礎建設與交通法規之標準，退款予購買瑕疵動力車輛之所有人。
  
- (4) 即使動力車輛製造商等有義務依更換或退款仲裁判斷向瑕疵動力車輛所有人交付新動力車輛以替換之，動力車輛製造商等亦得選擇以國土基礎建設與交通法規之理由，如：由於製造終止或其他類似事件而無法更換之情況退還購買價額。

**Article 47-6 (Methods for Replacement or Refund upon Arbitral Awards)**

- (1) Where a motor vehicle manufacturer, etc. delivers a new motor vehicle in replacement of a defective motor vehicle to its owner in compliance with an arbitral award for replacement or refund, such motor vehicle manufacturer, etc. shall not claim the return of the benefits derived from the ownership, operation, etc. of the defective motor vehicle from the owner of the defective motor vehicle.
- (2) Where a defective motor vehicle is replaced with a new motor vehicle in compliance with an arbitral award for replacement or refund, the taxes and public charges prescribed by Presidential Decree, including acquisition tax for the new motor vehicle, shall be deemed paid at the time the owner of the defective motor vehicle initially purchased the defective motor vehicle.
- (3) Where a motor vehicle manufacturer, etc. refunds a purchase price in compliance with an arbitral award for replacement or refund, such motor vehicle manufacturer, etc. shall meet the standards determined by Ordinance of the Ministry of Land, Infrastructure and Transport in making a refund to the owner of the defective motor vehicle.
- (4) Even where a motor vehicle manufacturer, etc. is obligated to deliver a new motor vehicle in replacement to the owner of a defective motor vehicle according to an arbitral award for replacement or refund, the motor vehicle manufacturer, etc. may choose to refund the purchase price on any of the grounds prescribed by Ordinance of the Ministry of Land, Infrastructure

### 第47條之7（動力車輛安全與瑕疵審議委員會之設立）

(1) 應於國土交通部內設立動力車輛安全與瑕疵審議委員會，對瑕疵動力車輛之更換、退款進行仲裁以及審議製造瑕疵之糾正等有關事項。

(2) 動力車輛安全與瑕疵審議委員會之職能如下：

1. 下列與動力車輛更換、退款仲裁有關之職能：

(a) 更換、退款仲裁；

(b) 更換或退款仲裁規則之制定與修改；

2. 審議製造瑕疵之糾正等下列事項：

(a) 下達第30條之3第1項規定之暫停製造、組裝、進口或銷售動力車輛之命令；

(b) 對第30條之3第2項下之自我認證等進行調查；

and Transport, including where replacement is impossible due to the termination of manufacture or other similar event.

**Article 47-7 (Establishment of Committee for Deliberation on Safety and Defects of Motor Vehicles)**

- (1) The Committee for Deliberation on Safety and Defects of Motor Vehicles shall be established within the Ministry of Land, Infrastructure and Transport in order to conduct arbitration proceedings, etc. for replacement or refund; and to deliberate on matters related to the correction, etc. of manufacturing defects.
- (2) The functions of the Committee for Deliberation on Safety and Defects of Motor Vehicles are as follows:
  1. The following functions related to arbitration for replacement of, or refund for, motor vehicles:
    - (a) Arbitration for replacement or refund;
    - (b) Establishment and amendment of rules on arbitration for replacement or refund;
  2. Deliberation on the following matters in connection with correction, etc. of manufacturing defects:
    - (a) Issuance of orders to suspend the manufacture, assembly, import, or sale of motor vehicles under Article 30-3 (1);
    - (b) Investigations into self-authentication, etc. under Article

(c) 依第31條第3項替換糾正措施以及發出糾正命令；

(d) 依第31條第4項對製造瑕疵進行調查；

(e) 動力車輛所有人依第31條之2進行自我糾正之補償；

(f) 依第33條之2評估動力車輛之安全水平；

(g) 總統令規定與製造瑕疵之糾正、無償維修等有關之其他事項；

3. 動力車輛安全與瑕疵審議委員會須設立、修訂以及廢除有關運作之規則等。

#### **第47條之8（動力車輛安全與瑕疵審議委員會之組織與運作）**

(1) 動力車輛安全與瑕疵審議委員會包含一名主席最多由50名委員組成，其成員應由國土交通部長從以下任一款者中任命或委託：

30-3 (2);

- (c) Substitution of corrective measures and issuance of orders for correction under Article 31 (3);
- (d) Investigations into manufacturing defects under Article 31 (4);
- (e) Compensation for motor vehicle owners who made self-correction under Article 31-2;
- (f) Evaluation of the level of safety of motor vehicles under Article 33-2;
- (g) Other matters specified by Presidential Decree as those related to correction of manufacturing defects, gratuitous repair, etc.;

3. Establishment, amendment, and repeal of rules on the operation, etc. of the Committee for Deliberation on Safety and Defects of Motor Vehicles.

**Article 47-8 (Organization and Operation of Committee for Deliberation on Safety and Defects of Motor Vehicles)**

- (1) The Committee for Deliberation on Safety and Defects of Motor Vehicles shall be comprised of up to 50 members, including one chairperson, and its members shall be appointed or commissioned by the Minister of Land, Infrastructure and Transport from among any of the following persons:

1. 任職滿10年之現任或前任法官、檢察官、律師；
2. 曾於大學或學院擔任副教授以上之法律專業人員；
3. 曾於大學、學院或官方認可之研究機構擔任副教授或同等職位以上，主修動力車輛相關專業者；
4. 擔任過四級以上公職人員，具有動力車輛相關領域工作經歷者；
5. 曾在《事業單位管理法》第4規定之事業單位任職，具有動力車輛相關領域工作經歷者；
6. 從事動力車輛相關工作滿10年，具有《國家技術資格法》第10條規定之專業工程師資格者；
7. 曾在《事業單位管理法》第4規定之事業單位任職者；或於消費者保護機構為消費者保護工作至少10年者；
8. 依《消費者框架法》第29條註冊之消費者組織之現任或前任執行官；

1. A current or former judge, public prosecutor, or attorney-at-law serving for at least 10 years;
2. A person who has served in a university or college as at least an associate professor, majoring in law;
3. A person who has served in a university, a college, or an officially accredited research institute as at least an associate professor or equivalent position, majoring in a field related to motor vehicles;
4. A person who has served as at least a Grade-IV public official with work experience in a field related to motor vehicles;
5. A person who has served in a public institution under Article 4 of the Act on the Management of Public Institutions with work experience in a field related to motor vehicles;
6. A person who has been engaged in a motor vehicle-related role for at least 10 years as a professional engineer or master craftsman qualified under Article 10 of the National Technical Qualifications Act;
7. A person who has served in a public institution under Article 4 of the Act on the Management of Public Institutions; or in a consumer protection agency for consumer protection for at least 10 years;
8. A current or former executive officer of a consumer organization registered under Article 29 of the Framework Act on Consumers;

9. 動力車輛製造等相關事業單位或行業協會之現任或前任執行官。

(2) 委員每屆任期兩年，得連任。

(3) 除下列各款情形外，非公職人員之委員會成員不得違背其意願被免職：

1. 委員會成員有第47條之10第1項規定之情形者；

2. 委員會成員因長期精神或身體殘疾而被認為嚴重不能勝任工作者；

3. 委員會成員因總統令中規定之任何其他理由而被解除職務者。

(4) 主席由國土交通部長從委員中任命。

(5) 動力車輛安全與瑕疵審議委員會過半數成員構成法定人數，其任何決議均須經出席委員過半數同意投票。

(6) 動力車輛安全與瑕疵審議委員會應就下列事項進行會議記

9. A current or former executive officer of a business entity or a trade association related the manufacture, etc. of motor vehicles.
- (2) The term of office of committee members shall be two years but may be consecutively renewed.
- (3) Except in any of the following cases, a committee member who is not a public official shall not be dismissed from office against his or her will:
1. Where a committee member falls under Article 47-10 (1);
  2. Where a committee member is deemed too seriously incompetent to perform his or her duties, due to prolonged mental or physical incapacity;
  3. Where a committee member shall be dismissed on any of other grounds specified by Presidential Decree, such as a breach of any of his or her official duties.
- (4) The chairperson shall be appointed by the Minister of Land, Infrastructure and Transport from among the committee members.
- (5) A majority of the members of the Committee for Deliberation on Safety and Defects of Motor Vehicles shall constitute a quorum, and any resolution thereof shall require the concurring vote of a majority of those present.
- (6) The Committee for Deliberation on Safety and Defects of Motor

錄。如有必要時，得透過速記、錄音或錄影記錄系統記錄會議進程：〈經2020年2月4日第16950號法案新增訂〉

1. 會議日期、時間、地點；
2. 出席會議之委員；
3. 審議情況及通過之決議結果。

(7) 依前項作出之會議記錄（不包括第47條9規定之仲裁庭會議記錄）應向公眾公開：惟須符合總統令所要求之資訊，如動力車輛製造商或零件製造商等之商業秘密等以及《個人資訊保護法》第2條第1款界定之個人資訊，不必向公眾公開。〈經2020年2月4日第16950號法案新增訂〉

(8) 動力車輛安全與瑕疵審議委員會之職權、組織、經營以及其他事項由總統令訂定之。〈經2020年2月4日第16950號法案修訂〉

#### 第47條之9（仲裁庭之組織與運作）

(1) 動力車輛安全與瑕疵審議委員會之仲裁由三人組成之仲裁庭進行。

Vehicles shall take minutes of a meeting regarding the following matters. If deemed necessary, the proceeding of a meeting may be recorded by stenography or by an audio or video recording system:  
<Newly Inserted by Act No. 16950, Feb. 4, 2020>

1. The date, time, and place of the meeting;
  2. Members present at the meeting;
  3. Details of deliberation and resolutions adopted.
- (7) The minutes of a meeting taken pursuant to paragraph (6) (excluding minutes of a meeting of an arbitral tribunal under Article 47-9) shall be made available to the public: Provided, That the information that meets the requirements prescribed by Presidential Decree, such as trade secret of a motor vehicle manufacturer, etc. or a parts manufacturer, etc. and personal information defined in subparagraph 1 of Article 2 of the Personal Information Protection Act, need not be made available to the public. <Newly Inserted by Act No. 16950, Feb. 4, 2020>
- (8) Other matters necessary for the organization, operation, etc. of the Committee for Deliberation on Safety and Defects of Motor Vehicles shall be prescribed by Presidential Decree. <Amended by Act No. 16950, Feb. 4, 2020>

**Article 47-9 (Organization and Operation of Arbitral Tribunals)**

- (1) Arbitration by the Committee for Deliberation on Safety and Defects of Motor Vehicles shall be conducted by an arbitral

- (2) 仲裁庭之人員組成（以下簡稱「仲裁人」）係由動力車輛安全與瑕疵審議委員會主席從委員會成員中為每一案件指定；但當事人同意選定之成員應被指定為仲裁人。
  
- (3) 仲裁人應致力以迅速、公正與經濟之方式進行仲裁程序；仲裁程之當事人應於相互信任、理解之基礎上，認真參與仲裁程序。
  
- (4) 仲裁庭之主任仲裁人應由仲裁人協商選定。
  
- (5) 仲裁庭會議由主任仲裁人召集之。
  
- (6) 仲裁庭所有仲裁人應組成仲裁庭判斷之法定人數；其任何決議均須經仲裁人過半數同意決定之。

**第47條之10（撤銷動力車輛安全與瑕疵審議委員會委員之資格）**

- (1) 屬於《國家公職人員法》第33條規定者，均無成為動力車輛安全與瑕疵審議委員會成員之資格。

tribunal comprised of three members.

- (2) Members of an arbitral tribunal (hereinafter referred to as "arbitrators") shall be appointed by the committee chairperson for each case from among the members of the Committee for Deliberation on Safety and Defects of Motor Vehicles; but the members whom the parties agree to select shall be appointed as arbitrators.
- (3) Arbitrators shall endeavor to conduct arbitration proceedings in an expeditious, impartial, and economical manner; and the parties to such arbitration proceedings shall participate conscientiously, based on mutual trust and understanding.
- (4) The chief of an arbitral tribunal shall be selected by agreement among arbitrators.
- (5) Meetings of an arbitral tribunal shall be convened by the chief of the arbitral tribunal.
- (6) All arbitrators of an arbitral tribunal shall constitute a quorum for a meeting of the arbitral tribunal; and any resolution thereof shall require the concurring vote of a majority of the arbitrators.

**Article 47-10 (Disqualification as Members of Committee for Deliberation on Safety and Defects of Motor Vehicles)**

- (1) No person falling under any subparagraph of Article 33 of the State Public Officials Act shall be qualified for membership of the Committee for Deliberation on Safety and Defects of Motor

(2) 有下列情形之一者，動力車輛安全與瑕疵審議委員會之委員不得於相關案件中執行職務：<經2020年2月4日第16950號法案修訂>

1. 委員會之委員或其配偶、前配偶或未婚配偶，為該仲裁爭議案件之當事人者（以下簡稱「爭議案件」）或就該爭議案件與當事人有共同權利人、共同義務人或償還義務人之關係者；
2. 委員為該爭議案件當事人之現任或前任親屬者；
3. 委員曾為該爭議案件作出陳述或者提供專家意見者；
4. 委員擔任或曾經擔任該爭議案當事人之代理人者；
5. 委員會成員是否參與該爭議案件嚴重影響爭議案件之結果者；
6. 委員與該爭議案件之動力車輛製造商等現有或曾有僱傭或代理關係者；

Vehicles.

(2) In any of the following cases, a member of the Committee for Deliberation on Safety and Defects of Motor Vehicles shall be barred from performing his or her duties in the relevant case:  
<Amended by Act No. 16950, Feb. 4, 2020>

1. If a committee member or the current or former spouse of the committee member is a party to the dispute brought before the Committee (hereinafter referred to as "case at issue") or is involved in the case at issue as a joint right-holder or joint obligor with any of the parties to the case at issue;
2. If a committee member is the current or former relative of any party to the case at issue;
3. If a committee member has made any statement or has provided expert opinion regarding the case at issue;
4. If a committee member serves or has served as the representative of any party to the case at issue;
5. If a committee member was involved in an action or omission that gave rise to the case at issue;
6. If a committee member is a current or former employee of the motor vehicle manufacturer, etc. against whom the case at issue is brought;

7. 委員所屬之法人或組織曾就本案提供諮詢服務、研究服務或其他服務（包括委員在最近三年內隸屬於該法人或組織之案件）者；

8. 委員最近兩年內為該爭議案件之動力車輛製造商等提供諮詢服務、研究服務或其他服務者。

(3) 若存在任何迴避事由，動力車輛安全與瑕疵審議委員會得依職權或應爭議案件任何一方之請求該仲裁人迴避。

(4) 本案當事人有合理理由懷疑委員不能獨立、公正執行職務時，得向動力車輛安全與瑕疵審議委員會對該委員提出迴避聲請。若委員會認為該聲請有理由者，則委員會應接受之。

(5) 委員有第2項、第4項規定情形之一者，應即告知當事人且主動迴避。

(6) 本條第1項至第5項準用於動力車輛安全與瑕疵審議委員會之

7. If the corporation or organization to which a committee member belongs has provided advisory services, research services, or other services with regard to the case at issue (including cases where a committee member belonged to such corporation or organization during the latest three years);
  8. If a committee member has provided advisory services, research services, or other services during the latest two years in relation to the motor vehicle manufacturer, etc. against whom the case at issue is brought.
- (3) If any ground for exclusion exists, the Committee for Deliberation on Safety and Defects of Motor Vehicles may resolve to exclude a committee member, ex officio or at the request of any party to the case at issue.
  - (4) If any party to the case at issue has a reasonable ground to suspect impartiality of a committee member in performing his or her duties, the party may file a challenge against the committee member with the Committee for Deliberation on Safety and Defects of Motor Vehicles, and the Committee for Deliberation on Safety and Defects of Motor Vehicles shall resolve to honor the challenge if the Committee finds that the challenge is well-founded.
  - (5) If a committee member falls under any of the grounds specified in paragraph (2) or (4), such committee member may voluntarily abstain from performing his or her duties in the case at issue.
  - (6) Paragraphs (1) through (5) shall apply mutatis mutandis to

運作以及行政處理仲裁程序之組織與人員。

- (7) 仲裁庭收受第4項規定之聲請後，應中止仲裁程序至對該聲請做出決定為止。

**第47條之11（動力車輛安全與瑕疵審議委員會委員審議結果之重新審議）**

- (1) 有下列情形之一者，動力車輛安全與瑕疵審議委員會得重新審議通過審議第47之7第2項2第2款規定製造瑕疵糾正等決議：

1. 當事人、利害關係人、舉報人或者其他人依客觀事實要求重新審議者；
2. 委員會主席認為遺漏可能影響審議之重大事實或者調查結果存在嚴重瑕疵者；
3. 國土交通部長認為該案件至關重要並要求重新審議者。

- (2) 動力車輛安全與瑕疵審議委員會為改變初審議以及決議之結果依前項重新審議，應以過半數現任委員出席，並獲得至少

personnel of the organization involved in arbitration proceedings for the operation and administrative processing of the Committee for Deliberation on Safety and Defects of Motor Vehicles.

- (7) Upon receipt of a challenge under paragraph (4), an arbitral tribunal shall suspend arbitration proceedings until it makes a decision on the challenge.

**Article 47-11 (Re-Deliberation on Results of Deliberation by Committee for Deliberation on Safety and Defects of Motor Vehicles)**

- (1) In any of the following cases, the Committee for Deliberation on Safety and Defects of Motor Vehicles may re-deliberate on a resolution adopted through deliberation on the correction, etc. of manufacturing defects under Article 47-7 (2) 2:

1. If a request for re-deliberation is made by a party to the case, an interested person, a whistleblower, or other person based on objective facts;
2. If the chairperson of the Committee deems that any material fact that is likely to affect the deliberation was omitted or that the findings from an investigation have a serious defect;
3. If the Minister of Land, Infrastructure and Transport determines that the case at issue is an important matter and makes a request for re-deliberation.

- (2) In order for the Committee for Deliberation on Safety and Defects of Motor Vehicles to change the results of initial deliberation

2/3出席者之同意票。若委員會未能以至少2/3出席者之同意票通過該決議，則最初之審議即為動力車輛安全與瑕疵審議委員會之最終決定。

- (3) 除前兩項規定外，動力車輛安全與瑕疵審議委員會重新審議之程序、方法以及結果通知所需之事項由總統令訂定之。

#### 第47條之12（委託動力車輛安全與瑕疵審議委員會運作及行政處理）

- (1) 依國土基礎建設與交通法規規定之規定，國土交通部長得委託韓國運輸安全局對動力車輛安全與瑕疵審議委員會之組織運作、人力資源等與行政處理承擔部分行政任務。國土交通部長委託動力車輛安全與瑕疵審議委員會執行行政任務之權限，應由國土基礎建設與交通法規訂定之。〈經2017年10月24日第14950號法案修訂〉

and resolution through re-deliberation under paragraph (1), a resolution shall be adopted by the attendance of a majority of current members of the Committee and the concurring vote of at least 2/3 of those present. If the Committee fails to adopt such resolution by the concurring vote of at least 2/3 of those present, the initial deliberation and resolution shall become a final decision by the Committee for Deliberation on Safety and Defects of Motor Vehicles.

- (3) Except as provided in paragraphs (1) and (2), the procedures and methods for re-deliberation by the Committee for Deliberation on Safety and Defects of Motor Vehicles and matters necessary for the notification of results shall be prescribed by Presidential Decree.

**Article 47-12 (Entrustment of Operation and Administrative Processing of Committee for Deliberation on Safety and Defects of Motor Vehicles)**

- (1) The Minister of Land, Infrastructure and Transport may entrust the Korea Transportation Safety Authority with some of the administrative tasks for the operation and administrative processing of the Committee for Deliberation on Safety and Defects of Motor Vehicles, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. The organization, human resources, etc. for performing administrative tasks of the Committee for Deliberation on Safety and Defects of Motor Vehicles, as entrusted by the Minister of Land, Infrastructure and Transport in such cases, shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 14950, Oct. 24, 2017>

- (2) 國土交通部長依前項委托行政任務者，可向韓國運輸安全局繳納款項，以支付機動力車輛安全與瑕疵審議委員會之運作以及行政處理所產生之費用。〈經2017年10月24日第14950號法案修訂〉

#### 第48條（報告機車之使用情況）

- (1) 有意取得、使用國土基礎建設與交通法規規定之機車（以下簡稱「機車」）者，應向市、郡以及區之首長報告其使用情況，並應依國土基礎建設與交通法規規定分發機車號碼。〈經2013年3月23日第11690號法案；2011年5月24日第10721號法案修訂〉
- (2) 發生國土基礎建設與交通法規規定之變更事項時，前項規定之申報事項或廢棄機車之情況下，機車所有人應向市、郡以及區之首長報告。〈經2013年3月23日第11690號法案修訂〉
- (3) 通過讓與而取得第1項機車所有權者，應依國土基礎建設與交通法規規定，向市、郡以及區之首長報告其所有權轉讓之事實；若機車所有權之受讓人未予以報告，讓與人得依國土基礎建設與交通法規規定代替受讓人報告。〈經2013年3月23日第11690號法案修訂〉

- (2) Where some of the administrative tasks are entrusted under paragraph (1), the Minister of Land, Infrastructure and Transport may pay contributions to the Korea Transportation Safety Authority to cover the expenses incurred in the operation and administrative processing of the Committee for Deliberation on Safety and Defects of Motor Vehicles. <Amended by Act No. 14950, Oct. 24, 2017>

#### **Article 48 (Reporting on Use of Motorcycles)**

- (1) A person who intends to acquire and use a motorcycle determined by Ordinance of the Ministry of Land, Infrastructure and Transport (hereinafter referred to as "motorcycle") shall report on its use to the head of a Si/Gun/Gu and shall be assigned a motorcycle number, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013>
- (2) Where there are matters to be changed as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, from among the matters to be reported on under paragraph (1), or where a motorcycle is disused, an owner of the motorcycle shall report thereon to the head of a Si/Gun/Gu. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) A person who has acquired the ownership of a motorcycle reported on under paragraph (1) by transfer shall report on the transfer of ownership thereof to the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That where an owner who has acquired the motorcycle

#### 第49條（機車牌照之懸掛）

- (1) 如無國土基礎建設與交通法規所訂定之機車牌照，不得駕駛機車，該牌照須懸掛於機車後部容易看見之處。〈經2013年3月23日第11690號法案修訂〉
  
- (2) 市、郡以及區之首長收到第48條第1項規定之使用報告後，應依國土基礎建設與交通法規之規定，於有關機車上懸掛牌照並加蓋印章；但報告者欲直接於機車上懸掛牌照並加蓋印章者，市、郡以及區之首長得依國土基礎建設與交通法規之規定，允許其自行辦理。〈經2013年3月23日第11690號法案修訂〉

#### 第50條（機車之結構與裝置）

- (1) 不得駕駛主要結構與裝置不符合安全標準之機車。
  
- (2) 前項規定之主鑰結構與裝置之範圍以及安全標準相關事項，由國土基礎建設與交通法規訂定之。〈經2013年3月23日第11690號法案修訂〉

by transfer has failed to report such transfer of ownership, a transferor may report thereon, in lieu of such transferee, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 49 (Obligation to Affix Motorcycle License Plates)**

- (1) No motorcycle shall be operated without a motorcycle license plate, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, attached to the part of its rear to be readily visible. <Amended by Act No. 11690, Mar. 23, 2013>
  
- (2) Where the head of a Si/Gun/Gu has received a report on use as prescribed in Article 48 (1), he or she shall affix a motorcycle license plate to the relevant motorcycle and seal it, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That where a person who reports the use of the motorcycle intends to directly attach the motorcycle license plate thereto and seal it, the head of a Si/Gun/Gu may allow such person to do it himself or herself, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 50 (Structure and Devices of Motorcycles)**

- (1) No motorcycle shall be operated if its main structure and devices fail to meet the safety standards.
  
- (2) Matters regarding the scope of and the safety standards for the main structure and devices as prescribed in paragraph (1) shall be determined by Ordinance of the Ministry of Land, Infrastructure

## 第51條

刪除。〈經2002年8月26日第6730號法案刪除〉

## 第52條(準用於機車之規定)

第7條、第9條、第10條第5項（含第10條第7項準用之情況）、第13條第項款至第7項、第18條、第20條、第22條、第23條、第26條、第28、第29條、第30條、第30條之2至第30條之6、第31條、第31條之2、第31條之3、第32條、第33條、第33條之2、第34條、第37條準用於機車。於此情形下，「市、郡以及區之首長」等同於市長、道知事；「報告」等同於註冊登記；「摩托車」等同於動力車輛；《機車安全標準》等同於《動力車輛安全標準》；《機車零部件標準》等同於《動力車輛零部件安全標準》；「機車零件自我認證」等同於「動力車輛零件自認證」；「機車製造商等」等同於「動力車輛製造商等」；「機車零件製造商等」等同於「動力車輛零件製造商等」；「機車實測確認」等同於「動力車輛技術審查和安全檢查」。〈經2011年5月24日第10721號法案；2012年5月23日第11449號法案；2014年1月7日第12217號法案；2015年8月11日第13486號法案；2017年10月24日第14950號法案；2020年2月4日第16950號法案修訂〉

## 第53條(動力車輛管理業務登記)

(1) 欲經營動力車輛管理業務者，應按國土交通省令規定，向市、郡、區首長登記。變更登記事項者，亦同。但依總統令規定的對次要登記事項的變更，不在此限。〈2013年3月23日

and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

### **Article 51**

Deleted. <by Act No. 6730, Aug. 26, 2002>

### **Article 52 (Application Mutatis Mutandis to Motorcycles)**

@Articles 7, 9, 10 (5) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 10 (7)), 13 (3) through (7), 18, 20, 22, 23, 26, 28, 29, 30, 30-2 through 30-6, 31, 31-2, 31-3, 32, 33, 33-2, 34, and 37 shall apply mutatis mutandis to a motorcycle. In such cases, the "Mayor/Do Governor" shall be construed as the "head of a Si/Gun/Gu"; "registration", as "report"; "motor vehicles", as "motorcycles"; "safety standards for motor vehicles", as "safety standards for motorcycles"; "safety standards for motor vehicle parts", as "standards for motorcycle parts"; "self-authentication of motor vehicles", as "self-authentication of motorcycles"; "self-authentication of motor vehicle parts", as "self-authentication of motorcycle parts"; "motor vehicle manufacturers, etc.", as "motorcycle manufacturers, etc."; "parts manufacturers, etc.", as "manufacturers, etc. of motorcycle parts"; and "technology review and safety inspection of motor vehicles", as "confirmation of actual measurement of motorcycles". <Amended by Act No. 10721, May 24, 2011; Act No. 11449, May 23, 2012; Act No. 12217, Jan. 7, 2014; Act No. 13486, Aug. 11, 2015; Act No. 14950, Oct. 24, 2017; Act No. 16950, Feb. 4, 2020>

### **Article 53 (Registration of Motor Vehicle Management Business)**

(1) A person who intends to run a motor vehicle management business shall have it registered with the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

第11690號法修訂>

- (2) 第(1)項規定之動力車輛管理業務，得按總統令之規定進行細分。
- (3) 第(1)項規定之動力車輛管理業務，其登記標準、程序等事項，由首爾特別廣域市、廣域市、特別自治市/道（包括特別自治道）或國土交通省令規定範圍內人口至少50萬的城市自行訂之。於前述狀況，欲於首爾特別市、廣域市或擁有至少500,000人口之自治區內從事動力車輛交易業務者，應滿足國土交通部規定之註冊標準。<2015年8月11日第13486號法修訂>
- (4) 按第(3)條制定規範時，得參酌交通狀況、環境污染、周圍情況和其他當地情況等因素。<經2015年8月11日第13486號法修訂>

The same shall also apply where the person intends to modify the registered matters: Provided, That the foregoing shall not apply to any modification to minor registered matters as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

- (2) The motor vehicle management business as prescribed in paragraph (1) may be subdivided, as prescribed by Presidential Decree.
- (3) Matters regarding the standards and procedures, etc. for a motor vehicle management business registration as prescribed in paragraph (1) shall be determined by ordinance of the Seoul Special Metropolitan City, a Metropolitan City, a Special Self-Governing City/Do (including a Special Self-Governing Province) or a city of a population of at least 500,000 persons within the scope prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. In such cases, a person who intends to engage in the motor vehicle transaction business in an autonomous Gu of a population of at least 500,000 within the Seoul Special Metropolitan City and a Metropolitan City shall satisfy the standards for registration as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 13486, Aug. 11, 2015>
- (4) In determining the ordinance pursuant to paragraph (3), factors such as traffic conditions, environmental pollution, surrounding conditions and other local circumstances may be taken into account. <Amended by Act No. 13486, Aug. 11, 2015>

### 第53條之2（舉報獎金支付）

特別市市長、廣域市市長、特別自治市市長、特別自治道長、市、郡、區長，得給付舉報違規者獎金。符合本法第七十九條第十三項、第八十條第一項、第八十條第五項之三、第八十一條第二項、第八十一條第七項之二、第八十四條第四項第二十款規定（屬於第八十條第一項、第八十一條第二項或第八十一條第七項之二之動力車輛除外）之車主，應依當地政府之法令規定進行申報。〈經2015年8月11日第13486號法案；2017年10月24日第14950號法案；2020年2月4日第16950號法案修訂〉。

### 第54條（消極資格）

(1) 下列人員有下列各款情形之一者，不得從事動力車輛管理業務。法人之代表人有下列各款情形之一者，亦同：〈2015年8月11日第13486號法修訂；2016年1月28日第13933號法案〉

1. 受成人監護或有限監護者；
2. 被宣告破產尚未撤銷者；
3. 按本法規定之動力車輛管理業務被撤銷登記之日起未逾一年者（因第一款、第二款規定被撤銷登記者除外）；

### **Article 53-2 (Payment of Monetary Awards)**

The Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Special Self-Governing Province Governor, or the head of a Si/Gun/Gu may grant a monetary award to a person who has reported or charged any persons falling under subparagraph 13 of Article 79, subparagraph 1 of Article 80, subparagraph 5-3 of Article 80, subparagraph 2 of Article 81, subparagraph 7-2 of Article 81, or Article 84 (4) 20 (excluding when a motor vehicle owner reports in a case falling under subparagraph 1 of Article 80, subparagraph 2 of Article 81, or subparagraph 7-2 of Article 81), as prescribed by ordinance of the relevant local government. <Amended by Act No. 13486, Aug. 11, 2015; Act No. 14950, Oct. 24, 2017; Act No. 16950, Feb. 4, 2020>

### **Article 54 (Grounds for Disqualification)**

(1) None of the following persons shall engage in motor vehicle management business. In the case of a corporation, the same shall also apply if its executive officer falls under any of the following: <Amended by Act No. 13486, Aug. 11, 2015; Act No. 13933, Jan. 28, 2016>

1. A person under adult guardianship or under limited guardianship;
2. A person who has been declared bankrupt and not yet been reinstated;
3. A person in whose case one year has not elapsed since the revocation of registration of his or her motor vehicle

4. 違反本法規定，自執行完畢或免除其有期徒刑或較重處罰之日起未逾二年者；

5. 因違反本法規定，判處緩刑或者較重處罰，於執行期間遭撤銷者。

(2) 已按第五十三條規定辦理動力車輛管理業務登記之人員（以下簡稱動力車輛管理業者）有前項各款情形之一者，應撤銷相關登記。但在三個月內更換依前項規定之公司負責人時，不在此限。

### 第55條（動力車輛管理業務轉讓或收購之報告）

(1) 欲移轉或收購動力車輛管理業務之人，應按照國土交通省令之規定，向市、郡、區長報告。<2013年3月23日第11690號法修訂>

management business prescribed in this Act (excluding cases where the registration is withdrawn for falling under subparagraph 1 or 2);

4. A person in whose case two years have not passed since the complete execution of or exemption from a sentence for imprisonment with labor or heavier punishment for violation of this Act;

5. A person under suspension of execution after having been sentenced to the suspension of execution of a sentence for imprisonment with labor or heavier punishment for violation of this Act.

(2) Where a person who has made the registration for the motor vehicle management business prescribed in Article 53 (hereinafter referred to as "motor vehicle management business entity") falls under any ground prescribed in paragraph (1), the head of a Si/Gun/Gu shall revoke the relevant registration: Provided, That the same shall not apply where an executive officer of a corporation who falls under paragraph (1) is replaced within three months.

### **Article 55 (Reporting on Transfer or Acquisition of Motor Vehicle Management Business)**

(1) A person who intends to transfer or acquire a motor vehicle management business shall report thereon to the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

- (2) 經營動力車輛管理業務之法人，欲與其他法人合併者，應向司、州、局負責人報告。
- (3) 收購動力車輛管理業務者或者合併後存續之公司，當然繼受前手之權利和義務。
- (4) 動力車輛管理經營單位暫停或者關閉全部或者部分業務者，應向市、縣、區負責人報告。
- (5) 按第(4)項之規定進行報告之動力車輛維修經營單位被指定為維修經營單位或經指定維修經營單位進行綜合檢查者，視為已報告停業。於前述情形，市、郡以及區之首長應通知國土交通部。〈經2013年3月23日第11690號法修訂〉

#### 第56條（改善業務的命令）

- (1) 為促進動力車輛管理業務之發展，市、郡、區負責人得按據總統令規定，向動力車輛管理業務主體處以下列命令之一：〈經2013年3月23日第11690號法案；2017年10月24日第14950號法案修訂〉

1. 搬遷營業場所；

- (2) Where a corporation who operates the motor vehicle management business intends to merge with another corporation, he or she shall report thereon to the head of a Si/Gun/Gu.
- (3) A person who acquires a motor vehicle management business or a corporation surviving a merger shall succeed to the rights and obligations of the motor vehicle management business entity.
- (4) Where a motor vehicle management business entity suspends or closes all or part of the business, he or she shall report thereon to the head of a Si/Gun/Gu.
- (5) Where a motor vehicle management business entity who has reported pursuant to paragraph (4) is designated as a maintenance business entity or designated maintenance business entity for comprehensive inspection, he or she shall be deemed to have reported on suspension or closure of the relevant designated business. In such cases, the head of a Si/Gun/Gu shall notify the Minister of Land, Infrastructure and Transport thereof. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 56 (Orders for Improving Business)**

- (1) Where deemed necessary for the sound development of the motor vehicle management business, the head of a Si/Gun/Gu may issue any of the following orders to a motor vehicle management business entity, as prescribed by Presidential Decree: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14950, Oct. 24, 2017>

1. Relocation of a place of business;

2. 改善設施或營運；
3. 調整佣金或費用；
4. 國土交通省令為健全發展動力車輛管理業務所規定之其他事項。

(2) 為防止動力車輛交易商和動力車輛所有人遭受損失，市、縣、區負責人得依第六十五條之二第(1)項規定註冊之動力車輛網路資訊提供者採取下列措施或總統令規定的措施：<2017年10月24日第14950號法案>

1. 改進營業場所、營運之電子計算機系統；
2. 改進使用之條款與條件；
3. 國土交通部為防止動力車輛交易商和動力車輛所有人遭受損失所規定之其他事項。

### 第57條（動力車輛管理業者的禁止行為）

(1) 動力車輛管理業者不得有下列各款情形之一：<2012年12月18日第11588號法修改>

2. Improvement of facilities or operation;
3. Adjustment of commission or a fee;
4. Other matters prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport for the sound development of the motor vehicle management business.

(2) If necessary for preventing loss to motor vehicle dealers and motor vehicle owners, the head of a Si/Gun/Gu may order an online information provider registered under Article 65-2 (1) for motor vehicles for sale to take the following measures, as prescribed by Presidential Decree: <Newly Inserted by Act No. 14950, Oct. 24, 2017>

1. Improvement of a place of business, computer systems, or operation;
2. Improvement of terms and conditions of use;
3. Other matters prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport to prevent loss to motor vehicle dealers and motor vehicle owners.

### **Article 57 (Prohibited Acts for Motor Vehicle Management Business Entities)**

(1) No motor vehicle management business entity shall engage in any of the following acts: <Amended by Act No. 11588, Dec. 18, 2012>

1. 允許他人以自己的名義經營業務（包括以委託、分出、外包等方式將業務一部或全部移轉）；
  2. 將營業場所的一部或者全部出租給他人或者允許他人佔有、使用營業場所；
  3. 提供與接受不當利得，或者從事與相關業務有關之其他違法行為；
  4. 無正當理由拒絕動力車輛使用者所提出與業務相關之請求；
  5. 對動力車輛使用者強行銷售相關業務或動力車輛使用者未要求之產品或服務，並以動力車輛使用者未要求之服務對其請求給付，或為業務為目的進行招攬。
- (2) 按第三十四條第(2)項規定之動力車輛維修經營單位或者動力車輛生產業者等，不得自行改裝或未依核准之規定進行改裝，但經主管機關負責人按第34條核准者除外（包括按第五十二條準用同條規定之情形）。<經2014年1月7日第12217號法案；2015年8月11日第13486號法案；2013年12月30日第12146號法案修訂>
- (3) 動力車輛交易商者不得從事下列行為：<經2013年12月30日第12146號法案修訂>

1. Allowing another person to operate the business under his or her own name (including subcontracting in the form of entrustment, delegation, outsourcing, etc. for the whole or part of the business);
  2. Leasing part or all of the place of business to another person or allowing the person to occupy and use the place of business;
  3. Offering and accepting unjust enrichment, or engaging in other unlawful conduct with regard to the relevant business;
  4. Rejecting a user's request without justifiable grounds in relation to the relevant business;
  5. Forcibly selling a product or service not requested by a user regarding the relevant business, demanding compensation in return for a work not requested by a user, or soliciting clients or customers for business purposes.
- (2) No motor vehicle maintenance business entity or the motor vehicle manufacturer, etc. under Article 34 (2) shall tune a motor vehicle nor tune it inconsistent with what was approved, except where he or she obtains approval from the head of a Si/Gun/Gu under Article 34 (including cases to which the same Article shall apply mutatis mutandis pursuant to Article 52). <Amended by Act No. 12217, Jan. 7, 2014; Act No. 13486, Aug. 11, 2015>
- (3) No motor vehicle dealer shall engage in any of the following conduct: <Amended by Act No. 12146, Dec. 30, 2013>

1. 非登記冊上之登記者提出之動力車輛交易中中介請求時，仍對該動力車輛交易進行中介；但若登記冊上所列之動力車輛所有人被授權對動力車輛進行交易，其要求進行動力車輛交易的中介，則不適用上述規定；
2. 對欲從事中介之動力車輛之標示或廣告有不實陳述或誇大。

### 第57條之2（禁止收集、中介報廢動力車輛）

非動力車輛報廢經營單位不得以營利為目的，收集或者購買被報廢的動力車輛，且不得從事動力車輛報廢之中介行為。

### 第58條（動力車輛管理業者之通知義務）

- (1) 動力車輛交易商中介動力車輛買賣，應於按照國土交通部之規定訂立買賣契約之前，將下列事項以書面通知相關動力車輛之購買者：<經2013年3月23日第11690號法案；2013年12月30日第12146號法案；2015年1月6日第12986號法案；2017年10月24日第14950號法案；2017年12月26日第15321號法案修訂>

1. Intermediating motor vehicle transactions upon receipt of a request for the intermediation of motor vehicle transactions from a person who is not the owner recorded on the register: Provided, That the same shall not apply where he or she has been asked to intermediate motor vehicle transactions by the person authorized to act in connection with the motor vehicle transactions by the motor vehicle owner listed on the register;
2. False or exaggerated labelling or advertisement of the motor vehicle for which he or she intends to engage in intermediation for the sale and purchase.

**Article 57-2 (Prohibition of Collecting or Intermediating Scrapped Motor Vehicles)**

A person who is not the motor vehicle scrapping business entity shall not, in his or her pursuit of profit, collect or purchase to collect the motor vehicles subject to scrapping, nor shall he or she engage in any acts of intermediation for a motor vehicle scrapping business entity.

**Article 58 (Motor Vehicle Management Business Entities' Obligations of Notification and Management)**

- (1) Where a motor vehicle dealer intermediates the sale and purchase of a motor vehicle, he or she shall give written notice of the following matters to the buyer of the relevant motor vehicle prior to concluding a sales contract in accordance with Ordinance of the Ministry of Land, Infrastructure and Transport: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12146, Dec. 30, 2013; Act No. 12986, Jan. 6, 2015; Act No. 14950, Oct. 24, 2017; Act No. 15321, Dec. 26, 2017>

1. 有關動力車輛結構與裝置之性能與狀況檢查之詳細情況（包括現場拍攝並自檢查之日起120日內製作的照片）、由國土交通部規定任何人進行之相關動力車輛設備之檢查（下稱「動力車輛之性能和狀況檢查」）；
  2. 扣押、抵押之登記；
  3. 按第65條第(1)項收取之費用；
  4. 若經買方詢問，有關動力車輛之檢驗或價格計算之詳細內容。
- (2) 欲從事動力車輛性能和狀況檢查業務的人員，應具備國土交通部所規定之設置與配備，且符合資格標準；並應將業務報告與市、郡、區之負責人。〈經2017年12月26日第15321號法修訂〉
- (3) 動力車輛交易商利用網際網路對動力車輛進行廣告宣傳者，應按國土交通部所之規定公佈動力車輛履歷、經銷商資訊等必要事項。〈經2011年5月24日第10721號法案新增；2013年3月23日第11690號法案修訂〉

1. Details of an inspection (including photographs taken at the scene of inspection and prepared within 120 days from the date of inspection) of the performance and condition of the structure and devices of the relevant motor vehicle (hereinafter referred to as "inspection of the performance and condition of a motor vehicle") by any of the persons specified by Ordinance of the Ministry of Land, Infrastructure and Transport;
  2. Any registration of seizure and mortgage;
  3. A fee or charge received under Article 65 (1);
  4. Where the buyer wishes, details of the inspection or calculation of price of the relevant motor vehicle.
- (2) Any person who intends to engage in the business of inspecting the performance and condition of motor vehicles shall be equipped with the facilities and equipment prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport and shall meet the standards for qualifications; and shall report the business to the head of a Si/Gun/Gu. <Amended by Act No. 15321, Dec. 26, 2017>
- (3) Where a motor vehicle dealer advertises motor vehicles using the Internet, he or she shall post the history of such motor vehicles, seller information, and other necessary matters, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Newly Inserted by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013>

(4) 動力車輛維修經營單位應符合下列條件：〈經2011年5月24日第10721號法；2012年5月23日第11449號法案；2013年3月23日第11690號法案；2014年1月7日第12217號法案；2016年1月28日第13933號法案修訂〉

1. 刪除；〈經2015年1月6日第12986號法案〉
2. 客戶要求維修服務時，應將維修所需的新零件、二手零件、回收零件或更換零件等按照第三十條之五之規定告知客戶；
3. 使用二手零件或回收零件提供維修服務者，應檢查相關部分有無問題；
4. 應按照國土交通部規定，通過網際網路、印刷品或其他方式公開其維修所需之標準時間；
5. 國土交通部所規定之重大維修工程，應在其營業場所要求維修工程者公告每小時之收取費用與維修所需之標準時間，使客戶得隨時查看之；

(4) A motor vehicle maintenance business entity shall meet the following requirements: <Amended by Act No. 10721, May 24, 2011; Act No. 11449, May 23, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12217, Jan. 7, 2014; Act No. 13933, Jan. 28, 2016>

1. Deleted; <by Act No. 12986, Jan. 6, 2015>
2. He or she shall inform the customer of new parts, secondhand parts, recycled parts or replacement parts pursuant to Article 30-5, etc. necessary for the maintenance when the customer requests maintenance services so that the customer may make an informed choice;
3. Where providing maintenance services using a secondhand part or a recycled part, he or she shall check whether the relevant part has any problem;
4. He or she shall disclose the standard maintenance time via the Internet, printed materials or other methods of disclosure, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;
5. With respect to the major maintenance works prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, he or she shall post in his or her place of business the hourly labor charges and the standard maintenance time so that they are readily visible to the person who has requested the maintenance works;

6. 按國土交通部規定之程序，向要求維修服務的客戶出具估算與檢查維修服務明細表，並告知後續維修詳情；

7. 按國土交通部之規定，提供後續維修服務；

8. 不得編制與出示具有誤導性之估價、具有誤導性之檢查維修服務明細表。

(5) 動力車輛報廢回收經營單位應當符合下列要求：<2016年1月28日第13933號法修訂>

1. 動力車輛報廢回收經營業者回收動力車輛所有人或市、縣、區負責人所報廢之動力車輛，應取得該動力車輛、動力車輛登記證、按國土交通部規定之登記車牌與印章，並出具證明其事實之文件；

2. 動力車輛報廢回收經營單位收受報廢動力車輛之報廢要求，應報廢該動力車輛，並報廢動力車輛登記證、登記車牌和該動力車輛印章；登記車牌、該動力車輛之印章，不得重複使

6. He or she shall issue an estimate and a detailed statement of checkup and maintenance services and inform the details of follow-up management to a customer who requests maintenance services under the procedures prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;
  7. He or she shall provide follow-up management services, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;
  8. He or she shall not prepare and issue a misleading estimate and a misleading detailed statement of checkup and maintenance services.
- (5) A motor vehicle scrapping and recycling business entity shall comply with the following requirements: <Amended by Act No. 13933, Jan. 28, 2016>
1. Where the motor vehicle scrapping and recycling business entity receives a request to scrap a motor vehicle from a motor vehicle owner or the head of a Si/Gun/Gu, he or she shall acquire the relevant motor vehicle, its motor vehicle registration certificate, registration license plate and the seal, and issue a document certifying the fact thereof, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;
  2. Where the motor vehicle scrapping and recycling business entity receives a request to scrap a motor vehicle, he or she shall scrap the relevant motor vehicle and discard its registration

用；

3. 國土交通部規定之動力車輛報廢回收所需之其他事項。

(6) 刪除。〈2016年1月28日第13933號法案〉

(7) 動力車輛管理業者履行本條第(1)、(4)、(5)項規定之職責，應按國土交通部之規定進行記錄、管理與保存。〈經2011年5月24日第10721號法案；2013年3月23日第11690號法案；2016年1月28日第13933號法案修訂〉

(8) 動力車輛管理業者應提供國土交通部所規定之資訊，包含本條第(7)項所稱之記錄、管理和保存之資訊、按第69條設立之電子化資訊處理系統資訊。〈經2012年12月18日第11588號法案；2013年3月23日第11690號法案修訂〉

### 第58條之2（示範業者）

(1) 市/郡/區長得按國土交通部所規定之特定標準，將經營管理業績優異之動力車輛管理業者指定為示範業者。〈2013年3月23日第11690號法修訂〉

certificate, registration license plate, and the seal of the relevant motor vehicle, so that they cannot be reused;

3. Other matters necessary for motor vehicle scrapping and recycling, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

(6) Deleted. <by Act No. 13933, Jan. 28, 2016>

(7) Where a motor vehicle management business entity has performed the duties prescribed in paragraphs (1), (4) and (5), he or she shall record, manage, and keep the records thereof, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013; Act No. 13933, Jan. 28, 2016>

(8) Motor vehicle management business entities shall submit information determined by Ordinance of the Ministry of Land, Infrastructure and Transport, out of the information recorded, managed, and kept pursuant to paragraph (7), as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, to the computerized information processing organization established under Article 69. <Newly Inserted by Act No. 11588, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013>

### **Article 58-2 (Exemplary Business Entities)**

(1) The head of a Si/Gun/Gu may designate a motor vehicle management business entity with outstanding business performance as an exemplary business entity pursuant to the designation criteria

- (2) 若該業者不符合指定標準或受到第六十六條所規定之行政裁罰，市/郡/顧首長應立即撤銷按第(1)項所為之指定。
- (3) 關於第(1)和(2)項示範業者指定程序與撤銷程序之事項，由國土交通部規定之。〈2013年3月23日第11690號法修訂〉

### 第58條之3（動力車輛管理業者之損害賠償責任）

- (1) 動力車輛交易商未按第58條第1項各款規定進行告知或在中介銷售動力車輛時為不實陳述，致動力車輛消費者發生財產上之損失，動力車輛交易商應負損害賠償責任。若動力車輛性能狀況檢驗人員提供不實或錯誤之性能、狀況資料給予動力車輛交易商，致動力工具買受人發生財產上之損失，動力車輛交易商得向該檢驗人員請求損害賠償。〈經2015年1月6日第12986號法案；2017年10月24日第14950號法案；2017年12月26日第15321號法案修訂〉

determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

- (2) The head of a Si/Gun/Gu shall, without delay, revoke designation of a person designated as an exemplary business entity under paragraph (1) where such person fails to meet any of the designation criteria or is subjected to an administrative disposition under Article 66.
- (3) Matters regarding procedures for designating exemplary business entities and the revocation thereof under paragraphs (1) and (2) shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

### **Article 58-3 (Liability for Damages by Motor Vehicle Management Business Entities)**

- (1) Where any property loss has occurred to the motor vehicle buyer where the motor vehicle dealer fails to give notice under each subparagraph of Article 58 (1) or gives false notice in brokering the sale of a motor vehicle, the motor vehicle dealer shall pay the relevant damages. Where a person who has performed an inspection of the performance and condition of a motor vehicle (hereinafter referred to as "inspector of the performance and condition of a motor vehicle") inflicts property loss on the buyer of the motor vehicle in such cases by providing false or erroneous information on the inspection of the performance and condition to the dealer of the motor vehicle, the dealer of the motor vehicle may claim indemnity for such loss from the inspector of the

- (2) 動力車輛交易商應於按總統令規定營業前，加入保證保險或存入保證金，以擔保第1款所規定之損害賠償責任。
- (3) 根據第(2)款存入之保證金，不得於動力車輛交易商關閉其業務或死亡之日起一年內收回。
- (4) 動力車輛中介交易完成時，動力車輛交易商應向當事人說明下列損害賠償責任保證事項；並出具相關證明（包括第五十八條之四第2項規定之動力車輛性能狀況檢查員擔保責任之相關證明；本條於第八十四條第4項第23款適用之），或以電子形式傳送相關證明：<經2017年10月24日第14950號；2020年2月4日第16950號法案修訂>

1. 保證金額；
2. 保險公司、存款機構之名稱及其地址；
3. 保證期間。

performance and condition of the motor vehicle. <Amended by Act No. 12986, Jan. 6, 2015; Act No. 14950, Oct. 24, 2017; Act No. 15321, Dec. 26, 2017>

- (2) A motor vehicle dealer shall subscribe to guaranty insurance or make a deposit before commencing business as prescribed by Presidential Decree, to guarantee liability for damages under paragraph (1).
- (3) No bond deposited under paragraph (2) shall be recovered within one year after the date the motor vehicle dealer closes his or her business or deceases.
- (4) Where the brokerage of a motor vehicle transaction is completed, a motor vehicle dealer shall explain to the parties thereto the following matters regarding guarantee for liability for damages; and shall issue a copy of the relevant certificate (including a relevant certificate regarding the guarantee liability of the inspector of the performance and condition of the motor vehicle under Article 58-4 (2); hereafter in this Article and Article 84 (4) 23, the same shall apply) or shall transmit the relevant certificate in electronic format: <Amended by Act No. 14950, Oct. 24, 2017; Act No. 16950, Feb. 4, 2020>

1. Amount of guarantee;
2. Names of the insurance company and depository organization, and their addresses;
3. Period of guarantee.

#### 第58條之4（動力車輛性能與狀況檢查員之保證責任）

- (1) 動力車輛性能與狀況檢查員應按國土交通部之規定，對動力車輛之性能與狀況檢查結果提供擔保。
- (2) 動力車輛性能與狀況檢查員應投保第(1)款規定之保證保險。
- (3) 第(2)款規定之保險種類、範圍、程序等事項，由總統令定之。

#### 第58條之5（動力車輛價格檢驗員、計算員任職資格）

下列人員得按第五十八條第(1)第4款之規定，檢驗或計算動力車輛價格：

1. 已按總統令規定《專業技師法》第3條規定機械領域之專業技師所需完成之動力車輛價格檢驗與計算培訓；
2. 具有動力車輛維修技師資格並持有國土交通部之負責人按《特別職業資格法》第2條正式認可之動力車輛專業與鑑定許可證者。

**Article 58-4 (Guarantee Liability of Inspectors of Performance and Condition of Motor Vehicles)**

- (1) An inspector of the performance and condition of motor vehicles shall provide guarantee for the results of the inspections of performance and condition, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.
- (2) An inspector of the performance and condition of motor vehicles shall buy insurance indemnifying the guarantee liability under paragraph (1).
- (3) Matters regarding the category, coverage, procedures, etc. of the insurance under paragraph (2) shall be prescribed by Presidential Decree.

**Article 58-5 (Qualifications for Motor Vehicle Price Inspectors or Calculators)**

Any of the following persons may inspect or calculate prices of motor vehicles pursuant to Article 58 (1) 4:

1. A professional engineer in mechanical field under Article 3 of the Professional Engineers Act who has completed the training on motor vehicle price inspection or calculation as prescribed by Presidential Decree;
2. A person who has obtained qualification as at least the craftsman motor vehicles maintenance and also holds a license for motor vehicle diagnosis or appraisal officially accredited by the Minister of Land, Infrastructure and Transport pursuant to Article 2 of the

**第58條之6（撤銷買賣契約）**

(1) 動力車輛買受人與動力車輛交易商或與中介人訂立動力車輛之買賣契約，若其動力車輛有下列各款情形之一者，買受人得自動力車輛交付之日起30日內解除買賣契約：

1. 動力車輛之行駛里程、事故記錄、浸水記錄與第五十八條第(1)項第1款規定之告知事項不一致者；

2. 對第五十八條第(1)項第1款或第2項之規定事項未為告知或為不實告知者。

(2) 動力車輛買受人按第(1)款之規定解除買賣契約，應立即將動力車輛交付動力車輛交易商。

(3) 動力車輛交易商應於買受人按(2)款退還動力車輛時，將已收取之價金交付動力車輛購買受人。

**第59條（動力車輛銷售之管理）**

(1) 有下列情形之一者，動力車輛交易商應按國土交通部之規定向市、郡、區長報告。前述規定，按第60條規定之拍賣展示動力車輛不適用之：<經2013年3月23日第11690號法修訂>

Framework Act on Qualifications.

**Article 58-6 (Revocation of Purchase and Sales Agreements)**

(1) A motor vehicle purchaser who has concluded a purchase and sales agreement through a motor vehicle dealer's dealing or intermediation of the sale may withdraw from such agreement within 30 days from the date of delivery of the motor vehicle, where the relevant motor vehicle falls under any of the following cases:

1. Where the relevant motor vehicle's mileages, records of accidents or flooding are different from the notice given pursuant to Article 58 (1) 1;
2. Where notice is not given or false notice is given in connection with the matter prescribed in Article 58 (1) 1 or 2.

(2) Where a motor vehicle purchaser has revoked a purchase and sales agreement pursuant to paragraph (1), he or she shall promptly return the motor vehicle to the motor vehicle dealer.

(3) A motor vehicle dealer shall return the money already received to the motor vehicle purchaser at the time the motor vehicle is returned under paragraph (2).

**Article 59 (Management of Motor Vehicles for Sale)**

(1) In any of the following cases, a motor vehicle dealer shall report to the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That

1. 於營業場所展示待售動力車輛者；
2. 動力車輛完成銷售者；
3. 待售動力車輛未售出而歸還其所有人者。

(2) 動力車輛交易商應遵守以下規定：〈經2013年3月23日第11690號法；2017年12月26日第15321號法案修訂〉

1. 根據國土交通部之規定，管理於動力車輛交易商營業場所展示之待售動力車輛；
2. 編制動力車輛交易管理登記簿，並將登記簿存查至國土交通部所規定之期限；
3. 確保其從事動力車輛之受僱人按國土交通部之規定揭露其身份；
4. 確保其從事動力車輛交易之員工完成國土交通部規定之動力車輛交易規則等教育課程；

the same shall not apply where a motor vehicle is displayed at an auction house under Article 60: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where a motor vehicle for sale is displayed at a place of business;
2. Where a motor vehicle for sale is sold;
3. Where a motor vehicle for sale is not sold and returned to its owner.

(2) A motor vehicle dealer shall comply with the following: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 15321, Dec. 26, 2017>

1. Managing a motor vehicle for sale displayed at a motor vehicle dealer's place of business as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;
2. Preparing a register for managing motor vehicle transactions and keeping said register until the period prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;
3. Ensuring that his or her employees engaged in the sale of motor vehicles display their identity, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;
4. Ensuring that his or her employees engaged in the sale of motor vehicles complete educational courses on rules, etc. on the sale

5. 國土交通部為保障動力車輛買受人之權益之其他事項。

- (3) 動力車輛交易商不得委託動力車輛性能與狀況之檢查人員，對動力車輛結構、裝置性能與狀況進行不實之檢驗。〈經2017年10月24日第14950號法案修訂〉

#### 第60條（動力車輛拍賣行的設立和經營）

- (1) 第六十七條規定之動力車輛交易商或者動力車輛交易商團體，得設立與經營動力車輛拍賣行（以下簡稱拍賣行），制定一定之設施、人力資源標準。市長/道長得為確保動力車輛交易價格合理，調整動力車輛供求關係，促進與發展動力車輛管理經營業務與交易秩序，同意該等標準。前述標準之變更，應經市長/道長同意。但國土交通部規定之非重要變更，不在此限。〈經2013年3月23日第11690號法案；2016年1月28日第13933號法案修訂〉

of motor vehicles, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;

5. Other matters prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport to protect the rights and interests of motor vehicle buyers.

(3) No motor vehicle dealer shall ask an inspector of the performance and condition of a motor vehicle to fraudulently inspect the performance and condition of the structure, devices, etc. of the motor vehicle. <Newly Inserted by Act No. 14950, Oct. 24, 2017>

### **Article 60 (Establishment and Operation of Motor Vehicle Auction Houses)**

(1) A motor vehicle dealer or an association comprised of a group of motor vehicle dealers under Article 67 may open and operate a motor vehicle auction house (hereinafter referred to as "auction house"), by preparing certain standards for facilities and human resources therefor, and obtaining approval thereof from the Mayor/Do Governor, if it is deemed necessary to ensure reasonable prices of motor vehicles for sale, better adjustment of demand and supply, fostering and development of the motor vehicle management business and order in sales practices. The same shall also apply to any modification to the approved matters: Provided, That the same shall not apply to any modification to insignificant matters prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13933, Jan. 28, 2016>

(2) 本條第(1)款規定之拍賣行等設施與人力資源之審查標準與審查程序，由國土交通部訂之。〈經2013年3月23日第11690號法案修訂〉

(3) 設立、經營拍賣行者（以下簡稱「設立人」）應當遵守以下規定：

1. 對拍賣標的之登記事項、安全性能狀況等進行檢查，並將檢查結果通知欲參加拍賣者；

2. 設立人不得違反本法或按本法發布之命令或處分。

(4) 本條第3款第1項規定之拍賣標的之檢查標準與檢查結果之通知方法等事項，由國土交通部訂之。〈經2013年3月23日第11690號法案修訂〉

(5) 本法規定之拍賣行，不受其他法規有關拍賣行或交易市場規定之適用。

## 第61條

刪除。〈經1999年4月15日第5968號法案修訂〉

- (2) Matters regarding standards for approval in terms of facilities and human resources of an auction house, etc. under paragraph (1) and procedures for approval, etc. shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) A person who opens and operates an auction house (hereinafter referred to as "opener") shall comply with the following:
1. He or she shall conduct checkup and inspection on the registered matters and the safety and performance conditions of a motor vehicle which is an object of auction, etc. and notify the results thereof to a person who intends to participate in the auction;
  2. He or she shall not violate this Act or an order or a disposition issued under this Act.
- (4) Matters regarding the standards for checkup and inspection on a motor vehicle which is an object of auction under paragraph (3) 1 and the notification method of inspection results, etc. shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (5) An auction house under this Act shall not be governed by the provisions concerning an auction house or a market as prescribed by other statutes.

## **Article 61**

Deleted. <by Act No. 5968, Apr. 15, 1999>

### 第62條（參與拍賣）

按國土交通部之規定，參與拍賣者應繳納保證金予發起人，以保證支付得標動力車輛之價金。<經2013年3月23日第11690號法案修訂>

### 第63條（拒絕接收拍賣的動力車輛）

- (1) 得標者若無正當理由於約定之期限內拒絕或怠於受領被拍賣之動力車輛，發起人應催告得標者，並將動力車輛保留一定期限，保留之費用由得標者承擔。
  
- (2) 發起人於催告並將動力車輛保留一定期限後，得標者未受領被拍賣之動力車輛或有不可抗力之情事，發起人得將被拍賣之動力車輛重新拍賣，或依第(1)款之規定繼續保留。
  
- (3) 因按第(2)款規定重新拍賣所造成之損失，由第(1)款規定之得標者承擔。

### 第64條（檢查維修負責人之派任）

- (1) 動力車輛維修經營單位應指定一名負責動力車輛檢驗、維修工作之負責人（以下簡稱「維修負責人」），並向市、郡、區長報告。維修負責人之任免，亦同。

### **Article 62 (Participation in Auction)**

Auction participants shall pay a deposit to an opener to guarantee the payment of price of a successful bid for a motor vehicle, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.  
<Amended by Act No. 11690, Mar. 23, 2013>

### **Article 63 (Refusal to Take over Auctioned Motor Vehicles)**

- (1) Where a successful bidder refuses or neglects to take over an auctioned motor vehicle within the agreed-upon period without justifiable cause, an opener shall keep the motor vehicle for a specified period at the expense of the relevant successful bidder or urge him or her to take it over.
- (2) An opener may put an auctioned motor vehicle up again at auction, where a successful bidder fails to take the auctioned motor vehicle over or there is any other unavoidable reason after keeping the auctioned motor vehicle for a specified period or urging the successful bidder to take it over under paragraph (1).
- (3) Losses caused by re-auction, etc. as prescribed in paragraph (2) shall be covered by the successful bidder as prescribed in paragraph (1).

### **Article 64 (Appointment of Persons in Charge of Inspection and Maintenance)**

- (1) A motor vehicle maintenance business entity shall appoint a person in charge of inspection and maintenance who will deal with matters concerning the inspection and maintenance of a motor vehicle (hereinafter referred to as "person in charge of maintenance") and

- (2) 維修負責人違反本法或依本法之規定受有處分者，市、郡、區長得責令其所屬之動力車輛維修經營單位解聘該維修負責人。在此情形下，被解僱者自解雇之日起六個月內不得被任命為維修負責人。
- (3) 本條第(1)款所規定維修負責人之資格、職責、培訓等事項，由國土交通部規定之。〈經2013年3月23日第11690號法修訂〉

### 第65條（動力車輛管理業者收費）

- (1) 動力車輛管理業者得按國土交通部之規定收取費用。〈經2013年3月23日第11690號法修訂〉
- (2) 動力車輛報廢回收經營業者應按照國土交通部之規定，向相關動力車輛所有人給付估計價值扣除動力車輛報廢費用後之餘額。但若汽車報廢費用超過汽車之估計價值，動力車輛報廢回收經營業者得按照國土交通部之規定收取超過之費用。〈經2013年3月23日第11690號法修訂〉

shall report thereon to the head of a Si/Gun/Gu. The same shall also apply to the dismissal of a person in charge of maintenance.

- (2) Where a person in charge of maintenance violates this Act or any order or disposition issued under this Act, the head of a Si/Gun/Gu may order the relevant motor vehicle maintenance business entity to dismiss the person in charge of maintenance. In such cases, the dismissed person shall not be re-appointed as a person in charge of maintenance, unless six months have passed since such dismissal.
- (3) Matters regarding the qualifications, duties, and training, etc. of persons in charge of maintenance under paragraph (1) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 65 (Fees for Motor Vehicle Management Business Entities)**

- (1) A motor vehicle management business entity may collect a fee or charge, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) A motor vehicle scrapping and recycling business entity shall pay to the owner of the relevant motor vehicle, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, the balance after deducting the cost for motor vehicle scrapping from the estimated value of a motor vehicle for scrapping: Provided, That where the cost for motor vehicle scrapping exceeds the estimated value of the motor vehicle, he or she may collect the expense in excess, as prescribed by Ordinance of the Ministry of

- (3) 按照第12條第(2)款規定向動力車輛受領人申請辦理動力車輛所有權轉移登記之預收費用、或申請所有權轉移登記所發生之實際費用，動力車輛經營管理業者應自申請之日起30日內告知受讓人，並全額退還差額。〈經2013年12月30日第12146號法案新增〉

### 第65條之2（網際網路銷售動力車輛資訊登記）

- (1) 通過網際網站（包括手機應用程序）向動力車輛交易商提供本條第3項規定之動力車輛網路資訊，令動力車輛交易商得向動力車輛所有人（不包括法人）購買動力車輛，應符合總統令規定的登記標準；並應向司/郡/區首長登記。對變更已登記事項或依總統令規定之重要事項變更，適用之。

- (2) 欲按第(1)項登記者，應按國土交通省令規定，向司/郡/區首長提出申請。

Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

- (3) Where there is a difference between the fee or charge collected in advance from the person in receipt of a motor vehicle for application for the registration of transfer of ownership of the motor vehicle under the main clause of Article 12 (2) and the actual expense incurred in filing an application for the registration of transfer of ownership, the motor vehicle dealer shall notify the transferee of the fact within 30 days from the date of such application is filed, and shall return the full amount of difference. <Newly Inserted by Act No. 12146, Dec. 30, 2013>

**Article 65-2 (Registration of Providing Information on Motor Vehicles for Sale Online)**

- (1) Any person who intends to provide motor vehicle dealers with the information under paragraph (3) on motor vehicles for sale through a website (including an application used in mobile phones; hereafter in this Article the same shall apply), so that motor vehicle dealers can purchase motor vehicles from the owners of motor vehicles (excluding corporations; hereafter in this Article the same shall apply), shall meet the standards for registration prescribed by Presidential Decree; and shall be registered with the head of a Si/Gun/Gu. The same shall also apply to any modification to the important matters prescribed by Presidential Decree, among the registered matters.
- (2) A person who intends to be registered under paragraph (1) shall file an application with the head of a Si/Gun/Gu, as prescribed by

(3) 按第(1)項登記者（下稱「動力車輛網路資訊提供者」）應經由網站提供下列動力車輛交易資訊：

1. 每輛動力車輛之行駛里程數；
2. 按國土交通部規定所拍攝之動力車輛內部與外部照片；
3. 按第69條之2規定，國土交通部規定需揭露之動力車輛管理資訊記錄；
4. 動力車輛交易商提供之動力車輛售價與交付方式。

(4) 動力車輛網路資訊提供者應保存各動力車輛之行駛里程、登記號碼、動力車輛交易商對該動力車輛之報價、最終購買價格、國土交通部核准該動力車輛交易商進行動力車輛管理業務之註冊號碼。

(5) 動力車輛網路資訊提供者不得向動力車輛交易商以外之任何

Ordinance of the Ministry of Land, Infrastructure and Transport.

- (3) A person registered under paragraph (1) (hereinafter referred to as "online information provider for motor vehicles for sale") shall provide information on the following matters with regard to motor vehicles for sale through a website:
1. Mileage of each motor vehicle;
  2. Photographs of the interior and exterior of each motor vehicle, taken as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;
  3. The information specified by Ordinance of the Ministry of Land, Infrastructure and Transport, among the information on management of motor vehicle records under Article 69-2;
  4. Purchase price offered for each motor vehicle by a motor vehicle dealer and delivery method.
- (4) An online information provider for motor vehicles for sale shall preserve records of the mileage and registration number of each motor vehicle, the price offered by a motor vehicle dealer for the motor vehicle, the final purchase price, and the registration number of the motor vehicle management business of the motor vehicle dealer, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.
- (5) No online information provider for motor vehicles for sale shall

人提供動力車輛銷售之網路資訊。

- (6) 動力車輛網路資訊準用第54條之規定。於此情況下，「動力車輛管理業務」應解釋為「提供網際網路銷售動力車輛資訊」；「第53條」等同於「第65條之2」；「動力車輛管理業務登記備案人（以下簡稱「動力車輛管理業者」）」為「動力車輛網路資訊提供者」。

#### 第66條（撤銷或暫停營業）

- (1) 動力車輛管理業者有下列情形之一者，市、郡、區之負責人得撤銷其業務登記；或得命令該業務全部或部分暫停最多至六個月。若有第1、15、16項，市、郡、區之負責人應撤銷其業務登記：<經2011年5月24日第10721號法案；2013年3月23日第11690號法案；2013年12月30日第12146號法案；2014年1月7日第12217號法案；2015年1月6日第12986號法案；2015年8月11日第13486號法案；2016年1月28日第13933號法案；2017年10月24日第14950號法案；2018年12月31日第16101號法案修訂>

1. 以欺詐或者其他不正當手段進行登記；

provide online information on motor vehicles for sale to any person other than motor vehicle dealers.

- (6) Article 54 shall apply mutatis mutandis to the grounds for disqualification of an online information provider for motor vehicles for sale. In such cases, "motor vehicle management business" shall be construed as "providing information on motor vehicles for sale online"; "Article 53" as "Article 65-2"; and "person who has filed for registration of motor vehicle management business (hereinafter referred to as "motor vehicle management business entity")" as "online information provider for motor vehicles for sale".

### **Article 66 (Revocation or Suspension of Business)**

- (1) Where a motor vehicle management business entity falls under any of the following cases, the head of a Si/Gun/Gu may revoke registration of the relevant business; or may order that such business be fully or partially suspended for a period of up to six months: Provided, That where such business entity falls under subparagraph 1, 15 or 16, the head of a Si/Gun/Gu shall revoke registration of such business: <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12146, Dec. 30, 2013; Act No. 12217, Jan. 7, 2014; Act No. 12986, Jan. 6, 2015; Act No. 13486, Aug. 11, 2015; Act No. 13933, Jan. 28, 2016; Act No. 14950, Oct. 24, 2017; Act No. 16101, Dec. 31, 2018>

1. Where he or she has made a registration by fraud or other wrongful means;

2. 登記後六個月內未開業或者登記之經營業者停業一年以上；
3. 違反第五十三條第一項後段之規定，擅自變更登記事項而未辦理變更登記者；
4. 不符合第五十三條第三項規定之登記標準或者不合同條第四項規定之條件；
5. 違反第五十五條第一項之規定，轉讓、收購、合併已登記之動力車輛管理經營業務未為申報者；
6. 未遵守第五十六條第一項規定之業務改進命令者；
7. 違反第五十七條第一項規定者；
8. 違反第五十八條第七項規定，未進行記錄、管理、保存者；
9. 違反第五十八條之三第二項規定，未投保保證保險者；或於未繳納保證金之情況進行動力車輛交易業務者；

2. Where he or she fails to commence the business within six months after registration or where a registered business entity discontinues the business for at least one year;
3. Where he or she has modified any matter registered without having such modification registered, in violation of the latter part of Article 53 (1);
4. Where he or she fails to meet the registration standards prescribed in Article 53 (3) or fails to comply with the conditions prescribed in paragraph (4) of the same Article;
5. Where he or she has transferred, acquired, or merged the registered motor vehicle management business, without reporting such, in violation of Article 55 (1);
6. Where he or she fails to comply with a business improvement order, as prescribed in Article 56 (1);
7. Where he or she violates any of the subparagraphs of Article 57 (1);
8. Where he or she fails to record, manage, and keep the records, in violation of Article 58 (7);
9. Where he or she fails to subscribe to guaranty insurance, in violation of Article 58-3 (2); or has commenced the motor vehicle transaction business without depositing a bond;

10. 違反第六十五條第一項規定，收取超過國土交通部規定之費用或收費者；
  
11. 有經營不善、財務結構不良之情形不宜繼續經營者；
  
12. 動力車輛交易商有下列情形之一者：
  - (a) 違反第十二條第二款規定，出售動力車輛或者從事動力車輛買賣中介業務，未申請過戶登記者；
  
  - (b) 違反第五十七條第三款第一項規定，依非登記冊所有人的請求，進行動力車輛交易者；
  
  - (c) 違反第五十七條第三項第二款規定，發布不實陳述或者誇大之標籤或廣告者；
  
  - (d) 違反第五十八條第一項第一款或第二款規定，未為申報或不實申報者；
  
  - (e) 雇用資質不符合標準之人員進行第五十八條第一項規定之性能和狀態檢查並違反同條第二項規定者；

10. Where he or she has collected a fee or charge in excess of that prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, in violation of Article 65 (1);
11. Where it is deemed inappropriate for him or her to continue the business due to unsound business operation, poor financial structure, or other grounds;
12. Where a motor vehicle dealer falls under any of the following cases:
  - (a) Where he or she has sold a motor vehicle or conducted brokerage for sale and purchase of a motor vehicle, but fails to apply for registration of transfer, in violation of Article 12 (2);
  - (b) Where he or she has intermediated a motor vehicle transaction upon receipt of a request therefor from a person who is not the owner recorded on the register, in violation of Article 57 (3) 1;
  - (c) Where he or she has released false or exaggerated labelling and advertisement, in violation of Article 57 (3) 2;
  - (d) Where he or she has failed to make a notification or made a false notification, in violation of Article 58 (1) 1 or 2;
  - (e) Where he or she has undergone the performance and condition checkup as prescribed in Article 58 (1) by a person

(f) 違反第五十八條之六第三項規定，未將收受之款項退還給動力車輛買受人；

(g) 違反第五十九條第一項規定，未為報告或為不實報告者；

(h) 違反第五十九條第二項規定事項者；

13. 動力車輛維修經營單位有下列情形之一者：

(a) 刪除；〈經2012年12月18日第11588號法案〉

(b) 違反第四十條第一項規定，使用未經精密度檢驗之機器設備進行動力車輛檢驗、維修工作者；

(c) 於按第五十三條第一項登記營業場所以外的地方，進行檢查或維修工作者。前段不適用於任何故障動力車輛的緊急措施、在沒有任何動力車輛維修經營單位且與大陸不相連之海島地區進行檢查和維修工作；

who fails to meet the standards for facilities, equipment and qualification, in violation of paragraph (2) of the same Article;

(f) Where he or she has not returned to the motor vehicle purchaser the payment for such motor vehicle received, in violation of Article 58-6 (3);

(g) Where he or she has failed to file a report or filed a false report, in violation of Article 59 (1);

(h) Where he or she has failed to comply with the matters prescribed in Article 59 (2);

13. Where a motor vehicle maintenance business entity falls under any of the following cases:

(a) Deleted; <by Act No. 11588, Dec. 18, 2012>

(b) Where he or she has used machines and apparatuses not yet submitted to a precision test for the inspection or maintenance work of a motor vehicle, in violation of Article 40 (1);

(c) Where he or she has conducted an inspection or maintenance work at a place other than a business place registered under Article 53 (1): Provided, That the same shall not apply to any emergency measures for any malfunctioning motor vehicles, to any checkup and maintenance work in any island area,

- (d) 違反第五十三條第二項規定，超出動力車輛維修業務分工範圍而對動力車輛進行維修工作者；
  
- (e) 未依第三十四條規定改裝動力車輛（含按第五十二條準用同條之情形），違反第五十七條第二項規定，或改裝動力車輛與受核准之內容不一致；
  
- (f) 對第五十八條第一項所述之業績或條件作不實檢查；或向動力車輛交易商提供與檢查內容不符之資訊；
  
- (g) 違反第五十八條第四項規定事項者；
  
- (h) 違反第六十四條第一項規定，未任命維修負責人或者未報告任命或解聘檢查維修負責人者；
  
- (i) 違反第六十四條第二款規定，未解聘該維修負責人者；

which is not connected to the mainland without any motor vehicle maintenance business entity;

- (d) Where he or she has performed maintenance work on a motor vehicle in excess of the scope of the subdivided motor vehicle maintenance business work, in violation of Article 53 (2);
- (e) Where he or she has tuned a motor vehicle without obtaining approval under Article 34 (including cases to which the same Article shall apply mutatis mutandis pursuant to Article 52), in violation of Article 57 (2), or has tuned the motor vehicle inconsistently with what was approved for him or her;
- (f) Where he or she has checked performance or conditions referred to in Article 58 (1) falsely; or has given information inconsistent with the details of checkup to the motor vehicle dealer;
- (g) Where he or she has failed to comply with any matter prescribed in Article 58 (4);
- (h) Where he or she has failed to appoint a person in charge of inspection and maintenance or failed to report the appointment or dismissal of a person in charge of inspection and maintenance, in violation of Article 64 (1);
- (i) Where he or she has failed to comply with an order to dismiss a person in charge of inspection and maintenance, in violation

14. 動力車輛報廢回收經營單位有下列情形之一者：

- (a) 違反第十三條第二項規定，被要求報廢之動力車輛未申請註銷登記者；
- (b) 於第五十三條第一項登記之報廢業務場所以外場所報廢動力車輛者；
- (c) 按第五十八條第五項第一款規定已報廢之動力車輛，其識別號與動力車輛登記證記載內容不一致者；
- (d) 違反第五十八條第五項第二款規定報廢之動力車輛而未報廢，或未報廢動力車輛登記證、登記車牌、印章，致使相關動力車輛無法使用者；
- (e) 違反第六十五條第二項規定，未向動力車輛所有人繳納動力車輛報廢估價扣除動力車輛報廢費用後之餘額者；

of Article 64 (2);

14. Where a motor vehicle scrapping and recycling business entity falls under any of the following cases:

- (a) Where he or she has failed to file an application for registration for cancellation of a motor vehicle which was requested for scrapping, in violation of Article 13 (2);
- (b) Where he or she has scrapped a motor vehicle at a place other than a place for scrapping business registered under Article 53 (1);
- (c) Where he or she has scrapped a motor vehicle requested for motor vehicle scrapping, as prescribed in Article 58 (5) 1, whose identification number, etc. is different from the details recorded on the motor vehicle registration certificate;
- (d) Where he or she has failed to scrap a motor vehicle which was requested for scrapping, in violation of Article 58 (5) 2, or has failed to discard the motor vehicle registration certificate, the registration license plate, and the seal of the relevant motor vehicle to make them unusable;
- (e) Where he or she has failed to pay to the owner of a motor vehicle in violation of Article 65 (2), the balance from the estimated value of a motor vehicle for scrapping after deducting the cost for motor vehicle scrapping;

15. 違反本條規定之停業處分，在停業期間經營業務主；
  
  16. 動力車輛管理業者向納稅地管轄之稅務機關負責人報告停業，或依照增值稅法第八條第八項規定辦理營業登記者，以規避所得稅法第一百六十八條或公司稅法第一百一十一條。
- (2) 按第34條第2款規定之汽車製造商等未經第34條核准改裝汽車或改裝與同條核准之改裝不同者，國土交通部負責人得撤銷其業務之註冊；或得命令其在最多六個月之指定期限內完全或部分暫停其業務。<經2015年8月11日第13486號法案新增>
- (3) 為確認動力車輛管理業者是否符合第一項第十六款規定之註銷登記條件，市、縣、區負責人得要求主管稅務機關負責人提供有關資料以查核動力車輛管理業者是否已停業。受要求之主管稅務機關負責人應提供有關動力車輛管理業者其實體業務是否已根據電子政府法第36條第(1)款關閉之相關資訊。<經2017年8月9日第14864號法案新增>

15. Where he or she has operated the business during the period of suspension, in violation of an order for business suspension under this Article;
  16. Where a motor vehicle management business entity reports a business closure to the head of a tax office having jurisdiction over the place of tax payment, or his or her business registration made under Article 8 (8) of the Value-Added Tax Act, Article 168 of the Income Tax Act or Article 111 of the Corporate Tax Act is canceled.
- (2) Where the motor vehicle manufacturer, etc. prescribed in Article 34 (2) tunes a motor vehicle without approval pursuant to Article 34 or tunes differently from what was approved for under the same Article, the Minister of Land, Infrastructure and Transport may revoke registration of his or her business; or may order him or her to fully or partially suspend his or her business within a specified period of up to six months. <Newly Inserted by Act No. 13486, Aug. 11, 2015>
- (3) If necessary for ascertaining whether a motor vehicle management business entity meets the requirements for revocation of registration under paragraph (1) 16, the head of a Si/Gun/Gu may request the head of the competent tax office to provide information on whether the motor vehicle management business entity has closed its business. The head of the competent tax office so requested shall provide information on whether the business of the motor vehicle management business entity has been closed under Article 36 (1) of the Electronic Government Act. <Newly Inserted

(4) 有下列情形之一者，市、郡、區之負責人得撤銷動力車輛網際網路資訊提供者之登記；或得令銷售動力車輛網際網路資訊提供者在最長六個月之規定時間內全部或者部分暫停其業務。若屬於第一款之情形者，應立即撤銷註冊：<經2017年10月24日第14950號法案新增>

1. 以欺詐或其他不正當手段註冊之動力車輛網路資訊提供者；
2. 動力車輛網路資訊提供者不遵守第56條第2項規定之改進命令者；
3. 動力車輛網路資訊提供者不符合第65條之2第1項規定之登記標準者；
4. 動力車輛網路資訊提供者未保存動力車輛行駛里程、動力車輛登記號、動力車輛經營者提供的動力車輛價格、最終購買價格、動力車輛登記號等資訊。動力車輛經營者從事動力車輛管理業務，違反第65條之2第4項規定者；
5. 動力車輛網路資訊提供者違反第65條之2第5項規定，向動力

by Act No. 14864, Aug. 9, 2017>

(4) In any of the following cases, the head of a Si/Gun/Gu may revoke registration as an online information provider for motor vehicles for sale; or may order an online information provider for motor vehicles for sale to fully or partially suspend his or her business operations for a specified period of up to six months: Provided, That in cases falling under subparagraph 1, the registration shall be revoked: <Newly Inserted by Act No. 14950, Oct. 24, 2017>

1. Where an online information provider for motor vehicles for sale has been registered by fraud or other improper means;
2. Where an online information provider for motor vehicles for sale fails to comply with an improvement order issued under Article 56 (2);
3. Where an online information provider for motor vehicles for sale ceases to meet any of the standards for registration under Article 65-2 (1);
4. Where an online information provider for motor vehicles for sale fails to preserve records of the mileage and registration number of a motor vehicle, the price offered by a motor vehicle dealer for the motor vehicle, the final purchase price, and the registration number of the motor vehicle management business of the motor vehicle dealer, in violation of Article 65-2 (4);
5. Where an online information provider for motor vehicles for

車輛經營者以外之任何人提供動力車輛銷售資訊者。

- (5) 第(1)、(2)、(4)項規定之行政處分標準與程序事項，由國土交通部訂之。〈經2013年3月23日第11690號法案；2015年8月11日第13486號法案；2017年10月24日第14950號法案修訂〉

#### 第67條（同業公會之設立）

- (1) 動力車輛管理業者得按國土交通部規定之分類，設立由動力車輛管理事業者組成之協會或公會（以下簡稱「公會」）。國土交通部負責人或市長/道知事若認公會設立對動力車輛管理業務之健康發展和建立秩序有必要，得授權成立之。〈經2013年3月23日第11690號法案修訂〉
- (2) 同業公會應以法人設立。
- (3) 設立公會，須由至少1/5之會員或具有會員資格之成員發起設立，並經至少1人同意、至少1/3名會員或於發起設立實具有會員資格之成員，申請設立該公會。〈2012年1月17日第11190號法案修訂〉

sale has provided online information on motor vehicles for sale to any person other than motor vehicle dealers, in violation of Article 65-2 (5).

- (5) Matters regarding the criteria and procedures for taking administrative dispositions prescribed in paragraphs (1), (2), and (4) shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13486, Aug. 11, 2015; Act No. 14950, Oct. 24, 2017>

#### **Article 67 (Establishment of Trade Associations)**

- (1) Motor vehicle management business entities may establish an association or a union (hereinafter referred to as "association, etc.") comprised of motor vehicle management business entities according to the classification prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, upon obtaining authorization from the Minister of Land, Infrastructure and Transport or the Mayor/Do Governor, if deemed necessary for the sound development of the motor vehicle management business and establishment of its order. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) An association, etc. shall be established as a juristic person.
- (3) In order to establish an association, etc., at least 1/5 of the members or those qualified for the membership of the association, etc. shall propose the establishment, prepare the articles of association with the consent of at least 1/3 of the members or those qualified for the

- (4) 公會應履行以下義務：〈經2011年5月24日第10721號法案；2013年3月23日第11690號法案修訂〉
- 1.至3. 刪除；〈經2011年5月24日第10721號法案修訂〉
  4. 動力車輛管理業者之自律規範；
  5. 執行國土交通部負責人或市長/道知事之委託，並聽從其指示；
  6. 協助動力車輛管理業者共同發展所必需之事務等。
- (5) 組織章程或協會之指導與監督等事項，由國土交通部或市令訂之。〈經2013年3月23日第11690號法案修訂〉
- (6) 除本法規定外，準用民法有關社團法人之規定。

membership of the association at the inaugural general meeting, and apply for authorization for such establishment. <Amended by Act No. 11190, Jan 17, 2012>

(4) An association, etc. shall perform the following: <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013>

1. through 3. Deleted; <by Act No. 10721, May 24, 2011>

4. Autonomous guidance for motor vehicle management business entities;

5. Conducting tasks entrusted by the Minister of Land, Infrastructure and Transport or the Mayor/Do Governor and complying with his or her instructions;

6. Affairs necessary for the common development of the motor vehicle management business entities of the association, etc.

(5) Matters regarding the articles of association or the guidance and supervision, etc., of an association, etc., shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport or municipal ordinance. <Amended by Act No. 11690, Mar. 23, 2013>

(6) Except as provided in this Act, the provisions of the Civil Act governing an incorporated association shall apply mutatis mutandis to the association, etc.

**第68條（聯合同業公會）**

- (1) 公會等得按國土交通部規定，並於國土交通部負責人之許可後，為實現共同目標，設立聯合同業公會。〈經2011年5月24日第10721號法案修訂；2013年3月23日第11690號法案〉
- (2) 聯合同業公會應履行以下義務：〈經2011年5月24日第10721號法案；2013年3月23日第11690號法案修訂〉
1. 進行調查與研究，完善動力車輛管理業務設施，開發相關技術；
  2. 對管理人員與員工之教育培訓；
  3. 進行對佣金和收費制度之調查與研究；
  4. 執行國土交通部所交辦之任務與指示；
  5. 對公會事務等之管理和監督；
  6. 推動動力車輛管理業務所需之事務。

**Article 68 (Federation)**

- (1) Associations, etc. may establish a federation of such associations, etc. as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, upon obtaining authorization from the Minister of Land, Infrastructure and Transport, for the purpose of achieving the common goals. <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013>
- (2) The federation shall perform the following: <Newly Inserted by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013>
1. Investigations and research to improve the facilities of the motor vehicle management business and to develop relevant technology;
  2. Education and training of managers and employees;
  3. Investigations into, and research on, the systems of commissions and fees;
  4. Conducting tasks entrusted by the Minister of Land, Infrastructure and Transport and complying with the instructions from the Minister;
  5. Management and supervision of performance of affairs of associations, etc.;
  6. Affairs necessary for promoting the motor vehicle management business.

- (3) 第67條第(2)、(3)、(5)和(6)款準用於按本條第(1)款成立之聯合同業公會。<由2011年5月24日第10721號法案修訂>

### 第68條之2（動力車輛安全之國際標準）

- (1) 為確保韓國動力車輛、動力車輛零部件、耐壓容器安全標準符合對應之國際標準（以下簡稱「動力車輛安全之國際標準」），國土交通運輸部部長應研究分析國際標準，制定並執行相關資訊、技術等國際合作規劃。<經2013年3月23日第11690號法案修訂>

- (2) 國土交通部負責人應對與動力車輛、動力車輛零部件、耐壓容器等安全標準相關之公司、機構、團體之國際合作活動提供行政或財政上之支持。<經2013年3月23日第11690號法案修訂>

### 第68條之3（安全性標準符合國際標準之主計畫設立）

- (1) 國土交通部負責人應制定並實施符合國際標準之動力車輛安全性標準之主計畫（以下簡稱「國際標準主計畫」）。<經2013年3月23日第11690號法案修訂>

(3) Article 67 (2), (3), (5) and (6) shall apply mutatis mutandis to the federation established under paragraph (1). <Amended by Act No. 10721, May 24, 2011>

### **Article 68-2 (International Compatibility of Motor Vehicle Safety Standards)**

(1) To ensure the compatibility of Korean safety standards for motor vehicles, motor vehicle parts, and pressure-resistant containers with the corresponding international standards (hereinafter referred to as "international compatibility of motor vehicle safety standards, etc."), the Minister of Land, Infrastructure and Transport shall research and analyze international standards, and formulate and implement a plan for international cooperation on the relevant information, technology, etc. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The Minister of Land, Infrastructure and Transport shall provide administrative or financial support to the companies, institutions, organizations related to the safety standards for motor vehicles, motor vehicle parts, and pressure-resistant containers in their international cooperation activities. <Amended by Act No. 11690, Mar. 23, 2013>

### **Article 68-3 (Formulation of Master Plan for International Compatibility)**

(1) The Minister of Land, Infrastructure and Transport shall formulate and implement a master plan for international compatibility of motor vehicle safety standards, etc. (hereinafter referred to as "master plan for international compatibility"). <Amended by Act

(2) 國際標準主計畫應包括下列事項：

1. 動力車輛安全標準之國際標準現狀與條件；
2. 動力車輛安全標準之國際標準目標與階段性目標；
3. 動力車輛安全標準之國際標準研究開發等事項；
4. 為實現動力車輛安全標準達國際標準等所需資金之籌備與管理事項；
5. 動力車輛安全標準之國際標準推廣或協助製作等事項；
6. 其他為實現動力車輛安全標準符合國際標準等必要事項。

(3) 國土交通部負責人擬制定國際標準主計畫時，應聽取相關中央行政機關負責人之意見，並由國家交通委員會按第106條對該規劃進行審議。在最後確認此計劃前，適用《國家運輸系統效率法》於關於任何有關主計畫之修改提議（不包括總統

No. 11690, Mar. 23, 2013>

(2) The following matters shall be included in the master plan for international compatibility:

1. Current status and conditions of international compatibility of motor vehicle safety standards, etc.;
2. Objectives and phased promotional strategy for international compatibility of motor vehicle safety standards, etc.;
3. Matters regarding research and development on international compatibility of motor vehicle safety standards, etc.;
4. Matters regarding raising and management of financial resources necessary for international compatibility of motor vehicle safety standards, etc.;
5. Matters regarding the promotional or collaborative system for international compatibility of motor vehicle safety standards, etc.;
6. Other matters necessary for international compatibility of motor vehicle safety standards, etc.

(3) Where the Minister of Land, Infrastructure and Transport intends to formulate a master plan for international compatibility, he or she shall hear from the head of a relevant central administrative agency and have the plan undergo deliberation by the National

令規定對非重要事項之修改）。<經2013年3月23日第11690號法案修訂>

#### 第68條之4（指定負責機構）

(1) 國土交通部負責人得指定負責機構，進行專業技術審查與改進措施，以確保動力車輛安全標準符合國際標準。<經2013年3月23日第11690號法案修改>

(2) 按第(1)款指定負責機構之標準與程序，以及其他必要事項，由總統令訂之。

#### 第68條之5（動力車輛國際標準研究開發安全標準）

(1) 國土交通部負責人得發展下列動力車輛安全標準符合國際標準之項目；<2013年3月23日第11690號法案修訂>

1. 動力車輛安全標準符合國際標準等技術之研發、讓與與推廣；

Transport Commission under Article 106 of the National Transport System Efficiency Act before finalizing such plan. The same shall also apply to any proposed modification to the existing master plan (excluding any modification to insignificant matters prescribed by Presidential Decree). <Amended by Act No. 11690, Mar. 23, 2013>

**Article 68-4 (Designation of Responsible Agency)**

- (1) The Minister of Land, Infrastructure and Transport may designate a responsible agency in order to efficiently conduct professional technology reviews and measures for improvement, necessary for ensuring international compatibility of motor vehicle safety standards, etc. <Amended by Act No. 11690, Mar. 23, 2013>
  
- (2) The standards and procedures for designation of a responsible agency under paragraph (1), and other necessary matters, shall be determined by Presidential Decree.

**Article 68-5 (Research and Development regarding International Compatibility of Motor Vehicle Safety Standards)**

- (1) The Minister of Land, Infrastructure and Transport may conduct the following projects for international compatibility of motor vehicle safety standards, etc.; <Amended by Act No. 11690, Mar. 23, 2013>
  1. Research and development, and transfer and dissemination, of the technology for international compatibility of motor vehicle safety standards, etc.;

2. 涉及動力車輛安全標準符合國際標準之韓國動力車輛安全標準之制與修訂；
3. 動力車輛安全標準符合國際標準之相關國際合作與交流；
4. 支持並加強中小企業在動力車輛安全標準符合國際標準之技術競爭力。

(2) 國土交通部負責人得讓下列單位進行本條第(1)款所提到之項目，並應在預算範圍內資助其研究與開發：<2013年3月23日第11690號法案修訂>

1. 按《政府資助研究機構設立、運營和培育法》設立之政府投資研究機構；
2. 動力車輛生產企業、零件生產企業等；
3. 性能測試劑；
4. 按民法或其他法規設立與動力車輛相關的研究機構；
5. 按高等教育法或在經濟自由區與濟州自由國際城設立與管理

2. Formulation and revision of Korean motor vehicle safety standards relating to international compatibility of motor vehicle safety standards, etc.;
  3. International cooperation and exchanges for international compatibility of motor vehicle safety standards, etc.;
  4. Support for strengthening technology competitiveness of small and medium enterprises for international compatibility of motor vehicle safety standards, etc.
- (2) The Minister of Land, Infrastructure and Transport may have any of the following persons conduct the projects referred to in paragraph (1): Provided, That the Minister shall subsidize research and development, within budgetary limits: <Amended by Act No. 11690, Mar. 23, 2013>
1. A government-invested research institute established under the Act on the Establishment, Operation and Fostering of Government-funded Research Institutes;
  2. A motor vehicle manufacturer, etc. and parts manufacturer, etc.;
  3. A performance testing agent;
  4. A motor vehicle-related research institution which is an incorporated foundation under the Civil Act or other statutes;
  5. A university or graduate school established under the Higher

外國教育機構特別法設立的大學或研究所；

6. 總統令規定之其他動力車輛相關研究機構。

#### 第68條之6（新技術動力車輛管理）

國土交通部負責人得對製造之動力車輛、動力車輛零件或設備之進出口採取國家間相互承認協議或自由貿易協議等規定之必要措施，以通過並應用新科技或技術。〈經2013年3月23日第11690號法案修訂〉

#### 第68條之7（人才培育）

(1) 為系統性培育動力車輛技術開發所需之人才，國土交通部負責人得向從事以下項目之人員提供行政與財政支持：〈2013年3月23日第11690號法案修訂〉

1. 機械、電力、電子等領域動力車輛相關專家的培訓；

2. 動力車輛相關教育項目之開發與推廣；

3. 國土交通部規定之其他培養動力車輛相關人才之項目。

Education Act or under the Special Act on Establishment and Management of Foreign Educational Institutions in Free Economic Zones and Jeju Free International City;

6. Other motor vehicle-related research institutions prescribed by Presidential Decree.

**Article 68-6 (Management of Motor Vehicles with New Technology)**

The Minister of Land, Infrastructure and Transport may take necessary measures as prescribed in a mutual recognition agreement or free trade agreement, etc. between the States with regard to the importation and exportation of the motor vehicles, motor vehicle parts or equipment, which are manufactured, etc. by applying new technologies or features. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 68-7 (Training of Experts)**

(1) In order to systematically train experts necessary for developing motor vehicle technology, the Minister of Land, Infrastructure and Transport may provide a person who conducts any of the following projects with administrative and financial support: <Amended by Act No. 11690, Mar. 23, 2013>

1. Training of motor vehicle-related experts in such areas as machinery, electricity, electronics, etc.;
2. Development and dissemination of motor vehicle-related educational programs;
3. Other projects prescribed by Ordinance of the Ministry of Land,

- (2) 為實踐第(1)項，國土交通部負責人得指定與動力車輛相關人才培育有關之機構或組織等作為合作機構。〈2013年3月23日第11690號法案修訂〉

#### 第68條之8（示範計畫）

- (1) 國土交通部負責人認有必要促進動力車料技術之研究、開發、使用和推廣時，可按總統令之規定進行示範計畫。〈經2013年3月23日第11690號法案修訂〉

- (2) 國土交通部負責人得向參加第(1)款規定示範計畫之人提供行政、資金與技術支持。〈經2013年3月23日第11690號法案修訂〉

#### 第68條之9（全國動力車輛服務綜合發展主計畫之制定）

- (1) 國土交通部負責人得制定全國性之綜合發展主計畫，以共同建立或培育與動力車輛相關之設施以及相關之動力車輛登記商業或與動力車輛設施、銷售、檢驗、零件配送、展示、廣告相關之文化設施（以下簡稱「動力車輛服務綜合發展」）。

Infrastructure and Transport in order to train motor vehicle-related experts.

- (2) Where necessary to provide support for the projects in paragraph (1), the Minister of Land, Infrastructure and Transport may designate an agency or organization, etc. relating to the training of motor vehicle-related experts as a collaborative institution. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 68-8 (Pilot Projects)**

- (1) Where the Minister of Land, Infrastructure and Transport deems it necessary to facilitate the research on, and development of, and the use and dissemination of motor vehicle technology, he or she may conduct a pilot project, as determined by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) The Minister of Land, Infrastructure and Transport may provide a person who participates in a pilot project under paragraph (1) with administrative, financial and technological support. <Amended by Act No. 11690, Mar. 23, 2013>

**Article 68-9 (Formulation of National Master Plan for Development of Motor Vehicle Service Multiple Complexes)**

- (1) The Minister of Land, Infrastructure and Transport may formulate a national master plan for the development of a motor vehicle service industrial multiple complex necessary to collectively establish or foster the facilities concerning motor vehicles and related commercial or cultural facilities for motor vehicles' registration, sales, inspection, distribution of parts, exhibition and

(2) 第(1)項規定之動力車輛服務綜合發展應包含下列事項：

1. 實踐動力車輛服務綜合發展之方向；
2. 主要動力車輛服務設施狀況之檢查與分析；
3. 動力車輛服務綜合發展以及區域發展需求與分析；
4. 對動力車輛服務綜合發展所需之項目成本進行初步估算；
5. 總統令規定之其他為發展與振興動力車輛服務綜合發展所需要之事項。

(3) 按第(1)款制定與修改國家動力車輛服務綜合發展之程序等事項，由總統令訂之。

#### 第68條之10（動力車輛服務綜合發展之指定與開發）

(1) 市長/省長得指定單位進行動力車輛服務綜合發展，以提高動

advertisement (hereinafter referred to as “motor vehicle service multiple complex”).

(2) The national master plan for the motor vehicle service multiple complex under paragraph (1) shall include the following matters:

1. Direction of implementing efficient development of the motor vehicle service multiple complex;
2. Inspection and analysis of the status of facilities relating to major motor vehicle service;
3. Analysis on the demand for development of the motor vehicle service multiple complex and location thereof;
4. Rough estimation of project costs required for the establishment of the motor vehicle service multiple complex;
5. Other matters prescribed by Presidential Decree, as required for development and vitalization of the motor vehicle service multiple complex.

(3) Matters regarding the procedures, etc. for the formulation and modification of the national master plan for the motor vehicle service multiple complex pursuant to paragraph (1) shall be prescribed by Presidential Decree.

### **Article 68-10 (Designation and Development of Motor Vehicle Service Multiple Complexes)**

(1) The Mayor/Do Governor may designate a motor vehicle service

力車輛相關服務用戶之便利性，促進動力車輛相關業務之健康發展。於此情形下，市、郡、區長得指定單位進行動力車輛服務綜合設施。

- (2) 動力車輛服務綜合發展開發項目之製定、指定、撤銷程序，準用《城市建設法》第4條、第5條、第7條至第10條之規定；動力車輛服務綜合發展委託開發項目準用《城市建設法》第12條規定；動力車輛服務綜合發展實施方案之編制、授權、公告，在制定、授權實施方案時視為已授權或以許可，並準用《城市建設法》第17條至第19條規定；《城市建設法》第28條至第32條、第32條第2條、第2條之3條、第33條至第36條、第36條之第2條、第37條至第49條之規定，實施動力車輛服務綜合發展業務時準用之。於此情形下，「城市開發區」應解釋為「動力車輛服務綜合發展」，「城市開發區發展計劃」應理解為「動力車輛服務綜合發展計劃」，「實施城市發展項目規劃」為「動力車輛服務綜合發展實施規劃」，「城市發展項目實施方案」為「動力車輛服務綜合發展實施方案」。

multiple complex to promote the convenience of users of motor vehicle-related services and to facilitate sound development of motor vehicle-related business. In such cases, even where the head of a Si/Gun/Gu requests designation of a necessary motor vehicle service multiple complex, the Mayor/Do Governor may also designate the same as requested.

- (2) Articles 4, 5, and 7 through 10 of the Urban Development Act shall apply *mutatis mutandis* to the procedures for formulation, designation and revocation of a development project for the motor vehicle service multiple complex; Article 12 of the Urban Development Act shall apply *mutatis mutandis* to the entrusted development project for the motor vehicle service multiple complex; Articles 17 through 19 of the Urban Development Act shall apply *mutatis mutandis* to the preparation, authorization, public notice of an implementation plan for the motor vehicle service multiple complex and deemed authorization or permission upon formulating and authorizing the implementation plan; and Articles 28 through 32, 32-2, 32-3, 33 through 36, 36-2, and 37 through 49 of the Urban Development Act shall apply *mutatis mutandis* where implementing the business of the motor vehicle service multiple complex in the method of land substitution. In such cases, the term “urban development zone” shall be construed as “motor vehicle service multiple complex”, the term “development plan for urban development zone” as “development plan for the motor vehicle service multiple complex”, the term “implementation plan for urban development project” as “implementation plan for the motor vehicle service multiple complex”, and the term “implementation of urban development project” as “implementation

- (3) 動力車輛服務綜合發展所配套之開發項目完工驗收、完工公告、完工後視為已授權或經許可者，準用《城市建設法》第50條至第52條規定辦理；動力車輛服務綜合發展開發項目之成本負擔、補貼、貸款、減免稅收、分攤，準用《城市建設法》第54條、第59條、第71條規定；為建設動力車輛服務綜合發展而使用第三人所有之土地、因使用土地而產生之損害賠償等，準用城市建設法第64條、第65條規定；動力車輛服務綜合發展之建設用地涉及國有與公有土地處置限制、所建公共設施之所有權返還，準用《城市建設法》第66條、第68條規定；動力車輛服務綜合發展項目之開發者違反相關規定之行政處分，準用《城市建設法》第75之規定執行。於此情形下，「城市開發區」應解釋為「動力車輛服務綜合發展」，「城市開發區發展計劃」應理解為「動力車輛服務綜合發展計劃」，「實施城市發展項目規劃」為「動力車輛服務綜合發展實施規畫」，「城市發展項目實施方案」為「動力車輛服務綜合發展實施方案」。

of a project for the motor vehicle service multiple complex”, respectively.

- (3) Articles 50 through 52 of the Urban Development Act shall apply mutatis mutandis to the inspection of completion of construction of the development project for the motor vehicle service multiple complex, public notice of such completion, and deemed authorization or permission upon completion; Articles 54, 59, and 71 of the Urban Development Act shall apply mutatis mutandis to the cost-bearing, subsidization, or loan and the reduction and exemption of taxes and apportionments in a development project for the motor vehicle service multiple complex; Articles 64 and 65 of the Urban Development Act shall apply mutatis mutandis to access to land owned by third persons in order to construct the motor vehicle service multiple complex and the indemnification for loss, etc. incurred by the land-access; Articles 66 and 68 of the Urban Development Act shall apply mutatis mutandis to the restriction on disposal of the State-owned and publicly-owned lands within the land for developing the motor vehicle service multiple complex and concerning the reversion of ownership of the public facilities created by the aforementioned development project; and Article 75 of the Urban Development Act shall apply mutatis mutandis to the administrative dispositions against any violation of the relevant statutes committed by a developer of the project for the motor vehicle service multiple complex. In such cases, the term “urban development zone” shall be construed as “motor vehicle service multiple complex”, the term “development plan for urban development zone” as “development plan for the motor vehicle service multiple complex”, the term “implementation plan for

**第68條之11（動力車輛服務綜合發展開發項目之開發者）**

除《城市發展法》第11條規定之情況以外，下列之人得被指定為動力車輛服務綜合發展開發項目之開發者：

1. 國家或地方政府；
2. 總統令按《公營單位管理法》指定之單位；
3. 地方公營企業法規定之地方公營企業；
4. 依照特別法令設立之法人；
5. 動力車輛服務綜合發展開發之目標土地之所有人（按《公共水域管理與圍墾法》第28條規定具有圍墾許可證者，視為相關公共水域之所有人，公共水域應視為該土地；且按《城市發展法》第21條規定之徵用權或使用方法之情形下，擁有至少2/3之土地所有權，而不包括國有或公有土地）；

urban development project” as “implementation plan for the motor vehicle service multiple complex”, and the term “implementation of urban development project” as “implementation of a project for the motor vehicle service multiple complex”, respectively.

**Article 68-11 (Developers of Development Projects for Motor Vehicle Service Multiple Complexes)**

Notwithstanding Article 11 of the Urban Development Act, the persons who can be designated as a developer of a development project for the motor vehicle service multiple complex shall be the following persons:

1. The State or local government;
2. An institution prescribed by Presidential Decree among the public institutions prescribed in the Act on the Management of Public Institutions;
3. Local public enterprises prescribed by the Local Public Enterprises Act;
4. A corporation incorporated pursuant to special statutes;
5. An owner of the target land for the motor vehicle service multiple complex (the person holding a reclamation license issued under Article 28 of the Public Waters Management and Reclamation Act shall be deemed the owner of the relevant public waters and the public waters shall be deemed such land; and in cases of the eminent domain or the method of use pursuant to Article 21 of the Urban Development Act, referring to the person who owns at least two

6. 符合總統令規定條件之法人，由第1款至第5款規定的人員出資成立，以發展動力車輛服務綜合發展為目的。

#### 第68條之12（土地之徵收和使用）

除《城市建設法》第22條規定之情況以外，為實施項目之必要土地，得對屬於第68之11條第1至4款之開發者或按進行徵收。對第68之11條第1至4款之開發者投資超過總額的50/100者，視為同條第6款之情形。

#### 第68條之13（動力車輛服務綜合發展建設許可與使用許可）

- (1) 欲於動力車輛綜合發展配套設施內建設動力車輛相關設施或動力車輛配套服務設施者，按建築法第11條規定取得建設許可者，視為已獲得以下相關授權與許可：<經2017年1月17日第14532號法案；2020年3月31日第17171號法案修訂>

1. 按《建築法》第20條第1項與第3項規定之臨時建築建造許可或報告，以及同法第83條規定之結構的建造報告；

thirds of the motor vehicle service multiple complex excluding the State-owned and publicly-owned lands in the multiple complex);

6. A corporation satisfying the requirements prescribed by Presidential Decree, incorporated by a person prescribed in subparagraphs 1 through 5 who participates in capital contribution for the purpose of developing the motor vehicle service multiple complex.

### **Article 68-12 (Expropriation and Use of Land)**

Notwithstanding Article 22 of the Urban Development Act, a person who can expropriate or use the land, etc. necessary for the implementation of a project shall be the project developer who falls under subparagraphs 1 through 4 of Article 68-11 or the project developer who falls under subparagraph 6 of Article 69-11 if a person falling under subparagraphs 1 through 4 makes more than 50/100 of the total investment.

### **Article 68-13 (Construction Permission and Approval for Use of Motor Vehicle Service Multiple Complexes)**

- (1) Where a person who intends to construct a motor vehicle-related facility or a supportive motor vehicle service facility within the motor vehicle service multiple complex has obtained construction permission pursuant to Article 11 of the Building Act, he or she shall be deemed to have obtained the following relevant authorization, permission, etc.: <Amended by Act No. 14532, Jan. 17, 2017; Act No. 17171, Mar. 31, 2020>

1. Permission for or reports on the construction of temporary buildings pursuant to Article 20 (1) and (3) of the Building Act,

2. 按《高壓氣體安全管理法》第4條第3項規定之高壓儲氣庫建設許可；
3. 按《國土規劃利用法》第56條第1項第1項規定從事開發活動之許可；依照同法第86條指定城市或軍事規劃設施項目的開發商；根據同一法案第88條授權實施計劃；
4. 按《乾淨空氣保護法》第23條、《水資源保護法》第33條、《噪音與振動控制法》第8條規定之排放設施設置許可或報告；
5. 按《道路法》第61條規定之道路佔用與使用許可；
6. 按《消防系統設置、維護和安全管理法》第7條第1項規定同意建設許可等；按《消防系統安裝事業法》第13條第1項規定之消防系統建設報告；按《危險物質安全管理法》第6條第1項規定之工廠設立許可；

- and reports on construction of the structure prescribed in Article 83 of the same Act;
2. Permission to construct a high-pressure gas storage pursuant to Article 4 (3) of the High-Pressure Gas Safety Control Act;
  3. Permission to engage in the activities of development pursuant to Article 56 (1) 1 of the National Land Planning and Utilization Act; designation of a developer of the urban or military planning facility project pursuant to Article 86 of the same Act; authorization of the implementation plan pursuant to Article 88 of the same Act;
  4. Permission for or reports on the establishment of discharge facilities pursuant to Article 23 of the Clean Air Conservation Act, Article 33 of the Water Environment Conservation Act and Article 8 of the Noise and Vibration Control Act;
  5. Permission for the occupation and use of roads pursuant to Article 61 of the Road Act;
  6. Consent to the permission, etc. for construction pursuant to Article 7 (1) of the Installation, Maintenance, and Safety Control of Fire-Fighting Systems Act; reports on the construction of fire-fighting system pursuant to Article 13 (1) of the Fire-Fighting System Installation Business Act; permission for the establishment of a manufactory, etc. pursuant to Article 6 (1) of the Safety Control of Dangerous Substances Act;

7. 按《液化石油氣安全管理與經營法》第6條第1項規定之設立液化石油氣庫許可；
  8. 按《電力安全管理法》第8條規定自用電力設施建設計劃之授權或報告；
  9. 按《空間數據設置管理法》第64條第2項規定之土地移動登記申請；
  10. 按《槍砲刀械彈藥管制法》第25條第1項規定建造臨時爆炸物儲存庫之許可；
  11. 按《土壤環境保護法》第12條規定特定土地污染控制設施之建設報告；
  12. 按《下水道法》第24條規定之佔用和使用許可；同法第27條第3項規定建立排水設施之報告；同法第34條第2項設立私人污水處理設施。
- (2) 若本條第1項任一款事項屬於市/道或市/郡/區以外之行政機構管轄範圍，市長/道知事或首長司、郡、區長應當事先與上述行政機關之首長協商。

7. Permission to establish a liquefied petroleum gas storage pursuant to Article 6 (1) of the Safety Control and Business of Liquefied Petroleum Gas Act;
  8. Authorization for or reports on the plan to construct an electric facility for private use pursuant to Article 8 of the Electric Safety Management Act;
  9. Application for registration of the land movement pursuant to Article 64 (2) of the Act on the Establishment, Management of Spatial Data;
  10. Permission to construct a temporary storage of explosives pursuant to Article 25 (1) of the Act on Control of Guns, Swords and Explosives;
  11. Reports on construction of the facility subject to the control of specified land contamination prescribed in Article 12 of the Soil Environment Conservation Act;
  12. Permission for the occupation and use pursuant to Article 24 of the Sewerage Act; reports on the establishment of draining facilities pursuant to Article 27 (3) of the same Act; establishment of a private sewage treatment facility pursuant to Article 34 (2) of the same Act.
- (2) Where a matter falling under any subparagraph of paragraph (1) falls within the jurisdiction of the administrative institution other than the relevant Mayor/Do Governor or the head of a Si/

(3) 按本條第1項規定，於動力車輛維修綜合設施內建設動力車輛相關設施或配套動力車輛維修設施者，或建設動力車輛相關設施或按《城市發展法》第17條制定實施計劃之授權，在獲得建設許可後，得按《建築法》第22條，就相關設施獲得使用許可之輔助性動力車輛服務設施，視為已接受或完成以下檢查或報告：〈經2017年1月17日第14532號法；2020年3月31日第17171號法案修訂〉

1. 按《高壓氣體安全管理法》第16條第3項規定之高壓氣體製造、儲存、銷售、進口之設施或容器等完工時之驗收；同法第20條規定特定高壓氣體使用設施完工時之驗收；

2. 按《國家土地規劃利用法》第62條第1款規定之竣工驗收；同法第98條第1款完成施工時之驗收；

Gun/Gu, the relevant Mayor/Do Governor or the head of the Si/Gun/Gu shall pre-consult with the head of the aforementioned administrative institution.

- (3) Where a person who has constructed a motor vehicle-related facility or a supportive motor vehicle service facility within the motor vehicle service multiple complex in accordance with paragraph (1), or a person who has constructed a motor vehicle-related facility or a supportive motor vehicle service facility after obtaining deemed permission for construction in accordance with the authorization of an implementation plan formulated under Article 17 of the Urban Development Act, obtains approval for use pursuant to Article 22 of the Building Act with respect to the relevant facility, he or she shall be deemed to have undergone or made the following inspection or report, etc.: <Amended by Act No. 14532, Jan. 17, 2017; Act No. 17171, Mar. 31, 2020>

1. Inspection upon completion of constructing the facility or container, etc. for manufacturing, storing, selling, importing the high-pressure gas prescribed in Article 16 (3) of the High-Pressure Gas Safety Control Act; inspection upon completion of the facility for use of the specified high-pressure gas prescribed in Article 20 of the same Act;
2. Inspection upon completion of construction pursuant to Article 62 (1) of the National Land Planning and Utilization Act; inspection upon completion of construction pursuant to Article 98 (1) of the same Act;

3. 按《乾淨空氣保護法》第30條與《水資源保護法》第37條規定開始運行排放之預防設施報告；
  
4. 按《消防系統安裝事業法》第14條規定完工驗收、《危險物質安全管理法》第9條規定之工廠完工驗收等；
  
5. 按《液化石油氣安全管理與經營法》第18條第2項規定儲存設施或供氣製造設施建設完工時之檢查；
  
6. 按《電力安全管理法》第9條規定自用電力設施使用前之檢查；
  
7. 按《空間數據設置管理法》第36條規定進行使用前之檢查；
  
8. 按《槍砲刀械彈藥管制法》第43條規定之完工驗收；
  
9. 按《下水道法》第37條規定的私人污水處理設施之完工驗收。

3. Reports on commencing operation of the discharge and prevention facilities pursuant to Article 30 of the Clean Air Conservation Act and Article 37 of the Water Environment Conservation Act;
4. Inspection upon completion of construction pursuant to Article 14 of the Fire-Fighting System Installation Business Act, inspection upon completion of constructing the factory, etc. prescribed in Article 9 of the Safety Control of Dangerous Substances Act;
5. Inspection upon completion of the construction of the storage facility or gas supplies-manufacturing facility prescribed in Article 18 (2) of the Safety Control and Business of Liquefied Petroleum Gas Act;
6. Inspection prior to using the electric facilities for private use under Article 9 of the Electrical Safety Management Act;
7. Inspection prior to use pursuant to Article 36 of the Information and Communications Construction Business Act;
8. Inspection upon completion pursuant to Article 43 of the Act on Control of Guns, Swords and Explosives;
9. Inspection upon completion of construction of the private sewage treatment facility pursuant to Article 37 of the Sewerage Act.

- (4) 中央行政機關首長對屬於本條第1項任一款之相關法律與條例進行修訂時，應將相關處置標準通知國土交通部。變更該等標準時，亦同。
- (5) 國土交通部之負責人收到第(4)款規定之處置標準通知後，應將其合併並公告。變更該等標準時，亦同。

### 第69條（動力車輛管理事務的電子處理）

- (1) 國土交通部負責人認為管理動力車輛有必要時，得使用電子資訊處理機構處理本法規定之事務。〈經2013年3月23日第11690號法案修訂〉
- (2) 欲使用本條第1項規定之電子資訊處理機構處理之數據（下稱「電子數據」）者，應經國土交通部負責人審議後獲得國土交通部、總統令規定之相關中央行政機關負責人之核准。〈經2013年3月23日第11690號法案修訂〉

- (4) The head of the central administrative agency which governs the statutes and regulations regarding the matters falling under any subparagraph of paragraph (1) shall notify the relevant standards for disposition to the Minister of Land, Infrastructure and Transport. The same shall also apply to any modification of the aforementioned standards.
- (5) Where the Minister of Land, Infrastructure and Transport receives notification of the standards for disposition pursuant to paragraph (4), he or she shall consolidate them and give a public notice thereof. The same shall also apply where he or she is notified of any modification of the publicly-notified standards for disposition.

**Article 69 (Electronic Processing of Motor Vehicle Management Affairs)**

- (1) If deemed necessary for the efficient management of motor vehicles, the Minister of Land, Infrastructure and Transport may handle affairs prescribed by this Act using an electronic information processing organization, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) A person who intends to use data processed by the electronic information processing organization as prescribed in paragraph (1) (hereinafter referred to as "electronic data") shall obtain approval from the Minister of Land, Infrastructure and Transport after deliberation by the head of the relevant central administrative agency, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

- (3) 國土交通部負責人於收到本條第2項規定之核准請求時，僅得於執行該動力車輛管理事務時未產生損害且未侵害動力車輛所有人之隱私與自由之情況下，始得核准之。於這種情況下，國土交通部負責人得於核准時附款限制使用範圍。〈經2013年3月23日第11690號法案修訂〉
- (4) 本條第(2)款、第(3)款規定之電子數據使用範圍及其審議核准標準等事項，由國土交通部訂之。〈經2013年3月23日第11690號法案修訂〉

### 第69條之2（動力車輛記錄管理資訊之提供）

- (1) 國土交通部之負責人得向動力車輛所有人等提供動力車輛之製造、登記、檢驗、維修、報廢等綜合記錄（下稱「動力車輛記錄管理資訊」）。
- (2) 按本條第1款之規定，欲獲取動力車輛記錄管理資訊者，應按國土交通部之規定，向國土交通部之負責人按《電子政府法》第9條第2款透過電子民事請願窗口請求提供該等資訊。

- (3) Upon receipt of a request for approval under paragraph (2), the Minister of Land, Infrastructure and Transport may grant approval thereof, only where it is deemed that there is no harm when the motor vehicle management affairs are performed and it does not violate the privacy and freedom of a motor vehicle owner. In such cases, he or she may grant approval, limiting such use. <Amended by Act No. 11690, Mar. 23, 2013>
- (4) Matters regarding the range of the use of electronic data and the standards for deliberation and approval, etc. thereof, as prescribed in paragraphs (2) and (3) shall be determined by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

### **Article 69-2 (Provision of Information on Management of Motor Vehicle Records)**

- (1) The Minister of Land, Infrastructure and Transport may provide a motor vehicle owner, etc. with the comprehensive records of his or her motor vehicle, such as the manufacturing, registering, inspecting, maintaining, and scraping of the motor vehicle (hereinafter referred to as “information on management of motor vehicle records”).
- (2) A person who intends to obtain the information on management of motor vehicle records pursuant to paragraph (1) shall request, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, the Minister of Land, Infrastructure and Transport for provision of the information through the window for electronic civil petitions under Article 9 (2) of the Electronic Government

- (3) 國土交通部按第(2)款向動力車輛所有人以外之第三人提供資訊時，應徵得動力車輛所有人之同意，並採取其他必要措施保護動力車輛所有人之個人資訊。
- (4) 按本條第3款採取保護個人資訊措施之必要事項、可提供資訊之詳細內容、提供資訊之接收者和提供資訊之方法由總統令訂之。

### 第69條之3（專業動力車輛技術人員發展與管理）

- (1) 國土交通部或市長/道知事得制定與實施專業動力車輛維修技術之人員（下稱「專業動力車輛技術人員」）之開發與管理政策。
- (2) 依照第一款規定制定的政策應當包括下列事項：
1. 專業動力車輛技術人員之任用；
  2. 專業動力車輛技術人員之培育；

Act.

- (3) When the Minister of Land, Infrastructure and Transport provides information to any persons other than a motor vehicle owner pursuant to paragraph (2), he or she shall obtain the motor vehicle owner's consent and take other measures necessary to protect the motor vehicle owner's personal information.
- (4) Matters necessary for taking measures to protect personal information pursuant to paragraph (3), details of the information available for provision, recipients of information to be provided, and methods of providing information shall be prescribed by Presidential Decree.

**Article 69-3 (Development and Management of Professional Auto Mechanics)**

- (1) The Minister of Land, Infrastructure and Transport or a Mayor/Do Governor may formulate and implement a policy for the development and management of human resources who have techniques or skills for maintenance of motor vehicles (hereinafter referred to as "professional auto mechanics").
- (2) The policy formulated pursuant to paragraph (1) shall include the following matters:
  1. Supply and utilization of professional auto mechanics;
  2. Development and training of professional auto mechanics;

3. 專業動力車輛技術人員工作經歷記錄之管理與認證；
4. 總統令規定之其他為發展與管理專業動力車輛技術人員之必要事項。

(3) 為實施本條第1項之政策，國土交通部負責人或市長/道知事得按照總統令之規定向專業動力車輛技術人員之組織、協會、大學等提供資源。

(4) 本條第1款至3款規定之專業動力車輛技術人員之開發、管理與支援所需之事項由總統令訂之。

### 第70條（動力車輛管理的特殊情況）

除本法有規定之外，下列各款規定之動力車輛或動力車輛零件之登記（如使用報告）、動力車輛或動力車輛零件之認證、檢驗、維修、檢測、報廢、登記車牌（包含機車車牌）、動力車輛印章等之規訂，由國土交通部訂之：<經2013年3月23日第11690號法案修訂>

1. 駐韓外交官所擁有之動力車輛；

3. Management and certification of work experience records of professional auto mechanics;
4. Other matters prescribed by Presidential Decree as those necessary for the development and management of professional auto mechanics.

(3) If necessary to implement the policy under paragraph (1), the Minister of Land, Infrastructure and Transport or a Mayor/Do Governor may provide support to organizations, associations, universities, etc. related to professional auto mechanics, as prescribed by Presidential Decree.

(4) Matters necessary for the development and management of, and support for, professional auto mechanics under paragraphs (1) through (3) shall be prescribed by Presidential Decree.

**Article 70 (Special Cases concerning Motor Vehicle Management)**

Notwithstanding the provisions of this Act, the registration (referring to report on use, in the case of a motorcycle), self-authentication of motor vehicles or motor vehicle parts, inspection, maintenance, testing, motor vehicle scrapping, registration license plate (referring to the license plate of a motorcycle, in the case of a motorcycle), and seal of a motor vehicle which falls under any of the following subparagraphs, shall be governed by Ordinance of the Ministry of Land, Infrastructure and Transport: <Amended by Act No. 11690, Mar. 23, 2013>

1. Motor vehicle owned by a diplomat stationed in the Republic of Korea;

2. 駐韓美軍人員或文職人員或其家屬使用之私人動力車輛；
  
3. 聯合國或與其相當之國際組織僱員所擁有之動力車輛；
  
4. 道路交通公約締約國人民擁有之動力車輛（不包括本地人）、  
道路交通公約締約國成員國經營（不包括韓國境內）之已於韓  
國境內註冊之動力車輛；
  
5. 根據《海關法》之規定須出口之臨時進口動力車輛；
  
6. 國土交通部規定為維護國家安全與公共安全特別所需之動力車  
輛；
  
7. 僅在道路以外的地方使用的動力車輛（指道路法規定之道路等  
一般交通用地）；
  
8. 為出口製造與組裝之動力車輛。

#### 第71條（禁止非法使用）

- (1) 不得偽造、變造或非法使用動力車輛登記證、動力車輛報廢

2. Private motor vehicle used by a member or civilian personnel of the United States Army stationed in the Republic of Korea, or their families;
3. Motor vehicle owned by an employee of the United Nations or international organizations equivalent thereto;
4. Motor vehicle operated within the Korean territory from among motor vehicles owned by the people of the Party to the Convention On Road Traffic (excluding natives) and motor vehicles operated in a member country of the Party to the Convention on Road Traffic (excluding the Republic of Korea) from among motor vehicles registered in the Korean territory;
5. Motor vehicle temporarily imported under the condition that it will be re-exported under the Customs Act;
6. Motor vehicle deemed especially necessary for the maintenance of national security and public safety, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;
7. Motor vehicle used only at a place other than roads (referring to roads and other places used for general traffic, as prescribed by the Road Act);
8. Motor vehicle manufactured and assembled for export.

### **Article 71 (Prohibition on Illegal Use)**

- (1) A person shall neither fabricate, alter, or use illegally a motor

事實證明文件、登記車牌、臨時經營許可證、臨時經營許可證車牌、動力車輛或動力車輛零件檢驗、耐壓容器雕刻或檢驗標誌複檢標誌、新檢驗合格證名、機車牌照、本法規定之動力車輛底盤標誌和發動機型號標誌、本法規定不得出售、中介、給予、接收或使用之產品。〈2011年5月24日第10721號法修訂〉

- (2) 不得變動動力車輛的里程表，但於因故障、損壞或總統令規定之不可抗力之原因更換里程表的情況下，上述規定不適用。

### 第72條（報告和檢查）

- (1) 若認有管理動力車輛之必要，國土交通部負責人、環保部負責人（僅與綜合檢查之服務有關）、市長/道知事或市/郡/市廳長得要求下列人員進行相關之報告：〈經2011年5月24日第10721號法案；2013年3月23日第11690號法案；2017年10月24日第14950號法案；2018年6月12日第15681號法案修訂〉

1. 動力車輛使用者；
2. 代辦登記牌照者；

vehicle registration certificate, a document certifying the fact of motor vehicle scrapping, a registration license plate, a temporary operation permit, a temporary operation permit license plate, a mark of self-authentication of motor vehicles or motor vehicle parts, a carving or mark of inspection of pressure-resistant containers, a carving or mark of re-examination of pressure-resistant containers, a certificate of new inspection, a motorcycle license plate, a mark of a motor vehicle chassis, and a mark of an engine model, as prescribed by this Act, nor sell, intermediate the sale of, give, receive, or use one fabricated or altered. <Amended by Act No. 10721, May 24, 2011>

- (2) No person shall manipulate the odometer of a motor vehicle: Provided, That the foregoing shall not apply where it is necessary to change the odometer due to malfunction, destruction, or any other unavoidable cause prescribed by Presidential Decree.

### **Article 72 (Reporting and Inspections)**

- (1) If deemed necessary for motor vehicle management, the Minister of Land, Infrastructure and Transport, the Minister of Environment (only pertaining to services related to comprehensive inspections), the Mayor/Do Governor, or the head of a Si/Gun/Gu may require the following persons to report on such management or services relating thereto: <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013; Act No. 14950, Oct. 24, 2017; Act No. 15681, Jun. 12, 2018>

1. A user of a motor vehicle;
2. An agent of a registration license plate issuance;

3. 按第22條標示動力車輛識別號及發動機型號者（包含按第52條準用之情況）；
4. 動力車輛生產商；
5. 動力車輛零件生產商；
- 5-2. 耐壓容器製造商；
6. 機器設備製造商；
7. 動力車輛檢驗代理人；
8. 綜合檢驗代理人；
9. 指定維修經營單位；
10. 指定維修經營單位進行綜合檢查者；
11. 專業之價格估價機構；
12. 動力車輛管理業者；
13. 零件更換鑑定機構；
14. 動力車輛網路資訊提供者；

3. A person who marks the identification number of a motor vehicle and the number of an engine model under Article 22 (including cases to which the same Article shall apply mutatis mutandis pursuant to Article 52);
4. A manufacturer, etc. of a motor vehicle;
5. A manufacturer, etc. of motor vehicle parts;
- 5-2. A manufacturer, etc. of pressure-resistant containers;
6. A manufacturer, etc. of machines and apparatuses;
7. A motor vehicle inspection agent;
8. A comprehensive inspection agent;
9. A designated maintenance business entity;
10. A designated maintenance business entity for comprehensive inspection;
11. A specialized taximeter verification institution;
12. A motor vehicle management business entity;
13. An agency authenticating replacement parts;
14. An online information provider for motor vehicles for sale;

15. 第77條第8項規定之動力車輛改裝工作檢查權人。

- (2) 國土交通部負責人、環境部負責人（僅與綜合檢查有關之部分）、市長/道知事或市/郡/區長得要求主管機關所屬之公職人員進入第1項各款任何人之設施、設備、動力車輛、營業場所，並檢查相關動力車輛、會計帳冊、文件與其他相關項目，有必要時得詢問相關人員。於此情形，環保部負責人應確認檢查人員有確實進行檢查。〈經2013年3月23日第11690號法案修訂〉
- (3) 按本條第2項進行檢查時，應至少提前7天將檢查計劃、包括檢查之日期、目的、細節等通知接受檢查者。但若有緊急狀況，或認事先通知檢查計劃不能達到檢查目的者，檢查人得不事前通知，並應準備事後通知。檢查結束後應立即報告相關事實。
- (4) 按本條第2項進入並進行檢查之公職人員，應攜帶身分證明並出示給相關人員。

15. A person entrusted with authority over approval of tuning work for motor vehicles under Article 77 (8).
- (2) The Minister of Land, Infrastructure and Transport, the Minister of Environment (only pertaining to services related to comprehensive inspections), the Mayor/Do Governor, or the head of a Si/Gun/Gu may require a competent public official to access the facilities, equipment, motor vehicle, place of business, or business office of a person falling under any subparagraph of paragraph (1) and inspect the relevant motor vehicle, accounting books, documents, and other relevant items or inquire related persons where deemed necessary. In such cases, the Minister of Environment shall make sure the entrance and inspection by persons who conduct a general inspection are jointly made and conducted. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) When inspection is to be conducted under paragraph (2), a person subject to such inspection shall be notified of the inspection plan, including the date, purpose and details of the inspection, etc., by no later than seven days beforehand: Provided, That in the case of urgent inspection or where it is deemed that the purpose of inspection cannot be achieved by notifying the plan of inspection in advance, the person who conducts inspection may not give a prior notice and shall prepare an ex-post facto report immediately after such inspection.
- (4) A public official making entrance and conducting inspection under paragraph (2) shall carry a certificate indicating his or her authority to do so, and present it to related persons.

### 第72條之2（資料請求）

- (1) 為檢查動力車輛（包括機車）與動力車輛管理事務之有效運作而認為有必要時，國土交通部或市長/道知事（包括按第77條第1項至第4項、第77條第9項受委託或轉委託或委辦之部長或市長/省長）得要求國家機構、地方政府、公家機構管理下之公家機構、保險公司以及根據《保險業法》計算保險費率之量化機構與其他相關機構等提交必要之數據。

- (2) 按第本條第1項被要求提供數據者若無正當理由，不得拒絕。

### 第73條（禁止規定）

- (1) 於下列任一種情情，國土交通部負責人、市長/道知事或市/郡/區長得要求相關公職人員下令禁止此類犯罪，或調查與辨識其所使用之儀器或設施，並進行其他必要之處置（以下簡稱「管制」）：<經2012年12月18日第11588號法；2013年3月23日第11690號法案；2017年12月26日第15321號法案修訂>

1. 違反第35條規定，擅自拆卸、操縱動力車輛裝置者；

### **Article 72-2 (Request for Data)**

- (1) Where necessary for inspection of motor vehicles (including motorcycles) and for efficient operation of managerial affairs, the Minister of Land, Infrastructure and Transport or the Mayor/Do Governor (including the person who is entrusted or sub-entrusted or delegated by the Minister or the Mayor/Do Governor pursuant to Articles 77 (1) through (4) and 77 (9)) may request the State institutions, local governments, the public institutions under the Act on the Management of Public Institutions, the insurance companies and the quantum institutions for calculating insurance premium rate under the Insurance Business Act and other relevant institutions, etc. to submit necessary data.
  
- (2) A person requested to provide data pursuant to paragraph (1) shall comply, in the absence of a justifiable reason not to do so.

### **Article 73 (Prohibition on Violations)**

- (1) In any of the following cases, the Minister of Land, Infrastructure and Transport, the Mayor/Do Governor, or the head of a Si/Gun/Gu may require a relevant public official to order prohibition on such offence or investigate and identify the instrument or facilities used therefor and make other necessary dispositions (hereinafter referred to as "control"): <Amended by Act No. 11588, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013; Act No. 15321, Dec. 26, 2017>
  1. Dismantling or manipulating any device of a motor vehicle without permission in violation of Article 35;

2. 違反第36條規定維護動力車輛者；

3. 違反第53條第1項規定，未經登記經營動力車輛管理業務者。

(2) 若公職人員按第1項規定進行管制，應立即將詳細說明管制內容之文件交付給受管制者。

(3) 國土交通部之負責人、市長/道知事、市/郡/區長等需執行第1項規定之管制時，得向按第67條設立之同業公會與按第68條設立之聯合同業公會要求協助。<經2013年3月23日第11690號法修訂>

(4) 第72條第4項準用於按第1款進行管制之相關公職人員。

### 第73條之2（動力車輛符合安全標準之檢查）

(1) 為查明不符合動力車輛安全標準之動力車輛是否違反本法第29條第1項之規定，國土交通部之負責人得指示相關公職人員或動力車輛安全控制人員之車輛（係指韓國運輸安全局執行官和工作人員中負責動力車輛安全管理人員；下同）對運行中之動力車輛進行檢查。

2. Maintaining a motor vehicle in violation of Article 36;
  3. Operating the motor vehicle management business without making registration in violation of Article 53 (1).
- (2) Where a relevant public official maintains control as prescribed in paragraph (1), he or she shall immediately deliver a document detailing such control to a person who is kept under control.
- (3) If it is necessary for control as prescribed in paragraph (1), the Minister of Land, Infrastructure and Transport, the Mayor/Do Governor, or the head of a Si/Gun/Gu may request cooperation from an association, etc. established under Article 67 and a federation established under Article 68. <Amended by Act No. 11690, Mar. 23, 2013>
- (4) Article 72 (4) shall apply mutatis mutandis to relevant public officials who maintain control under paragraph (1).

**Article 73-2 (Inspections of Compliance with Motor Vehicle Safety Standards)**

- (1) In order to ascertain whether any motor vehicle not in compliance with the safety standards for motor vehicles is operated in violation of Article 29 (1), the Minister of Land, Infrastructure and Transport may instruct relevant public officials or safety controllers for motor vehicles (referring to the persons in charge of safety control of motor vehicles, among executive officers and employees of the Korea Transportation Safety Authority; hereinafter the same shall apply) to inspect motor vehicles in operation.

- (2) 運行中之動力車輛所有人或經營者無正當理由，不得拒絕、干擾或逃避按第1項進行之檢查。
- (3) 按第1項進行檢查之公職人員或動力車輛安全控制人員，第72條第4項準用之。

#### 第74條（額外罰鍰之徵收）

- (1) 若國土交通部之負責人、市長/道知事或市/郡/區長將中止事務或業務之處理（下稱「中止處理」）提交給登記牌照發放代理人、動力車輛檢驗代理人、綜合檢驗代理人、專業價格估計審查機構或者屬於第21條、第45條之3第1項、第47條第5項或第66條第1項規定的動力車輛管理經營單位，他或她可以對此類個人或機構徵收不超過1000萬韓元的罰款附加費，以代替總統令規定的暫停處分，如果這種處分暫停可能給一般用戶帶來實質性的不便或損害公共利益；但是，他或她可以處以不超過5000萬韓元的罰款附加費，以代替與綜合檢驗有關的綜合檢驗代理人之暫停處分。<2013年3月23日第11690號法案修訂>
- (2) 違反第31條第1項之規定（包含按第52條準用之情形），隱匿瑕疵或對瑕疵作出不實陳述者，或在發現瑕疵後未及時補正

- (2) No owner or operator of a motor vehicle in operation shall refuse, interfere with, or evade an inspection conducted under paragraph (1), without justifiable grounds.
- (3) Article 72 (4) shall apply mutatis mutandis to relevant public officials or safety controllers for motor vehicles, conducting an inspection under paragraph (1).

#### **Article 74 (Imposition of Penalty Surcharges)**

- (1) Where the Minister of Land, Infrastructure and Transport, the Mayor/Do Governor, or the head of a Si/Gun/Gu shall render a disposition suspending affairs or business (hereinafter referred to as "disposition of suspension") to an agent of a registration license plate issuance, a motor vehicle inspection agent, a comprehensive inspection agent, an official approving institution specialized in a taximeter, or a motor vehicle management business entity where he or she falls under Article 21, 45-3 (1), 47 (5), or 66 (1), he or she may impose a penalty surcharge not exceeding 10 million won on such person or institution, in lieu of the disposition of suspension thereto, as prescribed by Presidential Decree, where such disposition of suspension may cause substantial inconvenience to general users or impair public interests: Provided, That he or she may impose a penalty surcharge not exceeding 50 million won, in cases of replacing the disposition of suspension for a comprehensive inspection agent in relation to the comprehensive inspection. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) The Minister of Land, Infrastructure and Transport may impose a penalty surcharge not exceeding 3/100 of the turnover of relevant

者，國土交通部負責人得對其處以不超過相關動力車輛或動力車輛零件營業額3/100之附加罰鍰。

(3) 國土交通部負責人得對下列各種情形之人徵收不超過相關動力車輛或動力車輛零件營業額1/100之附加罰鍰（如果超過100億韓元，視為100億韓元）：<經2011年5月24日第10721號法；2013年3月23日第11690號法案；2015年12月29日第13686號法案；2020年2月4日第16950號法案修訂>

1. 違反第30條第1項規定，銷售不符合動力車輛安全標準之動力車輛者（包含第52條規定準用之情形）；

2. 違反第30條之2第1項規定，銷售不符合動力車輛零件安全標準之動力車輛零件者（包含第52條規定準用之情形）；

3.和4.刪除。<經2020年2月4日第16950號法案修訂>

(4) 違反第35條第6款第1項規定，銷售耐壓容器測試不合格之耐

motor vehicles or motor vehicle parts on any person who has concealed or understated a defect or made a false representation on a defect or who has failed to correct a defect without delay after he or she became aware of a defect, in violation of Article 31 (1) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52). <Newly Inserted by Act No. 16950, Feb. 4, 2020>

(3) The Minister of Land, Infrastructure and Transport may impose on any of the following persons a penalty surcharge not exceeding 1/100 of the turnover of relevant motor vehicles or motor vehicle parts (if it exceeds 10 billion won, it shall be deemed 10 billion won): <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013; Act No. 13686, Dec. 29, 2015; Act No. 16950, Feb. 4, 2020>

1. Any person who has sold a motor vehicle which does not satisfy the safety standards for motor vehicles, in violation of Article 30 (1) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);

2. Any person who has sold the motor vehicle parts not in compliance with the safety standards for motor vehicle parts, in violation of Article 30-2 (1) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);

3. and 4. Deleted. <by Act No. 16950, Feb. 4, 2020>

(4) The Minister of Land, Infrastructure and Transport may impose a

壓容器者，國土交通部負責人得徵收不超過相關耐壓容器營業額1/100之附加罰鍰費（如果超過100億韓元，將被視為100億韓元）。<2020年2月4日第16950號法案新增>

(5) 根據第(1)款至第(4)款規定附加罰鍰之行為態樣、種類、嚴重程度以及其他必要事項，其數額由總統令訂之。<經2020年2月4日第16950號法案修訂>

(6) 未按期繳納本條第1項至第4規定之附加罰鍰時，國土交通部之負責人、市長/道知事或市/郡/區長應按照總統令規定徵收國家滯納稅之方式，或根據地方行政罰款徵收法徵收之。<經2013年3月23日第11690號法案；2013年8月6日第11998號法案；2020年2月4日第16950號法案；2020年3月24日第17091號法案修訂>

#### 第74條之2（損害賠償）

(1) 動力車輛製造商等或零件製造商等對因第31條第1款規定之瑕疵致他人之生命、身體、財產之損害，負賠償責任（不包括僅對相關動力車輛或動力車輛部件造成的損壞）。<經2020年2月4日第16950號法案修訂>

penalty surcharge not exceeding 1/100 of the turnover of relevant pressure-resistant containers (if it exceeds 10 billion won, it shall be deemed 10 billion won) on any person who has sold pressure-resistant containers that failed to pass the test for pressure-resistant containers, in violation of Article 35-6 (1). <Newly Inserted by Act No. 16950, Feb. 4, 2020>

(5) The amount of penalty surcharges, depending on the type and severity of an offence subject to penalty surcharges under paragraphs (1) through (4), and other necessary matters shall be determined by Presidential Decree. <Amended by Act No. 16950, Feb. 4, 2020>

(6) Where the penalty surcharge prescribed in paragraphs (1) through (4) is not paid by the due date, the Minister of Land, Infrastructure and Transport, the Mayor/Do Governor, or the head of a Si/Gun/Gu shall collect it in the same manner as delinquent national taxes are collected or under the Act on the Collection of Local Administrative Penalty Charges, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 11998, Aug. 6, 2013; Act No. 16950, Feb. 4, 2020; Act No. 17091, Mar. 24, 2020>

#### **Article 74-2 (Compensation for Damage)**

(1) A motor vehicle manufacturer, etc. or a parts manufacturer, etc. shall be liable for any damage to the life, body, and property of any person caused by a defect under Article 31 (1) (excluding damage incurred only to the relevant motor vehicle or motor vehicle part). <Amended by Act No. 16950, Feb. 4, 2020>

- (2) 若動力車輛製造商或零件製造商等明知而隱瞞瑕疵、或為不實陳述，或未按第31條第1項之規定及時補正瑕疵，致生他人生命、身體、財產之嚴重損害，該動力車輛製造商或該零部件製造商等應賠償不超過他人所受損失五倍之損害賠償責任<經2020年2月4日第16950號法案修訂>
- (3) 因本條第1項款或第2項規定受有損害者，若證明下列事實，推定相關動力車輛或動力車輛零件存在第31條第1款規定之瑕疵與其造成損害之因果關係存在：<經2020年2月4日第16950號法案修訂>
1. 本條第1項或第2項規定之損害發生於相關動力車輛或動力車輛零件在正常情況下使用時；
  2. 本條第1項之損害可歸責於動力車輛生產業或零件生產企業能實際控制之原因；
  3. 本條第1項之損害通常不會於相關動力車輛或動力車輛零件沒有任何瑕疵之情況下發生。
- (4) 法院按第2項確定損害賠償數額時，應考慮下列事項：<經

- (2) Notwithstanding paragraph (1), if a motor vehicle manufacturer, etc. or a parts manufacturer, etc. who has caused serious damage to the life, body or property of any person by knowingly concealing or understating a defect, making a false representation on a defect or failing to correct a defect without delay in accordance with Article 31 (1), such motor vehicle manufacturer, etc. or such parts manufacturer, etc. shall pay damages not exceeding five times the loss inflicted on the person. <Newly Inserted by Act No. 16950, Feb. 4, 2020>
- (3) If a person who has sustained any damage under paragraph (1) or (2) proves the following facts, it shall be presumed that the relevant motor vehicle or motor vehicle part has a defect under Article 31 (1) and that such damage was caused by the defect: <Newly Inserted by Act No. 16950, Feb. 4, 2020>
1. The fact that the damage under paragraph (1) or (2) occurred while the relevant motor vehicle or motor vehicle part was used in normal conditions;
  2. The fact that the damage under subparagraph 1 is attributable to a cause under actual control of the motor vehicle manufacturer, etc. or the parts manufacturer, etc.;
  3. The fact that the damage under subparagraph 1 would not usually occur without any defect in the relevant motor vehicle or motor vehicle part.
- (4) In determining the amount of damages under paragraph (2), the

2020年2月4日 第16950號法案修訂>

1. 故意程度；
  2. 相關瑕疵造成損害之嚴重性；
  3. 出售相關動力車輛或動力車輛零件取得之經濟利益；
  4. 動力車輛生產業者等或者零件生產業者等因相關瑕疵所受刑事處罰或行政處罰之嚴重程度；
  5. 相關動力車輛或動力車輛零件供應之持續時間與供應規模；
  6. 動力車輛生產業者或生產業者等之財務狀況；
  7. 動力車輛生產業者或生產業者等對損害進行補救之努力程度。
- (5) 按本條第1項或第2項提出損害賠償請求者，得要求性能測試代理單位提供有關第30之3條第2項、第31條第4項和第31之3條規定之調查資訊。性能測試代理單位無正當理由，不得拒絕。<經2020年2月4日 第16950號法案新增>

court shall take the following matters into consideration: <Newly Inserted by Act No. 16950, Feb. 4, 2020>

1. The degree of intentionality;
  2. The seriousness of the damage caused by the relevant defect;
  3. Economic benefits acquired by selling the relevant motor vehicle or motor vehicle part;
  4. If the motor vehicle manufacturer, etc. or the parts manufacturer, etc. was subjected to a criminal punishment or administrative action due to the relevant defect, the severity thereof;
  5. The period during which the supply of relevant motor vehicles or motor vehicle parts continued and the scale of supply;
  6. The financial standing of the motor vehicle manufacturer, etc. or the parts manufacturer, etc.;
  7. The degree of efforts made by the motor vehicle manufacturer, etc. or the parts manufacturer, etc. to remedy damage.
- (5) A person who files a claim for damages under paragraph (1) or (2) may request the performance testing agent to provide information about the investigations under Article 30-3 (2), 31 (4) and 31-3 (1). The performance testing agent shall comply with such request, unless any good cause to reject the request exists. <Newly Inserted by Act No. 16950, Feb. 4, 2020>

- (6) 被害人按本條第1項或第2項提出損害賠償請求時，法院得要求性能測試代理人提交按第30之3條第2項、第31條第4項規定之調查結果。若有必要，得要求其提供按第31條之3第1項之調查結果。〈經2020年2月4日第16950號法案新增〉
- (7) 《產品責任法》第5條和第6條適用於連帶責任與特別賠償協議之限制。〈經2020年2月4日第16950號法案新增〉

### 第75條（聽證）

國土交通部之負責人、市長/道知事、市/郡/區長為下列任一處分前，應舉行聽證會：〈經2011年5月24日第10721號法；2013年3月23日第11690號法案；2015年12月29日第13686號法案；2017年10月24日第14950號法案；2020年2月4日第16950號法案修訂〉

1. 按第21條、第30之6第1項、第45條之3第1項、第47條第5項規定之撤銷指定；
2. 按第30條第6項或第30條之2第4項規定之撤銷註冊；
3. 按第30條之3第1項規定之停止製造、組裝、進口或銷售之命令（包括按第52條準用之情形）；
4. 按第31條第3項命令補正動力車輛或動力車輛零件之瑕疵（包括按第52條準用之情形）；

(6) When a claim for damages is filed pursuant to paragraph (1) or (2), the court may require the performance testing agent to submit the findings from the investigations under Article 30-3 (2), 31 (4), and 31-3 (1) where necessary. <Newly Inserted by Act No. 16950, Feb. 4, 2020>

(7) Articles 5 and 6 of the Product Liability Act shall apply to joint and several liability and restrictions on special agreement on indemnification. <Newly Inserted by Act No. 16950, Feb. 4, 2020>

### **Article 75 (Hearings)**

The Minister of Land, Infrastructure and Transport, the Mayor/Do Governor, or the head of a Si/Gun/Gu shall hold a hearing to take any of the following dispositions: <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013; Act No. 13686, Dec. 29, 2015; Act No. 14950, Oct. 24, 2017; Act No. 16950, Feb. 4, 2020>

1. Revocation of designation as prescribed in Articles 21, 30-6 (1), 45-3 (1), and 47 (5);
2. Revocation of registration as prescribed in Article 30 (6) or 30-2 (4);
3. Orders to suspend manufacturing, assembly, import or sale pursuant to Article 30-3 (1) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);
4. Orders to correct defects of motor vehicles or motor vehicle parts pursuant to the main clause of Article 31 (3) (including cases to which the same provision shall apply mutatis mutandis pursuant to

5. 按第32條第2項撤銷認證；

5-2. 按第35條之9第1項規定停止製造、進口或銷售之命令（第35條之9第2項、第35之10條第3項之情形除外）；

5-3. 依第35之10條第2項規定回收耐壓容器等；

6. 按第54條第2項（含依第65之2條第6項規定準用之情形）及第66條規定之撤銷登記；

7. 徵收第74條第2條至第4條規定之附加罰鍰。

### 第76條（費用）

下列之人，應向國土交通部之負責人、市長/道知事、市/郡/區長或性能測試代理人給付國土交通部規定之費用：（前提條件為：國土交通部之負責人、市長/道知事或者市、郡、顧首長委託或委辦第30條第3項規定之動力車輛技術審查與安全檢查事項（包括按第52條規定準用之情形）、第32條第3項規定之動力車輛零部件性能試驗（包括按第52條規定準用同款的情況）、耐壓試驗第35條之6第1項規定之耐壓容器、第35之7條第1項規定之耐壓容器安裝試驗、第35條之8規定之耐壓容器複檢、第44條第1項規定之動力車輛檢驗、第44條之2第1項規定之綜合檢查、第45條第1項規定之定期檢查、第45條之2第1項規定之全面檢查、第47條第2項規定之計程器驗證，第77條第6項規定的代為撤銷附著物、免

Article 52);

5. Revocation of authentication pursuant to Article 32 (2);

5-2. Orders to suspend manufacturing, import or sale pursuant to Article 35-9 (1) (excluding cases falling under Article 35-10 (3) among the cases falling under Article 35-9 (1) 2);

5-3. Orders to recall pressure-resistant containers, etc. pursuant to Article 35-10 (2);

6. Revocation of registration as prescribed in Articles 54 (2) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 65-2 (6)) and 66;

7. Imposition of the penalty surcharge under Article 74 (2) through (4).

### **Article 76 (Fees)**

Any of the following persons shall pay a fee to the Minister of Land, Infrastructure and Transport, the Mayor/Do Governor, the head of a Si/Gun/Gu, or a performance testing agent, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport (referring to Joint Ordinance in cases of an application for the designation of a designated maintenance business entity of comprehensive inspection or for comprehensive inspection): Provided, That where the Minister of Land, Infrastructure and Transport, the Mayor/Do Governor or the head of a Si/Gun/Gu delegates or entrusts the affairs concerning the technology review and safety inspection of motor vehicles under Article 30 (3) (including cases to which the same paragraph shall apply

除自我認證、機器設備精密度檢測、提供動力車輛記錄管理資訊等必要措施之事項、與以電子方式請求註冊之事務（包括《電子政府法》規定之電子與數字化文件）、第77條第7項規定之動力車輛改裝核准、第77條第8項規定之動力車輛改裝之代辦或者委託、第77條第10項規定之電子資訊處理機構之安裝）：<經2011年5月24日第10721號法修改；2013年3月23日第11690號法案；2014年1月7日第12217號法案；2015年1月6日第12986號法案修訂>

1. 按第7條第4項規定申請查閱登記簿或交付查證副本或部分副本者；

mutatis mutandis pursuant to Article 52), a performance test for parts or devices of a motor vehicle under Article 32 (3) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52), the test for pressure-resistant containers under Article 35-6 (1), the installation test for pressure-resistant containers under Article 35-7 (1), the re-examination of pressure-resistant containers under Article 35-8, the motor vehicle inspection under Article 44 (1), the comprehensive inspection under Article 44-2 (1), the regular inspection under Article 45 (1), the comprehensive inspection under Article 45-2 (1), the verification of a taximeter under Article 47 (2), the affairs of taking as a proxy the measures necessary for revocation of an attachment, the exemption from self-authentication, the precision test for machines and apparatuses and the provision of information on management of motor vehicle records pursuant to Article 77 (6), the affairs concerning the registration requested electronically (including the electronic and digitalized documents under the Electronic Government Act; hereinafter the same shall apply) pursuant to Article 77 (7), the approval of tuning of a motor vehicle under Article 77 (8), and vicarious execution or entrustment of affairs on installation or operation of the electronic information processing organization under Article 77 (10), a fee as determined by a person who performs the respective affairs as an agent or a person entrusted with the respective affairs shall be paid to him or her: <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12217, Jan. 7, 2014; Act No. 12986, Jan. 6, 2015>

1. A person who makes an application for perusal of the register or delivery of its certified copy or abridged copy under Article 7 (4);

2. 按第8條第1款、第11條第1款、第12條第1款、第13條第1款規定申請登記者；
- 2-2. 按第14條之2要求採取撤銷附件所必需之措施並有意撤銷附件登記者；
3. 按第18條第2項規定申請補發動力車輛登記證者；
4. 按第19條、第49條規定交付登記車牌或機車車牌或蓋章者；
5. 按第20條、第44條、第44條之2、第45條、第45條之2、第47條規定請求指定發證機構、動力車輛檢測機構、綜合檢測機構、定點維修經營單位、定點維修綜合檢測經營單位或者計程車計價器專業檢定機構者；
6. 按第27條規定申請動力車輛臨時營運許可者；
7. 按第30條第3項規定要求對動力車輛進行技術審查及安全檢驗者（包括按第52條準用之情形）；

2. A person who makes an application for registration under Articles 8 (1), 11 (1), 12 (1), and 13 (1);
- 2-2. A person who requests taking the measures necessary for revocation of an attachment pursuant to Article 14-2 and who intends to revoke registration of an attachment;
3. A person who makes an application for re-issuance of a motor vehicle registration certificate under Article 18 (2);
4. A person for whom the delivery of a registration license plate or a motorcycle license plate or sealing is made under Articles 19 and 49;
5. A person who requests designation of a registration license plate issuance agent, a motor vehicle inspection agent, a comprehensive inspection agent, a designated maintenance business entity, a designated maintenance business entity for comprehensive inspection, or a specialized taximeter verification institution under Article 20, 44, 44-2, 45, 45-2, or 47;
6. A person who requests temporary operation permission for a motor vehicle under Article 27;
7. A person who requests the technology review and safety inspection of a motor vehicle under Article 30 (3) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);

8. 按第30條之4規定要求免除自我認證者（包括按第52條準用之情形）；
9. 按第32條規定對動力車輛使用之零件或裝置進行性能試驗者（包括按第52條準用之情形）；
10. 按第34條（包括按第52條準用之情形）請求核准動力車輛、摩托車改裝者；
- 10-2. 按第35條之6第1項要求耐壓容器試驗者；
- 10-3. 按第35條之7第1項要求進行耐壓容器安裝測試者；
- 10-4. 按第3條之8第1項要求耐壓容器複驗者；
11. 按第40條要求對機器及儀器進行精密度檢驗者；
12. 按第41條或第41條之2要求動力車輛檢驗或綜合檢驗者；
13. 按第47條規定要求檢驗計價器者；

8. A person who requests the exemption of self-authentication under Article 30-4 (including cases to which the same Article shall apply mutatis mutandis pursuant to Article 52);
9. A person who undergoes the performance test for parts or devices used on a motor vehicle under Article 32 (including cases to which the same Article shall apply mutatis mutandis pursuant to Article 52);
10. A person who requests the approval of tuning of a motor vehicle or a motorcycle under Article 34 (including cases to which the same Article shall apply mutatis mutandis pursuant to Article 52);
- 10-2. A person who requests the test for pressure-resistant containers pursuant to Article 35-6 (1);
- 10-3. A person who requests the installation test for pressure-resistant containers pursuant to Article 35-7 (1);
- 10-4. A person who requests the re-examination of pressure-resistant containers pursuant to Article 35-8 (1);
11. A person who requests the precision test for machines and apparatuses under Article 40;
12. A person who requests the motor vehicle inspection or comprehensive inspection under Article 43 or 43-2;
13. A person who requests the verification of taximeter under Article 47;

14. 按第53條規定申請動力車輛管理業務登記或變更登記者；
15. 按第55條第1項、第2項規定申報動力車輛管理業務轉讓、收購、合併者；
16. 按第60條第1項規定請求核准設立拍賣行者；
17. 按第69條第2項要求使用電子資料者；
18. 按第69條之2第2項規定要求提供動力車輛記錄管理資訊者。

#### 第77條（授權委託）

- (1) 國土交通部之負責人得按據總統令之規定，將本法賦予之部分權力委託給市長/道長。〈經2013年3月23日第11690號法修訂〉
- (2) 國土交通部之負責人與環境部之負責人對按本法規定聯合進行之綜合檢查之部分權力，得按總統令之規定委託給市長/道知事。〈經2013年3月23日第11690號法修訂〉
- (3) 市長/道長得將按本條第1項或第2項款授予之部分權力，在獲得國土交通部之負責人之核准下，轉委託給市/郡/區首長（不

14. A person who requests the registration of motor vehicle management business or the registration of modification under Article 53;
15. A person who makes report on transfer, acquisition, or merger of a motor vehicle management business under Article 55 (1) or (2);
16. A person who requests the approval of establishment of an auction house under Article 60 (1);
17. A person who requests the use of electronic data under Article 69 (2);
18. A person who requests provision of the information on management of motor vehicle records pursuant to Article 69-2 (2).

**Article 77 (Delegation and Entrustment of Authority)**

- (1) The Minister of Land, Infrastructure and Transport may delegate part of his or her authority under this Act to the Mayor/Do Governor, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) Part of the authority of the Minister of Land, Infrastructure and Transport and the Minister of Environment over the comprehensive inspection jointly conducted as prescribed by this Act may be delegated to the Mayor/Do Governor, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>
- (3) The Mayor/Do Governor may re-delegate part of his or her authority delegated under paragraph (1) or (2) to the head of a Si/

包括特別自治省省長）。<經2013年3月23日第11690號法修訂>

(4) 本法規定之市長/道知事之部分權力，得委託給司/郡/區首長（不包括特別自治省省長），相關規定由總統令訂之。

(5) 國土交通部之負責人按總統令之規定，得委託動力車輛檢查代理人辦理以下事項：<2013年3月23日第11690號法修改>

1. 第23條第1項但書規定之移除標誌等審查事項（包括按第52條準用之情形）；

2. 第23條第2款規定的移除標誌或接收標誌之相關事務（包括按第52條準用之情形）。

(6) 國土交通部之負責人得按總統令之規定，委託韓國交通安全局處理以下事務：<經2013年3月23日11690號法案；2015年1月6日第12986號法案；2017年10月24日第14939號法案；2020年4月7日第17235號法案>

Gun/Gu (excluding a Special Self-Governing Province Governor), after obtaining approval from the Minister of Land, Infrastructure and Transport (referring to the Minister of Land, Infrastructure and Transport and the Minister of Environment in cases falling under paragraph (2)). <Amended by Act No. 11690, Mar. 23, 2013>

- (4) Part of the authority of the Mayor/Do Governor as prescribed by this Act may be delegated to the head of a Si/Gun/Gu (excluding a Special Self-Governing Province Governor), as prescribed by Presidential Decree.
- (5) The Minister of Land, Infrastructure and Transport may entrust a motor vehicle inspection agent with the following affairs, as prescribed by Presidential Decree: <Amended by Act No. 11690, Mar. 23, 2013>
  1. Affairs regarding approval for erasing marks, etc. under the proviso of Article 23 (1) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);
  2. Affairs regarding orders to erase marks or receive marks under Article 23 (2) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52).
- (6) The Minister of Land, Infrastructure and Transport may entrust the Korea Transportation Safety Authority with the following affairs, as prescribed by Presidential Decree: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12986, Jan 6, 2015; Act No. 14939, Oct. 24, 2017; Act No. 17235, Apr. 7, 2020>

1. 代為辦理第14條之2第1項規定之扣押註銷登記事項；
  2. 按第30條之4自我認證之免除事項（包括按第52條準用之情形）；
  - 2-2. 按第34條之2第1項第1款規定之動力車輛校正安全性調查研究與設備研發事項；
  - 2-3. 按第34條之2第1項第1款至第2款規定之動力車輛改裝專業人才培養及改裝行業培訓項目之開發與分配事項；
  3. 按第40條第1項規定之機器與儀器精密度檢驗事項（包括按第47條第4項準用之情形）；
  4. 關於提供第69條之2第1項規定之動力車輛記錄管理資訊事項。
- (7) 市長/道知事使用第69條規定之電子資訊處理機構，得委託第7條至第8條、第9條至第12條、第12條之2、第13條、第14條、第14條之3、第16條、第27條規定之電子接收登記事務與韓國運輸安全局。〈經2015年1月6日第12986號法案新增；2017年10月24日第14939號法案〉

1. Affairs regarding acting as a proxy the affairs required for de-registration of seizure pursuant to Article 14-2 (1);
  2. Affairs regarding the exemption of self-authentication under Article 30-4 (including cases to which the same Article shall apply mutatis mutandis pursuant to Article 52);
    - 2-2. Affairs regarding investigations and research into safety of the tuning of motor vehicles and the development of equipment under Article 34-2 (1) 1;
    - 2-3. Affairs regarding the development of professional human resources for tuning motor vehicles and the development and distribution of training programs for the tuning industry under Article 34-2 (1) 1-2;
  3. Affairs regarding the precision test for machines and apparatuses under Article 40 (1) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 47 (4));
  4. Affairs regarding the provision of information on management of motor vehicle records pursuant to Article 69-2 (1).
- (7) Using the electronic information processing organization under Article 69, the Mayor/Do Governor may entrust the electronically-received affairs of registration under Articles 7 through 8, 9 through 12, 12-2, 13, 14, 14-3, 16 and 27 to the Korea Transportation Safety Authority. <Newly Inserted by Act No. 12986, Jan. 6, 2015;

- (8) 市/郡/區首長按總統令規定，得將第34條規定之核准權限（包括按第52條準用之情形）與按第59條第1款、第64條第1款、第68條規定之報告受理權限，委任給韓國運輸安全局、同業公會等或聯合同業公會。〈經2015年1月6日第12986號法案修訂；2017年10月24日第14939號法案〉
- (9) 市/郡/區首長得將其對動力車輛管理之權力委託給邑/面/洞長。〈2015年1月6日第12986號法修訂〉
- (10) 國土交通部之負責人得按總統令之規定，將第69條規定之電子資訊處理機構設立或運營權，委託給韓國運輸安全局。〈經2013年3月23日第11690號法案修訂；2015年1月6日第12986號法案；2017年10月24日第14939號法案〉
- (11) 國土交通部之負責人得按總統令之規定與《高壓氣體安全管理法》第28條將，以下事務委託給韓國氣體安全公司：〈經第10721號法令，2011年5月24日；2013年3月23日第11690號法案；2015年1月6日第12986號法案〉

Act No. 14939, Oct. 24, 2017>

- (8) The head of a Si/Gun/Gu may entrust the authority over granting approval as prescribed in Article 34 (including cases to which the same Article shall apply mutatis mutandis pursuant to Article 52) and the authority over acceptance of reports as prescribed in Articles 59 (1) and 64 (1) to the Korea Transportation Safety Authority, an association, etc. or a federation under Article 68, as prescribed by Presidential Decree. <Amended by Act No. 12986, Jan. 6, 2015; Act No. 14939, Oct. 24, 2017>
- (9) The head of a Si/Gun/Gu may delegate his or her authority over motorcycles to the head of a Eup/Myeon/Dong or the head of a branch office. <Amended by Act No. 12986, Jan 6, 2015>
- (10) The Minister of Land, Infrastructure and Transport may entrust the authority over establishment or operation of the electronic information processing organization under Article 69 to the Korea Transportation Safety Authority, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013; Act, No. 12986, Jan. 6, 2015; Act No. 14939, Oct. 24, 2017>
- (11) The Minister of Land, Infrastructure and Transport may entrust the following affairs to the Korea Gas Safety Corporation pursuant to Article 28 of the High-Pressure Gas Safety Control Act, as prescribed by Presidential Decree: <Newly Inserted by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12986, Jan. 6, 2015>

1. 第35條之6第1項規定之耐壓容器試驗事項；
2. 第35條之6第2項規定之耐壓容器銷毀事項；
3. 檢查耐壓容器上之雕刻或標記是否符合第35條之6第3項規定事項。

(12) 國土交通部之負責人得按總統令之規定，將第33條之4規定之動力車輛瑕疵資訊系統建立和運行權委託給性能測試機構。<經2020年2月4日第16950號法案新增>

### 第77條之2（擬制公職人員適用刑法之規定）

為適用刑法第129條至第132條之規定，從事下列業務的人視為公職人員：<經2011年5月24日第10721號法案；2015年1月6日第12986號法案；2017年10月24日第14950號法案；2017年12月26日第15321號法案；2020年2月4日16950號法案修正>

1. 代辦第20條第1項規定之登記牌照等發放事項（包括按第52條準用之情形）；
2. 與確認符合第30條第3項自我認證標準有關之技術審查與安全

1. Affairs on the test for pressure-resistant containers pursuant to Article 35-6 (1);
2. Affairs on the destruction of pressure-resistant containers pursuant to Article 35-6 (2);
3. Affairs on the carving or mark on pressure-resistant containers pursuant to Article 35-6 (3).

(12) The Minister of Land, Infrastructure and Transport may entrust performance testing agents with the authority for the establishment and operation of the motor vehicle defects information system under Article 33-4, as prescribed by Presidential Decree. <Newly Inserted by Act No. 16950, Feb. 4, 2020>

### **Article 77-2 (Legal Fiction as Public Officials for Purposes of Applying Penalty Provisions)**

A person who has been engaged in operations that fall under any of the following shall be deemed a public official for purposes of applying Articles 129 through 132 of the Criminal Act: <Amended by Act No. 10721, May 24, 2011; Act No. 12986, Jan. 6, 2015; Act No. 14950, Oct. 24, 2017; Act No. 15321, Dec. 26, 2017; Act No. 16950, Feb. 4, 2020>

1. Affairs of vicariously executing the issuance of registration license plate, etc. under Article 20 (1) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);
2. Affairs of the technology review and safety inspection in relation

檢查事項（包括按第52條準用之情形）；

2-2. 按第30條之3第2項（包括按第52條準用之情形）或第3條第4項、第9項規定之調查事項（包括按第52條準用之情形）；

2-3. 按第31條之3第1項規定之事故調查事務（包括按第52條準用之情形）；

3. 代執行第32條第3項規定之性能測試事務（包括按第52條準用之情形）；

3-2. 第35條之6規定之耐壓容器試驗事項；

3-3. 第35條之7規定之耐壓容器安裝試驗事項；

3-4. 第35條之8規定之耐壓容器複驗事項；

4. 代辦第44條、第44條之2規定的動力車輛檢驗及綜合檢驗事項；

to the confirmation of the fulfillment of self-authentication criteria under Article 30 (3) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);

2-2. Affairs of conducting investigations pursuant to Article 30-3 (2) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52) or Article 31 (4) or (9) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);

2-3. Affairs of accident investigations under Article 31-3 (1) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);

3. Affairs of vicariously executing the performance test under Article 32 (3) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);

3-2. Affairs of the test for pressure-resistant containers pursuant to Article 35-6;

3-3. Affairs of the installation test for pressure-resistant containers pursuant to Article 35-7;

3-4. Affairs of the re-examination of pressure-resistant containers pursuant to Article 35-8;

4. Affairs of vicariously executing the motor vehicle inspection and comprehensive inspection under Articles 44 and 44-2;

5. 第45條規定之定期檢查事項；
6. 第45條之2規定之綜合檢查事項；
7. 代辦第47條規定之計價器檢定事項；
- 7-2. 第19條動力車輛安全與瑕疵審議委員會事務、第47條之7第2項與第47條之12第1項規定之動力車輛安全與瑕疵審議委員會相關之運作與行政處理；
8. 第73條之2規定之符合動力車輛安全標準檢查事項；
9. 第77條第5項至第8項所委託之事務。

### 第77條之3（規範之審查）

- (1) 第30條第4項規定之動力車輛自我認證，政府應自12月起每四年審查一次關於取消、減輕或維持自我認證要求之可行性。
- (2) 第57條第1項第2款禁止將動力車輛之全部或部分營業場所出租或占用與使用給他人之規定，政府應審查廢除、減輕或維護處分之可行性。

5. Affairs of conducting the regular inspection under Article 45;
6. Affairs of conducting the comprehensive inspection under Article 45-2;
7. Affairs of vicariously executing the verification of a taximeter under Article 47;
- 7-2. Affairs of the Committee for Deliberation on Safety and Defects of Motor Vehicles under Article 47-7 (2) and the operation and administrative processing of the Committee for Deliberation on Safety and Defects of Motor Vehicles under Article 47-12 (1);
8. Affairs of conducting inspections of conformity with safety standards for motor vehicles under Article 73-2;
9. Affairs entrusted under Article 77 (5) through (8).

**Article 77-3 (Review of Regulation)**

- (1) With respect to Article 30 (4) which requires the marking of self-authentication on a motor vehicle, the Government shall review feasibility of the abolishment, mitigation or maintenance, etc. of the self-authentication requirement every four years as of December 31, 2008.
- (2) With respect to Article 57 (1) 2 which prohibits the lease or occupation and use of all or some of the place of business of motor vehicles to another person, the Government shall review feasibility of the abolishment, mitigation or maintenance, etc. of prohibited

### 第78條（罰則）

有下列情形之一者，處10年以下有期徒刑或1億韓元以下罰款：  
<經2011年5月24日第10721號法案；2015年1月6日第12986號法案；2015年12月29日第13686號法案修正>

1. 違反第31條第1款規定，隱匿瑕疵，或者向公眾為關於瑕疵之不時陳述，或明知未及時補正瑕疵者（包括按第52條準用之情形）；
2. 違反第71條第1項規定，偽造、塗改、非法使用動力車輛登記證者，以及買賣、中介買賣、收受、使用偽造、變造動力車輛登記證者。

### 第78條之2（罰則）

有下列情形之一者，處5年以下有期徒刑或5000萬韓元以下罰金：  
<經2015年12月29日第13686號法案；2016年1月28日第13933號法案修正>

1. 未經第44條之2或第45條之2規定之指定，對動力車輛進行綜合檢查者；

activities every four years as of December 31, 2008.

### **Article 78 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than 10 years or a fine of not more than 100 million won: <Amended by Act No. 10721, May 24, 2011; Act No. 12986, Jan. 6, 2015; Act No. 13686, Dec. 29, 2015>

1. A person who has concealed or reduced defects, or disclosed defects to the public by falsity, or has failed to correct such defects without delay after he or she became aware of such fact, in violation of Article 31 (1) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);
2. A person who has fabricated, altered or illegally used a motor vehicle registration certificate and a person who has sold, intermediated the sale of, given or received or used the fabricated or altered motor vehicle registration certificate, in violation of Article 71 (1).

### **Article 78-2 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than five years or a fine of not more than 50 million won: <Amended by Act No. 13686, Dec. 29, 2015; Act No. 13933, Jan. 28, 2016>

1. A person who has conducted a comprehensive inspection of a motor vehicle without obtaining the designation prescribed in Article 44-2 or 45-2;

2. 開發或散播程式以妨害第30條自我認證之動力車輛之電氣或電子設備者。

### 第79條（罰則）

有下列情形之一者，處3年以下有期徒刑或3000萬韓元以下罰金：<經2011年5月24日第10721號法修改；2012年12月18日第11588號法案；2013年3月23日第11690號法案；2013年12月30日第12146號法案；2015年1月6日第12986號法案；2015年8月11日第13486號法案；2015年12月29日第13686號法案；2016年1月28日第13933號法案；2017年12月26日第15321號法案>

1. 頒發登記牌照者進行動力車輛檢驗；未經國土交通部之負責人按第20條、第44條、第45條或第47條指定之計程車計價器；
2. 動力車輛生產業者、交易商等（受託之銷售人員除外）違反第26條之3第1項規定者；
3. 違反第29條之3第2項規定，未將行車記錄裝置安裝事項告知買受人者；
4. 違反第29條之3第3項第1款規定，未提供或不實陳述29條之3第3項規定之資訊，或違反第29條之3第3項，未提供或不實陳述第29條之3第2項規定之書面報告者；

2. A person who has developed or circulated a program in order to impair electric or electronic devices of the motor vehicle self-authenticated under Article 30.

### **Article 79 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than three years, or a fine not exceeding 30 million won: <Amended by Act No. 10721, May 24, 2011; Act No. 11588, Dec. 18, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12146, Dec. 30, 2013; Act No. 12986, Jan 6, 2015; Act No. 13486, Aug. 11, 2015; Act No. 13686, Dec. 29, 2015; Act No. 13933, Jan. 28, 2016; Act No. 15321, Dec. 26, 2017>

1. A person who issues a registration license plate; conducts a motor vehicle inspection; or verifies a taximeter without having been designated by the Minister of Land, Infrastructure and Transport under Article 20, 44, 45, or 47;
2. A motor vehicle manufacturer or seller, etc. (excluding persons entrusted with sale) who violates Article 29-3 (1);
3. A person who fails to notify a buyer of the installation of an accident recording device, in violation of Article 29-3 (2);
4. A person who fails to provide or fraudulently provides the information prescribed in Article 29-3 (3) 1 or the written report on results prescribed in Article 29-3 (3) 2, in violation of Article 29-3 (3);

5. 以欺詐等不正當手段進行第30條規定之動力車輛自我認證或第30條之2規定之動力車輛零件自我認證者；
- 5-2. 違反第35條規定，擅自拆除、改裝限制動力車輛最高車速裝置者；
6. 以欺詐等不正當手段，通過第35條之6第1項規定之耐壓容器檢驗合格者；
7. 違反第35條之6第4項規定，使用耐壓容器試驗不合格的耐壓容器者；
8. 違反第35條之6第5項規定，轉讓、出租、使用耐壓容器者；
9. 違反第35條之7第1項規定，耐壓容器安裝試驗不合格者；
10. 違反第35條之8第1項規定，耐壓容器複驗不合格者；
11. 違反第35條之8第4項規定，違法轉讓、出租、使用耐壓容器者；
12. 擅自改裝第47條規定之經鑑定計價器者，或使用經改裝之計價器者，或者製造、修理、進口未經鑑定之計價器，或銷售、安排銷售該計價器者；

5. A person who performs self-authentication of a motor vehicle prescribed in Article 30 or self-authentication of motor vehicle parts prescribed in Article 30-2 by fraud or other wrongful means;
- 5-2. A person who dismantles or manipulates the device restricting the maximum speed of a motor vehicle without permission, in violation of Article 35;
6. A person who passes the test for pressure-resistant containers prescribed in Article 35-6 (1) by fraud or other wrongful means;
7. A person who uses a pressure-resistant container that failed the test for pressure-resistant containers, in violation of Article 35-6 (4);
8. A person who transfers, rents, or uses pressure-resistant containers, in violation of Article 35-6 (5);
9. A person who fails to pass the installation test for pressure-resistant containers prescribed in Article 35-7 (1);
10. A person who fails to pass the re-examination of pressure-resistant containers, in violation of Article 35-8 (1);
11. A person who transfers, rents, or uses pressure-resistant containers, in violation of Article 35-8 (4);
12. A person who alters a verified taximeter prescribed in Article 47 without permission or uses such altered taximeter, or a person who manufactures, repairs, or imports a taximeter without verification

13. 違反第53條第1款規定，未向市/郡/區首長辦理動力車輛管理業務登記者；
  
14. 違反第57條第3款第1項規定，接受非登記在冊所有人之動力車輛中介交易請求，從事動力車輛交易中介業務者；
  
- 14-2. 違反第57條之2規定，動力車輛報廢經營單位以外之其他人為謀取利益，收集、囤積報廢動力車輛，或為動力車輛報廢經營單位從事中介行為者；
  
15. 違反第60條第1項規定，擅自開設、經營拍賣行者；
  
- 15-2. 未按第60條規定設立拍賣行，進行動力車輛拍賣者；
  
16. 違反第71條第2項規定，變動動力車輛里程表者；
  
17. 以欺詐或其他非法手段，取得按第68條之10第2項規定準用《城市發展法》第17條規定之實施計劃授權者。

- or sells or arranges the sale of such taximeter;
13. A person who engages in motor vehicle management business without filing for registration of the business with the head of a Si/Gun/Gu, in violation of Article 53 (1);
  14. A person who receives a request for the intermediation of motor vehicle transactions from a person who is not the owner recorded on the register and engages in the intermediation of motor vehicle transactions, in violation of Article 57 (3) 1;
  - 14-2. A person, other than a motor vehicle scrapping business entity, in his or her pursuit of profit, who collects or purchases to collect the motor vehicles to be scrapped, or engages in any acts of intermediation for a motor vehicle scrapping business entity, in violation of Article 57-2;
  15. A person who opens and operates an auction house without obtaining approval, in violation of Article 60 (1);
  - 15-2. A person who has performed a motor vehicle auction without establishing the auction house prescribed in Article 60;
  16. A person who manipulates the odometer of a motor vehicle, in violation of Article 71 (2);
  17. A person who has, fraudulently or by other illegal means, obtained the authorization of the implementation plan formulated under Article 17 of the Urban Development Act to be applied mutatis

18. 以欺詐或其他不正當手段，按第68條之10第3項準用《城市建設法》第50條規定之完工驗收合格者；

19. 以欺詐或其他非法手段取得第68條之11規定之項目開發者指定者。

### 第80條（罰則）

有下列情形之一者，處2年以下有期徒刑或2,000萬韓元以下罰金：<經2011年5月24日第10721號法修正；2012年12月18日第11588號法案；2013年12月30日第12146號法案；2015年8月11日第13486號法案；2015年12月29日第13686號法案；第13933號法令，2016年1月28日；2017年10月24日第14950號法案；2017年12月26日第15321號法案>

1. 違反第5條規定，未經登記擅自駕駛動力車輛者；
2. 違反本法第12條第3項規定，未以本人名義辦理過戶登記，將登記重新轉讓給第三人者；
3. 違反第32條第3項、第44條第1項、第44條之2第1項、第45條第1項、第45條之2第1項、第47條第2項，進行動力車輛確認、動力車輛檢驗、定期檢驗、綜合檢驗、計價器檢定、或做為性能檢測代理人、動力車輛檢測代理人、綜合檢測代理人、定點維

mutandis pursuant to Article 68-10 (2);

18. A person who has, fraudulently or by other illegal means, undergone the inspection upon completion prescribed in Article 50 of the Urban Development Act to be applied mutatis mutandis pursuant to Article 68-10 (3);

19. A person who has, fraudulently or by other illegal means, received the designation of the project developer pursuant to Article 68-11.

### **Article 80 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than two years, or by a fine not exceeding 20 million won: <Amended by Act No. 10721, May 24, 2011; Act 11588, Dec. 18, 2012; Act No. 12146, Dec. 30, 2013; Act No. 13486, Aug. 11, 2015; Act No. 13686, Dec. 29, 2015; Act No. 13933, Jan. 28, 2016; Act No. 14950, Oct. 24, 2017; Act No. 15321, Dec. 26, 2017>

1. A person who operates a motor vehicle without making registration, in violation of Article 5;

2. A person who fails to make a transfer registration under his or her own name and re-transfers such registration to any third party, in violation of Article 12 (3);

3. A person who illegally performs a confirmation of a motor vehicle, a motor vehicle inspection, a regular inspection, a comprehensive inspection, or verification of a taximeter, as a performance testing agent, a motor vehicle inspection agent, a comprehensive inspection

修經營單位、綜合檢查定點維修經營單位或者計程車計價器專業檢定機構或其工作人員，非法確認、檢查或收賄進行認證；

4. 違反第35條規定，擅自拆卸動力車輛上裝置者（第79條第5項第2款規定之情形除外）；
5. 違反第57條第1項（第5款規定之情形除外）、第2項規定之動力車輛管理業者；
- 5-2. 動力車輛生產業者等違反第57條第2款規定，未按第34條規定改裝或為未經核准之改裝；
- 5-3. 違反第57條第2項規定，發布不實陳述或誇大之廣告；
6. 違反第58條第1項規定，未告知動力車輛結構、裝置等性能檢查情況，或未告知該動力車輛是否登記查封、抵押等情況者；
7. 違反第58條第1項規定，對動力車輛結構、裝置等性能或該動力車輛是否有扣押、抵押登記為不實陳述者；

agent, a designated maintenance business entity, a designated maintenance business entity for comprehensive inspection, or a specialized taximeter verification institution or an employee thereof as prescribed in Articles 32 (3), 44 (1), 44-2 (1), 45 (1), 45-2 (1), and 47 (2), and a person who undergoes an illicit confirmation, inspection or verification by furnishing goods or other benefits or by expressing any intent to furnish them;

4. A person who dismantles a device from a motor vehicle without permission, in violation of Article 35 (excluding cases falling under subparagraph 5-2 of Article 79);
5. A motor vehicle management business entity who violates Article 57 (1) (excluding cases falling under subparagraph 5) and (2);
- 5-2. The motor vehicle manufacturer, etc. who, in violation of Article 57 (2), has tuned a motor vehicle not approved pursuant to Article 34 or tuned it differently from what was approved;
- 5-3. A person who releases the false or exaggerated labelling and advertisement, in violation of Article 57 (3) 2;
6. A person who fails to notify the details of the checkup of performance and condition of the structure, devices, etc. of a motor vehicle or whether any seizure or mortgage is registered for such motor vehicle, in violation of Article 58 (1);
7. A person who falsely inspects or notifies the performance and condition of the structure, devices, etc. of a motor vehicle or a person who falsely notifies whether any seizure or mortgage is

- 7-2. 違反第58條第3項規定，提供不實之動力車輛行駛記錄與交易商資訊者；
8. 違反第58條第5項第1款規定，拒絕出具動力車輛報廢證明文件或出具不實之證明文件者；
9. 違反第58條第5項第2款規定，申請報廢之動力車輛未報廢或不報廢動力車輛登記證、動力車輛登記證、印章者；
10. 違反第59條第3項規定，委託動力車輛性能狀況檢驗人員進行不實檢驗者。

### 第81條（罰則）

有下列情形之一者，處1年以下有期徒刑或1000萬韓元以下罰金：<經2011年5月24日第10721號法修改；2012年5月23日第11449號法案；2012年12月18日第11588號法案；2013年12月30日第12146號法案；2014年1月7日第12217號法案；2015年8月11日第13486號法案；2015年12月29日第13686號法案；2017年10月24日第14950號法案；2017年12月26日第15321號法案；2019年8月27日第16564號法案>

1. 違反第10條第2項規定，去除登記車牌或者其印章者（包括按第10條第7項規定準用之情形）；

registered for such motor vehicle, in violation of Article 58 (1);

7-2. A person who falsely provides the history of a motor vehicle and its seller information, in violation of Article 58 (3);

8. A person who refuses the issuance of a document certifying that a motor vehicle scrapping is requested or issues such document falsely, in violation of Article 58 (5) 1;

9. A person who fails to scrap a motor vehicle for which motor vehicle scrapping is requested or who fails to discard a motor vehicle registration certificate, a motor vehicle registration license plate and seal, in violation of Article 58 (5) 2;

10. A person who requests an inspector of the performance and condition of a motor vehicle to fraudulently inspect the performance and condition, in violation of Article 59 (3).

### **Article 81 (Penalty Provisions)**

Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 10 million won: <Amended by Act No. 10721, May 24, 2011; Act No. 11449, May 23, 2012; Act No. 11588, Dec. 18, 2012; Act No. 12146, Dec. 30, 2013; Act No. 12217, Jan. 7, 2014; Act No. 13486, Aug. 11, 2015; Act No. 13686, Dec. 29, 2015; Act No. 14950, Oct. 24, 2017; Act No. 15321, Dec. 26, 2017; Act No. 16564, Aug. 27, 2019>

1. A person who removes a registration license plate or its seal, in violation of Article 10 (2) (including cases to which the same

- 1-2. 違反第10條第5項規定，遮蓋登記車牌或者故意使其無法辨認的人（包括依照第10條第7項規定、第52條規定準用之情形）；
  
- 1-3. 違反第10條第6項規定，製造、進口、銷售或者提供有助於遮蓋登記車牌或者使其難以辨認之裝置者（包括第10條第7項準用之情形）；款應比照適用於第10條第7項）；
  
2. 違反第12條第1項規定，無正當理由不申請動力車輛所有權轉讓登記者；
  
3. 違反第12條第2項規定，未辦理動力車輛所有權轉移登記者；
  
4. 違反按第21條發布之中止命令者；
  
5. 違反第22條第2項規定標註動力車輛識別號或者發動機型號者（包括按第52條準用之情形）；
  
6. 違反第23條第1項規定，將動力車輛的識別號碼、發動機型號擦掉或者使其無法辨認者（包括按第52條準用之情形）；

paragraph shall apply mutatis mutandis pursuant to Article 10 (7));

- 1-2. A person who covers a registration license plate or makes it illegible on purpose, in violation of Article 10 (5) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Articles 10 (7) and 52);
- 1-3. A person who manufactures, imports, sells, or provides a device that helps cover a registration license plate or makes it illegible, in violation of Article 10 (6) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 10 (7));
2. A person who fails to apply for the registration of transfer of motor vehicle ownership without any justifiable ground, in violation of Article 12 (1);
3. A person who fails to apply for the registration of transfer of motor vehicle ownership, in violation of Article 12 (2);
4. A person who violates an order of suspension issued under Article 21;
5. A person who marks the identification number or engine model of a motor vehicle, in violation of Article 22 (2) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);
6. A person who erases the identification number or engine model of a motor vehicle or makes it illegible, in violation of Article 23 (1)

7. 違反第23條第2項規定之標誌命令者（包括按第52條準用之情形）；

7-2. 違反第24條之2第1項規定駕駛動力車輛者；

7-3. 違反第25條第3項規定，未公開或未履行動力車輛所有人保護措施者；

8. 違反第26條第1項規定，從事第26條第1項規定之禁止行為者（包括按第52條準用之情形）；

9. 違反第30條第1項規定，對不符合動力車輛安全標準的動力車輛進行自我認證者（包括按第52條準用之情形，不包含第74條第2項、第3項之情況）；

10. 違反第30條第2項規定，未對動力車輛製造、試驗、檢驗等設施進行登記，擅自進行動力車輛自我檢測者（包括按第52條準用之情形）；

(including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);

7. A person who violates an order on the mark prescribed in Article 23 (2) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);

7-2. A person who has operated a motor vehicle, in violation of Article 24-2 (1);

7-3. A person who fails to disclose measures for protecting the owners of motor vehicles or who fails to implement such measures, in violation of Article 25 (3);

8. A person who engages in any prohibited act falling under the subparagraphs of Article 26 (1) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52), in violation of Article 26 (1);

9. A person who conducts self-authentication of motor vehicles not in compliance with the safety standards for motor vehicles, in violation of Article 30 (1) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52, and excluding cases falling under Article 74 (2) and (3));

10. A person who performs self-authentication of motor vehicles without making a registration of the facilities for manufacture, test, inspection, etc. of motor vehicles, in violation of Article 30 (2) (including cases to which the same paragraph shall apply mutatis

11. 違反第30條第3項規定，未經性能檢測機構技術審查與安全檢查，即自行進行動力車輛自我鑑定者（包括按第52條準用之情形）；
  
12. 違反第30條第4項規定，未將動力車輛規格告知性能檢測機構，自行標註動力車輛自我檢測者（包括按第52條準用之情形）；
  
- 12-2. 違反第30條第4項規定，未加貼動力車輛自我檢測標誌或冒用標誌者（包括按第52條準用之情形）；
  
13. 違反第30條之2第1項，對不符合零件安全標準之零件進行自我認證者（包括按第52條準用之情形，不包括第74條第2項、第3項之情況）；
  
14. 違反第30條之2第2項、第3項規定，未登記零件生產企業名稱、動力車輛零件種類等，擅自進行零件認證者（包括按第52條準用之情形）；

mutandis pursuant to Article 52);

11. A person who performs self-authentication of motor vehicles without undergoing technology review and safety inspection from a performance testing agent, in violation of Article 30 (3) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);
12. A person who marks self-authentication of motor vehicles without notifying the specifications of a motor vehicle to a performance testing agent, in violation of Article 30 (4) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);
- 12-2. A person who fails to put the mark of self-authentication of a motor vehicle, in violation of Article 30 (4) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52) or puts the mark fraudulently;
13. A person who performs self-authentication of parts not in compliance with the safety standards for parts, in violation of Article 30-2 (1) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52, and excluding cases falling under Article 74 (2) and (3));
14. A person who performs self-authentication of parts without making registration of the name of a parts manufacturer, type of a motor vehicle part, etc., in violation of Article 30-2 (2) and (3) (including cases to which the same paragraphs shall apply mutatis mutandis

15. 違反第30條之2第3項規定，未將零件規格告知零件性能檢測機構而對零件進行自我認證者（包括按第52條準用之情形）；
- 15-2. 偽造第30條之2第3項規定，對零件自認證標誌者，或為自己的業務銷售或使用未經自認證標誌之動力車輛零件者；
16. 違反第30條之3第1項規定暫停製造、組裝、進口或銷售動力車輛、動力車輛零部件和替換零部件的命令者（包括按第52條準用之情形）；
17. 違反第32條之2第5項規定者；
18. 違反第33條第2項規定（包括按第52條準用之情形），未記錄、保留買受人等詳細資料者；
19. 違反第34條規定，未經市/郡/區長核准，擅自改裝動力車輛者（包括按第52條準用之情形）；

pursuant to Article 52);

15. A person who marks self-authentication of parts without notifying the specifications of parts to a part performance testing agent, in violation of Article 30-2 (3) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);
- 15-2. A person who has forged the mark of self-authentication of parts prescribed in Article 30-2 (3) or a person who, for his or her business, has distributed, sold, or used a motor vehicle part which lacks the mark of self-authentication of parts;
16. A person who violates an order to suspend the manufacture, assembly, import or sales of motor vehicles, motor vehicle parts and replacement parts prescribed in Article 30-3 (1) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);
17. A person who violates an order of execution prescribed in Article 32-2 (5);
18. A person who fails to record and retain data on the details of purchasers, etc., in violation of Article 33 (2) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);
19. A person who has tuned a motor vehicle without obtaining approval from the head of a Si/Gun/Gu, in violation of Article 34 (including cases to which the same Article shall apply mutatis

20. 明知其結構等已調整仍駕駛動力車輛，違反第34條規定者（包括按第52條準用之情形）；
- 20-2. 明知違反第35條規定，仍擅自拆除或變更限制動力車輛最高車速裝置並駕駛動力車輛或讓他人駕駛動力車輛者；
- 20-3. 違反第35條之6第5項規定，以銷售為目的展示耐壓容器者；
- 20-4. 違反第35條之8第4項規定，以銷售為目的展示耐壓容器者；
- 20-5. 違反第35條之9第1項規定之耐壓容器之暫停製造、進口或銷售命令者；
- 20-6. 違反第35條之10第2項、第3項規定之耐壓容器回收命令者；
- 20-7. 違反第35-11條第2款規定，未記錄、保存買受人詳細資料者；
21. 違反第36條規定，維修動力車輛者；

- mutandis pursuant to Article 52);
20. A person who operates a motor vehicle, being aware that its structure, etc. had been tuned, in violation of Article 34 (including cases to which the same Article shall apply mutatis mutandis pursuant to Article 52);
- 20-2. A person who operates, or has another person operate, a motor vehicle, being aware that the device restricting the maximum speed of the motor vehicle has been dismantled or manipulated without permission, in violation of Article 35;
- 20-3. A person who displays, for the purpose of sales, the pressure-resistant containers, in violation of Article 35-6 (5);
- 20-4. A person who displays, for the purpose of sales, the pressure-resistant containers, in violation of Article 35-8 (4);
- 20-5. A person who violates an order of suspension of manufacture, import or sale of pressure-resistant containers pursuant to Article 35-9 (1);
- 20-6. A person who violates an order of recall, etc. of pressure-resistant containers pursuant to Article 35-10 (2) and (3);
- 20-7. A person who fails to record and retain the data on the details, etc. of purchasers, in violation of Article 35-11 (2);
21. A person who maintains a motor vehicle, in violation of Article 36;

22. 違反第37條規定之檢查、維修、測試或恢復原狀命令者（包括按第52條準用之情形）；
- 22-2. 違反第43條第7款（包括按第43條之2第3項條準用之情形），操縱或改變或讓他人操縱或改變檢驗動力車輛是否符合標準之儀器或儀器中設定之任何數值者；
23. 違反第45條之3第1項規定之動力車輛檢驗代理人全部或者部分職責中止命令者；
24. 違反第46條第2項規定之免職、停職令者；
25. 違反第47條第5項規定之中止全部或者部分職責之命令者；
- 25-2. 違反第58條之4第1項規定，動力車輛性能狀況檢驗人員不履行性能狀況檢驗保證責任者；
- 25-3. 違反第58條之4第2項規定，動力車輛性能檢查員對未投保動

22. A person who violates an order of inspection, maintenance, test or restoration to its original condition prescribed in Article 37 (including cases to which the same Article shall apply mutatis mutandis pursuant to Article 52);
- 22-2. A person who manipulates or alters, or has another person manipulate or alter, any value set in a machine or instrument used for inspections of motor vehicles according to the standards for the inspection of motor vehicles or any value measured by a machine or instrument, in violation of Article 43 (7) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 43-2 (3));
23. A person who violates an order of suspension of all or some of the duties of motor vehicle inspection agents prescribed in Article 45-3 (1);
24. A person who violates the order of dismissal or suspension of a duty prescribed in Article 46 (2);
25. A person who violates an order of suspension of all or some of the duties prescribed in Article 47 (5);
- 25-2. A person who fails to fulfill the guarantee liability for an inspection of performance and condition as the inspector of the performance and condition of a motor vehicle, in violation of Article 58-4 (1);
- 25-3. A person who conducts an inspection of the performance and

力車輛進行性能檢查者；

26. 違反第59條第1項規定未報告者；

27. 違反第60條第3項規定，不符合規定者；

27-2. 違反第65條第3項規定，未全額退還差額者；

27-3. 違反第65條之2第1項規定，未經市/郡/區長核准，提供網際網路銷售動力車輛資訊者；

28. 違反第66條規定之全部或部分業務中止命令者。

### **第82條（罰則）**

有下列情形之一者，處以100萬韓元以下之罰金；<經2014年1月7日第12217號法修改；2015年1月6日第12986號法案；2015年8月11日第13486號法案>

1. 刪除；<經2011年5月24日第10721號法案>

1-2. 違反第10條第9項規定加貼、蓋章登記車牌或者違反規定經營動力車輛者；

condition of a motor vehicle, without insurance coverage, as an inspector of the performance and condition of the motor vehicle, in violation of Article 58-4 (2);

26. A person who fails to submit a report, in violation of Article 59 (1);

27. A person who fails to comply with the requirements, in violation of Article 60 (3);

27-2. A person who fails to return the full amount of a difference, in violation of Article 65 (3);

27-3. A person who provides online service of providing information on motor vehicles for sale without having it registered with the head of a Si/Gun/Gu, in violation of Article 65-2 (1);

28. A person who violates an order of suspension of all or part of the business prescribed in Article 66.

### **Article 82 (Penalty Provisions)**

Any of the following persons shall be punished by a fine not exceeding one million won: <Amended by Act No. 12217, Jan. 7, 2014; Act No. 12986, Jan. 6, 2015; Act No. 13486, Aug. 11, 2015>

1. Deleted; <by Act No. 10721, May 24, 2011>

1-2. A person who affixes or seals a registration license plate in violation of Article 10 (9), or who operates any motor vehicles violating the same;

2. 違反第13條第1、第5項規定，無正當理由不交還登記證、印章者；
- 2-2. 違反第24條之2第2項規定的停運令駕駛動力車輛者；
3. 違反第40條第1項規定，未接受機器、器具之精密檢測者；
4. 違反第43條第1款第3項規定，未接受改裝動力車輛檢驗者；
5. 違反第43條第1項第4款規定，未接受動力車輛臨時檢驗者；
- 5-2. 違反第46條第3項規定，聘任未遵期之技術人員者；
6. 違反第64條第1項規定，不報告維修負責人者；
7. 違反第64條第2項之規定，受領解除維修負責人之命令而未遵守者。

### 第83條（處罰規定競合）

法人代表、法人或個人之代理人、受僱人或其他受僱人，就法人事務，有第78條、第78條之2、第79條至第82規定之情形者，該法人或個人，除犯罪行為處以處罰外，應處以各條規定之罰金。但法人或個人已受相當之懲處無再犯之虞者，不在此限。

2. A person who fails to return a registration license plate and a seal without justifiable grounds in violation of Article 13 (1) and (5);
- 2-2. A person who operates a motor vehicle in violation of the order to suspend operation under Article 24-2 (2);
3. A person who fails to receive a precision test for machines or apparatuses in violation of Article 40 (1);
4. A person who fails to receive an inspection of a tuned motor vehicle in violation of Article 43 (1) 3;
5. A person who fails to receive a provisional inspection of motor vehicle in violation of Article 43 (1) 4;
- 5-2. A person who appoints a skilled technician whose period of abstention has not yet passed, in violation of Article 46 (3);
6. A person who fails to report a person in charge of maintenance in violation of Article 64 (1);
7. A person who has received an order to dismiss a person in charge of maintenance under Article 64 (2) but fails to comply.

### **Article 83 (Joint Penalty Provisions)**

Where a representative of a juristic person, or an agent, servant or any other employee of a juristic person or individual commits a violation falling under any of Articles 78, 78-2, and 79 through 82 in connection with the affairs of the juristic person or individual, the

**第84條（行政罰鍰）**

(1) 有下列情形之一者，處以1,000萬韓元以下之行政罰鍰：<經2011年5月24日第10721號法新增；2017年10月24日第14950號法案；2017年12月26日第15321號法案>

1. 違反第27條第5款，未向國土交通大臣報告自動駕駛汽車的運行情況、交通事故等信息，或虛假報告的人此類事項；
2. 對第31條第5項規定事項不報告或不實報告者；
3. 違反第32條之2第4項規定，未將瑕疵情況及無償維修計劃告知動力車輛所有人者；
4. 違反第35條之10第4項規定，暫停或限制使用內置耐壓容器之動力車輛或處理高壓氣體命令仍使用者。

fine as prescribed in the respective Article shall also be imposed on the juristic person or individual in addition to the punishment of the offender: Provided, That the same shall not apply where a juristic person or an individual has paid considerable attention to the relevant affairs in order to prevent such violation.

### **Article 84 (Administrative Fines)**

(1) Any of the following persons shall be subject to an administrative fine not exceeding 10 million won: <Newly Inserted by Act No. 10721, May 24, 2011; Act No. 14950, Oct. 24, 2017; Act No. 15321, Dec. 26, 2017>

1. A person who fails to report to the Minister of Land, Infrastructure and Transport information on the operation of an autonomous driving motor vehicle, traffic accidents, etc., in violation of Article 27 (5), or who submits a false report on such matters;
2. A person who fails to report the matters specified in Article 31 (5) or who submits a false report on such matters;
3. A person who fails to inform the owner of a motor vehicle of details of defects and a plan for gratuitous repair, in violation of Article 32-2 (4);
4. A person who violates an order issued under Article 35-10 (4) to suspend or restrict the use of a motor vehicle with built-in pressure-resistant containers or to dispose of high-pressure gas.

(2) 有下列情形之一者，處以300萬韓元以下之行政罰鍰：<經2017年10月24日第14950號法案新增>

1. 違反第10條第4款規定，擅自駕駛未掛牌、加蓋登記之動力車輛者（不包括第27條第2款規定之臨時動力車輛經營許可證之情形，包括按第10條第7項準用之情形）；
2. 違反第10條第5項規定（包括按第10條第7款、第52條準用規定之情形），遮蓋動力車輛駕駛證或塗改者（不包括第81條第1款至第2款規定之情形）；
3. 未依第22條第1項規定標明車輛識別號及發動機型號者（包括按第52條準用之情形）；
4. 以第27條第1項規定之臨時經營許可證規定用途以外之其他用途，駕駛動力車輛者；
5. 違反第27條第3項規定，持臨時經營許可證或掛有臨時經營許可證之動力車輛駕駛動力車輛者。

(2) Any of the following persons shall be subject to an administrative fine not exceeding three million won: <Newly Inserted by Act No. 14950, Oct. 24, 2017>

1. A person who operates a motor vehicle without a registration license plate attached or placed under seal (excluding cases where a motor vehicle is operated with a temporary operation permit attached thereto under Article 27 (2)), in violation of Article 10 (4) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Article 10 (7));
2. A person who operates a motor vehicle with its registration license plate covered or made illegible (excluding the persons falling under subparagraph 1-2 of Article 81), in violation of Article 10 (5) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Articles 10 (7) and 52);
3. A person who fails to indicate the vehicle identification number and the engine model in accordance with Article 22 (1) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Article 52);
4. A person who operates a motor vehicle for any purpose other than the purpose prescribed in the temporary operation permit issued under Article 27 (1);
5. A person who operates a motor vehicle with a temporary operation permit or a temporary operation permit license plate attached thereto, in violation of Article 27 (3).

(3) 有下列情形之一者，處以100萬韓元以下之行政罰鍰：<經2009年12月29日第9867號法案修改；2011年5月24日第10721號法案；2012年5月23日第11449號法案；2012年12月18日第11588號法案；2013年12月30日第12146號法案；2014年1月7日第12217號法案；2015年8月11日第13486號法案；2017年10月24日第14950號法案；2017年12月26日第15321號法案；2018年8月14日第15736號法案；2019年8月27日第16564號法案>

1. 違反第8條第3項規定，未申請重新登記者；

1-2. 違反第8條之2規定，未告知買受人同一輛動力車輛已退還給製造商而販賣汽車者（包括按第47條之2要求更換或退款之動力車輛，而該動力車輛為被退還之車輛），或未告知交付前發現之任何缺陷是否已修復、該修復後動力車輛之狀況；

2. 違反第10條第1項但書規定，未貼附動力車輛登記證或者蓋章者（包括依照第10條第7項規定準用之情形）；

3. 違反第10條第3項規定，未要求補繳動力車輛登記號者（包括第10條第7項規定準用之情形）；

(3) Any of the following persons shall be subject to an administrative fine not exceeding one million won: <Amended by Act No. 9867, Dec. 29, 2009; Act No. 10721, May 24, 2011; Act No. 11449, May 23, 2012; Act No. 11588, Dec. 18, 2012; Act No. 12146, Dec. 30, 2013; Act No. 12217, Jan. 7, 2014; Act No. 13486, Aug. 11, 2015; Act No. 14950, Oct. 24, 2017; Act No. 15321, Dec. 26, 2017; Act No. 15736, Aug. 14, 2018; Act No. 16564, Aug. 27, 2019>

1. A person who fails to apply for new registration, in violation of Article 8 (3);
- 1-2. A person who sells a motor vehicle without notifying the buyer that the same motor vehicle has been returned to the manufacturer (including that the motor vehicle was returned upon request for replacement or refund under Article 47-2, if the motor vehicle was a returned one), in violation of Article 8-2, or of whether any defect found before delivery has been repaired, the condition of such repaired motor vehicle, etc.;
2. A person who fails to attach a motor vehicle registration license plate or place it under seal, in violation of the proviso of Article 10 (1) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 10 (7));
3. A person who fails to request reattachment and reseal of a motor vehicle registration number, in violation of Article 10 (3) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 10 (7));

4. 刪除；〈經2017年10月24日第14950號法案〉
5. 違反第13條第2項規定，未申請動力車輛註銷登記者；
6. 違反第13條第8項規定，未申報出口是否已執行者；
7. 違反第13條第10項規定，擬對被註銷登記的動力車輛重新登記，而未按第8條之規定申請重新登記動力車輛者；
8. 刪除；〈經2015年8月11日第13486號法案〉
9. 刪除；〈經2017年10月24日第14950號法案〉
10. 違反第25條第1項規定之限行令駕駛動力車輛者；
11. 刪除；〈經2017年10月24日第14950號法案〉
12. 違反第27條第4項規定，不交回臨時經營許可證和臨時經營許可證車牌者；
13. 違反第29條規定，駕駛不符合動力車輛或其零件安全標準、液化石油氣安全標準或電氣裝置安全標準之動力車輛，或委託他人駕駛動力車輛者；

4. Deleted; <by Act No. 14950, Oct. 24, 2017>
5. A person who fails to file an application for the de-registration of a motor vehicle, in violation of Article 13 (2);
6. A person who fails to report whether export has been executed, in violation of Article 13 (8);
7. A person who fails to apply for new registration of the motor vehicle prescribed in Article 8 where he or she intends to have a motor vehicle whose registration was canceled re-registered, in violation of Article 13 (10);
8. Deleted; <by Act No. 13486, Aug. 11, 2015>
9. Deleted; <by Act No. 14950, Oct. 24, 2017>
10. A person who operates a motor vehicle, in violation of an order of restrictions on operation prescribed in Article 25 (1);
11. Deleted; <by Act No. 14950, Oct. 24, 2017>
12. A person who fails to return a temporary operation permit and a temporary operation permit license plate, in violation of Article 27 (4);
13. A person who operates a motor vehicle not in compliance with the safety standards for the motor vehicle or its part, the safety standards for liquefied petroleum gas or electrical installations,

13-2. 違反第35條之5規定，駕駛安裝不符合安全標準之耐壓容器之動力車輛或委託他人駕駛動力車輛者；

13-3. 明知第30條之5規定之認證虛偽不實仍販售者；

14. 違反第30條之3第2項、第31條第4項、第33條第3項、第72條第2項、第73條第1項、第73條之2第2項，拒絕、干擾、迴避確認、調查、報告、檢查、管制，或對詢問作出虛假陳述者（包括按第52條準用之情形）；

15. 違反第31條之2第1項規定不給付賠償金者（包括按第52條準用之情形）；

15-2. 違反第35條之3第2項規定，駕駛低速電動車者；

in violation of Article 29, or has another person operate the respective motor vehicle;

- 13-2. A person who operates a motor vehicle installed with a pressure-resistant container not in compliance with the safety standards for pressure-resistant containers, or has another person operate the respective motor vehicle, in violation of Article 35-5;
- 13-3. A person who sells a replacement part knowing that the authentication of efficiency and quality of the replacement part prescribed in Article 30-5 was fraudulently conducted;
14. A person who refuses, interferes with, or evades confirmation, investigations, reports, inspections, or control, or who makes a false statement on an inquiry, in violation of Article 30-3 (2) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Article 52), 31 (4) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Article 52), 33 (3) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Article 52), 72 (2), 73 (1) or 73-2 (2);
15. A person who fails to pay compensation, in violation of Article 31-2 (1) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Article 52);
- 15-2. A person who operates a low-speed electric motor vehicle, in violation of Article 35-3 (2);

16. 違反第45條第8項規定未申報停業、停業情況者（包括按第45條之2第4項規定準用之情形）；
17. 違反第47條第1項規定，使用未經核準之計價器者；
18. 違反第48條第1項規定，駕駛機車未申報使用情況者；
- 18-2. 違反第49條第1項規定，無機車牌照駕駛機車者；
- 18-3. 違反第49條第2項規定，機車未掛牌或者未放置牌照者；
19. 違反第50條規定，駕駛機車或機車零件不符合安全標準或委託他人駕機車者；
20. 違反第53條第1項規定，未辦理變更登記即經營動力車輛管理業務者；
21. 違反第55條規定，動力車輛管理業務轉讓、轉讓收購、合併（僅限法人）、暫停、關閉未為申報者；

16. A person who fails to report on suspension or closure of business, in violation of Article 45 (8) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 45-2 (4));
17. A person who uses a taximeter without verification thereof, in violation of Article 47 (1);
18. A person who operates a motorcycle without reporting its use, in violation of Article 48 (1);
- 18-2. A person who operates a motorcycle without a motorcycle license plate, in violation of Article 49 (1);
- 18-3. A person who fails to have a license plate attached to a motorcycle or fails to place the license plate under seal, in violation of the proviso of Article 49 (2);
19. A person who operates a motorcycle not in compliance with the safety standards for motorcycles or motorcycle parts or has a third party operate the said motorcycle, in violation of Article 50;
20. A person who runs a motor vehicle management business without completing the registration of modification, in violation of Article 53 (1);
21. A person who fails to report the transfer, acquisition by transfer, merger (limited to where he or she is a juristic

21-2. 違反第58條第1項第3款規定，不提供收費通知或為不實通知者；

22. 動力車輛維修經營單位違反第58條第4項規定者；

23. 違反第58條之3第4項規定，未說明損害責任或出具相關證明之影本或相關證明之電子文件者；

24. 違反第65條第3款規定，未申報差額或不實告知差額者。

(4) 有下列情形之一者，處以50萬韓元以下之行政罰鍰：<經2011年5月24日第10721號法修改；2012年5月23日第11449號法案；2012年12月18日第11588號法案；2015年8月11日第13486號法案；2015年12月29日第13686號法案；2017年10月24日第14950號法案；2018年8月14日第15736號法案>

1. 刪除；<經2017年10月24日第14950號法案>

2. 違反第11條規定，未提出變更登記申請者；

person), suspension, or closure of a motor vehicle management business, in violation of Article 55;

21-2. A person who fails to provide the notice of a fee or charge or provides the notice thereof falsely, in violation of Article 58 (1) 3;

22. A motor vehicle maintenance business entity who violates any subparagraph of Article 58 (4);

23. A person who fails to explain the liability for damage or issue a copy of the relevant certificate or an electronic document concerning the relevant certificate, in violation of Article 58-3 (4);

24. A person who fails to notify the amount of a difference or notifies it falsely, in violation of Article 65 (3).

(4) Any of the following persons shall be subject to an administrative fine not exceeding five hundred thousand won: <Amended by Act No. 10721, May 24, 2011; Act No. 11449, May 23, 2012; Act No. 11588, Dec. 18, 2012; Act No. 13486, Aug. 11, 2015; Act No. 13686, Dec. 29, 2015; Act No. 14950, Oct. 24, 2017; Act No. 15736, Aug. 14, 2018>

1. Deleted; <by Act No. 14950, Oct. 24, 2017>

2. A person who fails to file an application for the registration for modification, in violation of Article 11;

- 2-2. 違反第13條第1項規定，未提出註銷登記申請者；
  
3. 未向動力車輛買受人提供第33條第1項、第4款規定之資料者（包括按第52條準用之情形）；
  
4. 刪除；<經2012年12月18日第11588號法案>
  
5. 未按第43條第1項第2款規定接受定期檢查者，但屬於同條第6款者除外；
  
6. 未按第43條之2第1項規定進行綜合檢查者；
  
- 6-2. 違反第48條第2項規定，不報告機車變更或不使用者；
  
7. 違反第49條第2條規定，未貼附機車牌照或蓋章者；
  
- 7-2. 違反第8條第3項、第58條第8項規定，未向電子資訊處理機構傳送資訊者；
  
8. 未按第72條第1項規定報告或為不實報告者；

- 2-2. A person who fails to file an application for the registration for cancellation, in violation of Article 13 (1);
3. A person who fails to provide a person who purchased a motor vehicle with data prescribed in Article 33 (1) and (4) (including cases to which the same paragraphs shall apply mutatis mutandis pursuant to Article 52);
4. Deleted; <by Act No. 11588, Dec. 18, 2012>
5. A person who fails to undergo a regular inspection conducted under Article 43 (1) 2: Provided, That a person falling under subparagraph 6 shall be excluded herefrom;
6. A person who fails to undergo a comprehensive inspection conducted under Article 43-2 (1);
- 6-2. A person who fails to report any change in, or disuse of, a motorcycle, in violation of Article 48 (2);
7. A person who fails to attach a motorcycle license plate or place it under seal, in violation of the proviso of Article 49 (2);
- 7-2. A person who fails to transmit information to the electronic information processing organization, in violation of Article 8 (3) or 58 (8);
8. A person who fails to report under Article 72 (1) or who files a false report;

9. 為獲得第53條之2規定之金錢獎勵而不實報告者。

(5) 第1項至第4項規定之行政罰鍰，應由國土交通部之負責人、市長/道知事或市/郡/區長按照總統令訂之。〈經2011年5月24日第10721號法案修訂；2013年3月23日第11690號法案；2017年10月24日第14950號法案〉

#### 第84條（行政罰鍰）

(1) 有下列情形之一者，處以2000萬韓元以下之行政罰鍰：〈經2020年2月4日第16950號法案新增〉

1. 違反第27條第5項，未向國土交通部之負責人報告自動駕駛動力車輛之運行情況、交通事故等資訊，或對此類事項為不實陳述；
2. 未依第31條第8項規定報告或為不實報告者；
3. 違反第33條第3項、第4項規定（包括按第52條準用之情形）未提交資料者，或提交不實報告者。

9. A person who has fraudulently reported in order to receive a monetary award prescribed in Article 53-2.

(5) Administrative fines prescribed in paragraphs (1) through (4) shall be imposed and collected by the Minister of Land, Infrastructure and Transport, the Mayor/Do Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree. <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013; Act No. 14950, Oct. 24, 2017>

#### **Article 84 (Administrative Fines)**

(1) Any of the following persons shall be subject to an administrative fine not exceeding 20 million won: <Newly Inserted by Act No. 16950, Feb. 4, 2020>

1. A person who fails to report to the Minister of Land, Infrastructure and Transport information on the operation of an autonomous driving motor vehicle, traffic accidents, etc., in violation of Article 27 (5), or who submits a false report on such matters;
2. A person who fails to make a report under Article 31 (8) or who makes a false report;
3. A person who fails to submit data, in violation of Article 33 (3) or (4) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52), or who submits a false report.

(2) 有下列情形之一者，處以1,000萬韓元以下的行政罰款：<經2011年5月24日第10721號法案新增；2017年10月24日第14950號法案；2017年12月26日第15321號法案；2020年2月4日第16950號法案>

1.和2.刪除；<根據2020年2月4日第16950號法案>

2-2. 違反第31條第12項規定，未將瑕疵及其補正方案等向社會公開者；

3. 違反第32條之2第4項規定，未將瑕疵情況及無償維修計劃告知動力車輛所有人者；

4. 違反第35條之10第4項規定之暫停或限制使用內置耐壓容器之動力車輛或處理高壓氣體命令者。

(3) 有下列情形之一者，處以300萬韓元以下的行政罰款：<經2017年10月24日第14950號法案新增；2020年2月4日第16950號法案>

1. 違反第10條第4項規定，擅自駕駛未掛牌、加蓋登記之動力車輛者（不包括第27條第2款規定之臨時動力車輛經營許可證之情形，包括按第10條第7項準用同項之情形）；

(2) Any of the following persons shall be subject to an administrative fine not exceeding 10 million won: <Newly Inserted by Act No. 10721, May 24, 2011; Act No. 14950, Oct. 24, 2017; Act No. 15321, Dec. 26, 2017; Act No. 16950, Feb. 4, 2020>

1. and 2. Deleted; <by Act No. 16950, Feb. 4, 2020>

2-2. A person who fails to disclose a defect, the plan for corrective measures therefor, etc. again to the public, in violation of Article 31 (12);

3. A person who fails to inform the owner of a motor vehicle of details of defects and a plan for gratuitous repair, in violation of Article 32-2 (4);

4. A person who violates an order issued under Article 35-10 (4) to suspend or restrict the use of a motor vehicle with built-in pressure-resistant containers or to dispose of high-pressure gas.

(3) Any of the following persons shall be subject to an administrative fine not exceeding three million won: <Newly Inserted by Act No. 14950, Oct. 24, 2017; Act No. 16950, Feb. 4, 2020>

1. A person who operates a motor vehicle without a registration license plate attached or placed under seal (excluding cases where a motor vehicle is operated with a temporary operation permit attached thereto under Article 27 (2)), in violation of Article 10 (4) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 10 (7));

2. 違反第10條第5項規定（包含按第10條第7項和第52條準用之情形），駕駛動力車輛駕駛證被遮蓋或塗改者（不包括第81條第1款至第2款規定之情形）；
  3. 未依第22條第1項規定標示車輛編號與發動機型號者（包括按第52條準用之情形）；
  4. 以第27條第1項規定之臨時經營許可證規定用途以外之其他用途，駕駛動力車輛者；
  5. 違反第27條第3項規定，持臨時經營許可證或掛有臨時經營許可證之動力車輛駕駛動力車輛者。
- (4) 有下列情形之一者，處以100萬韓元以下的行政罰款：<經2009年12月29日第9867號法修改；2011年5月24日第10721號法案；2012年5月23日第11449號法案；2012年12月18日第11588號法案；2013年12月30日第12146號法案；2014年1月7日第12217號法案；2015年8月11日第13486號法案；2017年10月24日第14950號法案；2017年12月26日第15321號法案；2018年8月14日第15736號法案；2019年8月27日第16564號法案；2020年2月4日第16950號法案>
1. 違反第8條第3項規定，未申請重新登記者；

2. A person who operates a motor vehicle with its registration license plate covered or made illegible (excluding the persons falling under subparagraph 1-2 of Article 81), in violation of Article 10 (5) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Articles 10 (7) and 52);
  3. A person who fails to indicate the vehicle identification number and the engine model in accordance with Article 22 (1) (including cases to which the same paragraph shall apply mutatis mutandis pursuant to Article 52);
  4. A person who operates a motor vehicle for any purpose other than the purpose prescribed in the temporary operation permit issued under Article 27 (1);
  5. A person who operates a motor vehicle with a temporary operation permit or a temporary operation permit license plate attached thereto, in violation of Article 27 (3).
- (4) Any of the following persons shall be subject to an administrative fine not exceeding one million won: <Amended by Act No. 9867, Dec. 29, 2009; Act No. 10721, May 24, 2011; Act No. 11449, May 23, 2012; Act No. 11588, Dec. 18, 2012; Act No. 12146, Dec. 30, 2013; Act No. 12217, Jan. 7, 2014; Act No. 13486, Aug. 11, 2015; Act No. 14950, Oct. 24, 2017; Act No. 15321, Dec. 26, 2017; Act No. 15736, Aug. 14, 2018; Act No. 16564, Aug. 27, 2019; Act No. 16950, Feb. 4, 2020>
1. A person who fails to apply for new registration, in violation of

- 1-2. 違反第8條之2規定，未通知買受人同一輛動力車輛已退還給製造商而銷售動力車輛者（包括按第47條之2要求更換或退款之動力車輛，且該動力車輛為退還之動力車輛），或未告知交付前發現瑕疵是否已經修復、被修復動力車輛之情形者；
  
2. 違反第10條第1項但書規定，未貼附動力車輛登記證或蓋章者（包括按第10條第7項規定準用之情形）；
  
3. 違反第10條第3項規定，未依要求補繳動力車輛登記號者（包括按第10條第7項規定準用之情形）；
  
4. 刪除；<經2017年10月24日第14950號法案>
  
5. 違反第13條第2款規定，未申請動力車輛註銷登記者；
  
6. 違反第13條第8項規定，未申報出口是否已執行者；
  
7. 違反第13條第10項規定，欲對被註銷登記之動力車輛重新登

Article 8 (3);

- 1-2. A person who sells a motor vehicle without notifying the buyer that the same motor vehicle has been returned to the manufacturer (including that the motor vehicle was returned upon request for replacement or refund under Article 47-2, if the motor vehicle was a returned one), in violation of Article 8-2, or of whether any defect found before delivery has been repaired, the condition of such repaired motor vehicle, etc.;
2. A person who fails to attach a motor vehicle registration license plate or place it under seal, in violation of the proviso of Article 10 (1) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Article 10 (7));
3. A person who fails to request reattachment and reseal of a motor vehicle registration number, in violation of Article 10 (3) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Article 10 (7));
4. Deleted; <by Act No. 14950, Oct. 24, 2017>
5. A person who fails to file an application for the de-registration of a motor vehicle, in violation of Article 13 (2);
6. A person who fails to report whether export has been executed, in violation of Article 13 (8);
7. A person who fails to apply for new registration of the motor

記，而未申請重新登記第8條規定之動力車輛者；

8. 刪除；〈經2015年8月11日第13486號法案〉

9. 刪除；〈經2017年10月24日第14950號法案〉

10. 違反25條第1項規定之限行令駕駛動力車輛者；

11. 刪除；〈經2017年10月24日第14950號法案〉

12. 違反第27條第4項規定，不繳回臨時營業許可證與臨時營業許可證車牌者；

13. 違反第29條規定，駕駛不符合動力車輛或者其零件安全標準、液化石油氣安全標準或電氣裝置安全標準之動力車輛，或委託他人駕駛動力車輛者；

13-2. 違反第35條之5規定，駕駛安裝不符合耐壓容器安全標準之動力車輛委託他人駕駛動力車輛者；

vehicle prescribed in Article 8 where he or she intends to have a motor vehicle whose registration was canceled re-registered, in violation of Article 13 (10);

8. Deleted; <by Act No. 13486, Aug. 11, 2015>

9. Deleted; <by Act No. 14950, Oct. 24, 2017>

10. A person who operates a motor vehicle, in violation of an order of restrictions on operation prescribed in Article 25 (1);

11. Deleted; <by Act No. 14950, Oct. 24, 2017>

12. A person who fails to return a temporary operation permit and a temporary operation permit license plate, in violation of Article 27 (4);

13. A person who operates a motor vehicle not in compliance with the safety standards for the motor vehicle or its part, the safety standards for liquefied petroleum gas or electrical installations, in violation of Article 29, or has another person operate the respective motor vehicle;

13-2. A person who operates a motor vehicle installed with a pressure-resistant container not in compliance with the safety standards for pressure-resistant containers, or has another person operate the respective motor vehicle, in violation of Article 35-5;

- 13-3. 明知第30條之5規定之替換零件之品質認證不實仍販賣者；
  
14. 違反第30條之3第2項、第31條第4項、第72條第2項、第73條第1項、第73條之2第2項規定，拒絕、干擾、迴避確認、調查、報告、檢查、管制，或對詢問為不實陳述者（包括按第52條準用之情形）；
  
15. 違反第31條第2項第1項規定，不支付賠償金者（包括按第52條準用之情形）；
  
- 15-2. 違反第35條之3第2項規定，駕駛低速電動車者；
  
16. 違反第45條第8項規定，未申報停業、停業情況者（包括按第45條之2第4項準用之情形）；
  
17. 違反第47條第1項規定，使用未經核准之計價器者；
  
18. 違反第47條第1項規定，駕駛機車未申報使用情況者；

- 13-3. A person who sells a replacement part knowing that the authentication of efficiency and quality of the replacement part prescribed in Article 30-5 was fraudulently conducted;
14. A person who refuses, interferes with, or evades confirmation, investigations, reports, inspections, or control, or who makes a false statement on an inquiry, in violation of Article 30-3 (2) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Article 52), 31 (4) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Article 52), 72 (2), 73 (1), or 73-2 (2);
15. A person who fails to pay compensation, in violation of Article 31-2 (1) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Article 52);
- 15-2. A person who operates a low-speed electric motor vehicle, in violation of Article 35-3 (2);
16. A person who fails to report on suspension or closure of business, in violation of Article 45 (8) (including cases to which the same paragraph shall apply *mutatis mutandis* pursuant to Article 45-2 (4));
17. A person who uses a taximeter without verification thereof, in violation of Article 47 (1);
18. A person who operates a motorcycle without reporting its use, in violation of Article 48 (1);

- 18-2. 違反第49條第1項規定，無機車牌照駕駛機車者；
- 18-3. 違反本法第49條第2項規定，機車未掛牌或者未加封者；
19. 違反本條例第50條規定，駕駛機車或者機車零件不符合安全標準或委託他人駕駛機車者；
20. 違反第53條第1項規定，未辦理變更登記，經營動力車輛管理業務者；
21. 違反第55條規定，未申報轉讓、轉讓收購、合併、暫停、關閉動力車輛管理業務者（僅限於法人）；
- 21-2. 違反第58條第1項第3款規定，未通知收費、收費或為不實通知者；
22. 動力車輛維修經營單位，違反第58條第4項規定者；
23. 違反第58條之3第4項規定，未說明損害責任或未出具相關證明之複本件或未出示相關證明之電子文件者；

- 18-2. A person who operates a motorcycle without a motorcycle license plate, in violation of Article 49 (1);
- 18-3. A person who fails to have a license plate attached to a motorcycle or fails to place the license plate under seal, in violation of the proviso of Article 49 (2);
19. A person who operates a motorcycle not in compliance with the safety standards for motorcycles or motorcycle parts or has a third party operate the said motorcycle, in violation of Article 50;
20. A person who runs a motor vehicle management business without completing the registration of modification, in violation of Article 53 (1);
21. A person who fails to report the transfer, acquisition by transfer, merger (limited to where he or she is a juristic person), suspension, or closure of a motor vehicle management business, in violation of Article 55;
- 21-2. A person who fails to give a notice of a fee or charge or gives as false notice, in violation of Article 58 (1) 3;
22. A motor vehicle maintenance business entity in violation of any subparagraph of Article 58 (4);
23. A person who fails to explain the liability for damage or issue a copy of the relevant certificate or an electronic document

24. 違反第65條第3項規定，未申報差額或為不實申報者。

(5) 有下列情形之一者，處以50萬韓元以下之行政罰鍰：<經2011年5月24日第10721號法修改；2012年5月23日第11449號法案；2012年12月18日第11588號法案；2015年8月11日第13486號法案；2015年12月29日第13686號法案；2017年10月24日第14950號法案；2018年8月14日第15736號法案；2020年2月4日第16950號法案>

1. 刪除；<經2017年10月24日第14950號法案>

2. 違反第11條規定，未提出變更登記申請者；

2-2. 違反第13條第1項規定，未提出註銷登記申請者；

3. 未向動力車輛買受人提供第33條第1項、第5項規定之資料者（包括按第52條準用之情形）；

4. 刪除；<經2012年12月18日第11588號法案>

5. 未按第43條第1項第2款規定接受定期檢查者，但屬於同條第

concerning the relevant certificate, in violation of Article 58-3 (4);

24. A person who fails to notify the amount of a difference or notifies it falsely, in violation of Article 65 (3).

(5) Any of the following persons shall be subject to an administrative fine not exceeding five hundred thousand won: <Amended by Act No. 10721, May 24, 2011; Act No. 11449, May 23, 2012; Act No. 11588, Dec. 18, 2012; Act No. 13486, Aug. 11, 2015; Act No. 13686, Dec. 29, 2015; Act No. 14950, Oct. 24, 2017; Act No. 15736, Aug. 14, 2018; Act No. 16950, Feb. 4, 2020>

1. Deleted; <by Act No. 14950, Oct. 24, 2017>

2. A person who fails to file an application for the registration for modification, in violation of Article 11;

2-2. A person who fails to file an application for the registration for cancellation, in violation of Article 13 (1);

3. A person who fails to provide a person who purchased a motor vehicle with data prescribed in Article 33 (1) and (5) (including cases to which the same paragraphs shall apply mutatis mutandis pursuant to Article 52);

4. Deleted; <by Act No. 11588, Dec. 18, 2012>

5. A person who fails to undergo a regular inspection conducted

6款者除外；

6. 未按第43條之2第1項規定進行綜合檢查者；

6-2. 違反第48條第2項規定，不報告機車變更或不使用者；

7. 違反第49條第2項規定，未貼附機車牌照或蓋章者；

7-2. 違反第8條第3項、第58條第8項規定，未向電子資訊處理機構傳送資訊者；

8. 未依第72條第1項規定報告或違不實報告者；

9. 為獲第53條之2規定之金錢獎勵而不實舉發者。

(6) 本條第1項至第4項規定之行政罰鍰，由國土交通部之負責人、市長/道知事或市/郡/區長按總統令訂之。〈經2011年5月24日第10721號法案修訂；2013年3月23日第11690號法案；2017年10月24日第14950號法案〉

under Article 43 (1) 2: Provided, That a person falling under subparagraph 6 shall be excluded herefrom;

6. A person who fails to undergo a comprehensive inspection conducted under Article 43-2 (1);

6-2. A person who fails to report any change in, or disuse of, a motorcycle, in violation of Article 48 (2);

7. A person who fails to attach a motorcycle license plate or place it under seal, in violation of the proviso of Article 49 (2);

7-2. A person who fails to transmit information to the electronic information processing organization, in violation of Article 8 (3) or 58 (8);

8. A person who fails to report under Article 72 (1) or who files a false report;

9. A person who has fraudulently reported in order to receive a monetary award prescribed in Article 53-2.

(6) Administrative fines prescribed in paragraphs (1) through (4) shall be imposed and collected by the Minister of Land, Infrastructure and Transport, the Mayor/Do Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree. <Amended by Act No. 10721, May 24, 2011; Act No. 11690, Mar. 23, 2013; Act No. 14950, Oct. 24, 2017>

### 第85條（共同規定）

(1) 本章所稱違法行為，係指構成第79條第13款規定之違法行為（僅限違反第53條第1款，動力車輛維修經營單位對動力車輛進行檢查、修理，輕微違反註冊登記規定）或第81條第2項、第8款規定之範圍，其具體範圍由總統令訂之。〈經2015年1月6日第12986號法案修訂〉

(2) 本章所稱「犯罪行為人」，是指有犯罪行為但不屬於下列情形之一者：〈經2014年1月7日第12217號法案修改〉

1. 自犯罪之日起一年內實施同一違法行為者；
2. 動力車輛維修經營業者對被盜動力車輛或違反第34條規定對動力車輛進行改裝者；
3. 將動力車輛取下牌照、損毀身份證號碼後棄置者；
4. 考慮其犯罪動機、犯罪手段及其後果等，認為無處分必要者。

(3) 本章所稱「罰款」，係指犯罪行為人有義務按第86條向作出

### **Article 85 (Common Provisions)**

- (1) The term "offense" in this Chapter means an illegal act constituting an offense provided for in subparagraph 13 of Article 79 (limited to cases where a motor vehicle maintenance business entity checks up and repairs any motor vehicle in slight violation of the registered scope under Article 53 (1)) or subparagraphs 2 and 8 of Article 81, and the specific scope thereof shall be prescribed by Presidential Decree. <Amended by Act No. 12986, Jan. 6, 2015>
- (2) The term "offender" in this Chapter means a person who has committed an offense, but does not fall under any of the following: <Amended by Act No. 12217, Jan. 7, 2014>
1. A person who has committed the same illegal act within one year from the date he or she committed the offense;
  2. A motor vehicle maintenance business entity who has tuned a stolen motor vehicle or a motor vehicle violating Article 34;
  3. A person who has left a motor vehicle unattended after removing its registration license plate and damaging its identification number;
  4. A person for whom it is deemed unreasonable to take a disposition of notice, considering his or her motive of committing an offense, the means by which such offense is committed and consequences thereof, etc.
- (3) The term "penalty" in this Chapter means the money that an

處分通知之市/郡/區繳納之款項。

- (4) 犯罪之偵查，由檢察官、司法警察或按《犯罪嫌疑人法》第5條第35項規定之指定公職人員(下稱「特別司法警察」)執行。  
<經2015年8月11日第13486號法案修訂>

### 第86條（告知之處理）

- (1) 市長/道知事（按第77條第4項將同條規定之轉移登記授權委託與市長/道知事者除外）、特別行政區之市長、自治市、市/郡/區首長或相關警察局長，得讓任何被認定為違法者與須繳納附加罰款通知書的者支付附加罰款，並說明理由。若有下列之一情形者，不再此限：<經2015年12月29日第13686號法修改>

1. 姓名或住所不明者；
2. 拒絕收到罰款支付通知者。

- (2) 按第1項送達之通知處罰金額，應依犯罪類型與嚴重程度，在本法對相關違規行為確定之罰款範圍內，由總統令定之。

offender is liable to pay to the treasury of a Si/Gun/Gu which has made a disposition of notice under Article 86.

- (4) The investigation of any offense shall be executed by prosecutors, judicial police officers or the public officials (hereinafter referred to as "special judicial police officer") designated in accordance with subparagraph 35 of Article 5 of the Act on the Persons Performing the Duties of Judicial Police Officers and the Scope of Their Duties. <Amended by Act No. 13486, Aug. 11, 2015>

#### **Article 86 (Dispositions of Notice)**

- (1) A Mayor/Do Governor (excluding the Mayor/Do Governor who has delegated his or her authority over registration of transfer prescribed in Article 12 pursuant to Article 77 (4); hereinafter the same shall apply), a mayor of a Special Self-Governing City, the head of a Si/Gun/Gu or the relevant chief of police may have any person who is deemed an offender subject to a penalty surcharge payment notice to pay such penalty surcharge, specifying the grounds therefor: Provided, That the same shall not apply to any of the following persons: <Amended by Act No. 13686, Dec. 29, 2015>

1. Person whose name or domicile is unidentifiable;
2. Person who refuses to receive a penalty payment notice.

- (2) The amount of the penalty on which a notice is served under paragraph (1) shall be prescribed by Presidential Decree within the scope of the fines determined by this Act against the relevant

### 第87條（罰款的支付）

(1) 收到第86條規定之罰款支付通知者，應於收到通知後10日內，向市長/道知事、特別自治市首長、市/郡/縣長/市長或相關之警察局局長指定之稅務機關繳納罰款。但若因任何災害或不可抗力之事件，使得無法在此期間內繳納罰款，得於該不可抗力事件結束之日起五日內繳納罰款。〈經2015年12月29日第13686號法修訂〉

(2) 對本條第1項規定之罰款支付通知有異議者，得於繳納期間內，向市長/道知事、特別自治市首長、市/郡/區長或相關之警察局局長，提出異議。〈經2015年12月29日第13686號法修訂〉

### 第88條（通知後處分之效力）

(1) 已按第87條第1款規定繳納罰款者，不得因同罪再次處罰。

(2) 警察、特別司法警察於有下列情形之一者，應及時將案件移送轄區內之檢察署：〈2015年8月11日第13486號法案修改〉

violation, depending on the type and severity of any offense.

**Article 87 (Payment of Penalty)**

- (1) Any person in receipt of a penalty payment notice prescribed in Article 86 shall pay the penalty to the revenue agency designated by a Mayor/Do Governor, a major of a Special Self-Governing City, the head of a Si/Gun/Gu or the relevant chief of police within 10 days from the receipt of such notice: Provided, That where he or she is unable to pay such penalty due to any calamity or force majeure event, or unavoidable grounds within such period, he or she shall pay such penalty within five days from the date such unavoidable grounds cease to exist. <Amended by Act No. 13686, Dec. 29, 2015>
  
- (2) Any person dissatisfied with the penalty payment notice prescribed in paragraph (1) may raise an objection to a Mayor/Do Governor, a major of a Special Self-Governing City, the head of a Si/Gun/Gu or the relevant chief of police within the payment period. <Amended by Act No. 13686, Dec. 29, 2015>

**Article 88 (Effect of Dispositions of Notice)**

- (1) Any person who has paid the penalty in accordance with Article 87  
(1) shall not be punished again for the same offense.
  
- (2) Any judicial police officers or special judicial police officers shall forward the case falling under any of the following without delay, to the jurisdictional District Public Prosecutor's Office or the jurisdictional District Public Prosecutor's Branch Office:  
<Amended by Act No. 13486, Aug. 11, 2015>

1. 第85條第2項規定之情形；
2. 第86條第1項規定之情形；
3. 按第87條第1項規定逾期不繳納罰款者；
4. 按第87條第2項提出異議之情形。

1. Cases falling under any subparagraph of Article 85 (2);
2. Cases falling under any subparagraph of Article 86 (1);
3. Cases where the penalty is not paid within the due date under Article 87 (1);
4. Cases where an objection is raised under Article 87 (2).

## 外國消費者保護法規翻譯叢書索引

（第1輯至第28輯）

### 壹、亞太地區

國別	法規名稱（中文譯名及原文名稱）	輯別	頁次
日本	消費者保護基本法	第2輯	2-13
日本	國民生活中心法 國民生活セクター法	第2輯	14-43
日本	製造物責任法	第3輯	2-9
日本	東京都消費生活條例	第2輯	44-95
日本	關於訪問販賣等之法律 訪問販賣に關する法律	第2輯	96-131
日本	日本關於訪問販賣之法律 訪問販賣に關する法律	第8輯	250-331
日本	日本有關高爾夫球場等會員契約適正化之法律 ゴルフ場等に係る會員契約の適正化に關する法律	第8輯	332-359
日本	關於訪問販賣等之法律 （昭和51年6月4日法律第57號、平成11年12月22日號外法律第160號）	第10輯	223-332
日本	消費者契約法	第10輯	333-354
日本	洗濯業標準營業約款暨施行細則 クリーニング業に關する標準營業約款、 クリーニング業に關する標準營業約款施行細則	第13輯	146-169
日本	美容業標準營業約款暨施行細則 美容業に關する標準營業約款、 美容業に關する標準營業約款施行細則	第13輯	170-189
日本	理容業標準營業約款暨施行細則 理容業に關する標準營業約款、 理容業に關する標準營業約款施行細則	第13輯	190-211

日本	消費者契約法施行細則	第15輯	2-61
日本	關於預付式票券之規範等法律	第16輯	2-71
日本	消費者契約法	第17輯	2-117
日本	與特定商交易相關之法律	第18輯	2-337
日本	消費者教育促進法 消費者教育の推進に関する法律	第21輯	1-28
日本	消費者安全法	第21輯	29-98
日本	食品標示法 食品表示法	第22輯	1-34
日本	消費者財產損害集體請求賠償民事訴訟程序特別法 消費者の財産的被害の集団的な回復のための民事の裁判手続の特例に関する法律	第22輯	35-162
日本	消費生活用製品安全法	第25輯	1-174
日本	資金決算法 資金決済に関する法律	第26輯	1-242
韓國	消費者保護法 Consumers Protection Act	第1輯	13-32, 119-142
韓國	消費者保護法施行令 Enforcement Decree of the consumers Protection Act	第1輯	33-48, 143-162
韓國	訪問販賣等之法律	第2輯	132-153
韓國	韓國2007年電子商務消費者保護法 (Act on Consumer Protection in Electronic Commerce, etc August 3, 2007)	第20輯	137-212
韓國	韓國2008年電子商務消費者保護法施行細則 (Enforcement Decree of the Act on Consumer Protection in Electronic Commerce, etc. December 31, 2008)	第20輯	213-268
韓國	韓國2007年訪問買賣等法 (Door-to-Door Sales, etc. Act July 19, 2007)	第20輯	269-382

韓國	韓國2008年訪問買賣等法施行細則 (Enforcement Decree of the Door-to-door Sales, etc. Act December 31, 2008)	第20輯	383-452
韓國	動力車輛管理法 MOTOR VEHICLE MANAGEMENT ACT	第28輯	17-480
新加坡	消費者保護法 Consumer Protection (Trade Descriptions and Safety Requirements) Act	第1輯	49-63, 163-182
新加坡	消費者保護（公平交易）法 CONSUMER PROTECTION (FAIR TRADING) ACT (CHAPTER 52A)	第25輯	175-344
香港	消費者委員會條例 Consumer Council Ordinance	第1輯	1-12, 105-118
以色列	1981年消費者保護法 Consumer Protection Law 1981	第4輯	2-45
澳洲	1974年交易行為規制法 Consumer Protection Law	第6輯	1-905
澳洲	1997年9月消費者保護法第2次檢討報告 Audit of Consumer Protection Law-Second Report 1997	第8輯	360-541
澳洲	消費者申訴仲裁庭條例（1987第206號） Consumer Tribunals Act 1987 No.206	第9輯	1-122
澳洲	1987消費者請求案件仲裁法庭條例—施行細則 Consumer Claims Tribunals Act 1987-Regulation	第9輯	123-154
澳洲	1974年貿易業務法(摘錄) Trade Practices Act 1974	第13輯	50-81
澳洲	2010年競爭與消費者法—關於不公平契約條款(Part 2-3—Unfair Contract Terms)與特別保護章節(Chapter 3—Specific protections)	第19輯	216-491

紐西蘭	1993年消費者擔保法 Consumer Guarantees Act 1993	第7輯	7-113
紐西蘭	1988年爭議法庭法（合併並修正1976年小額請求法庭之法） Disputes Tribunals Act 1988（An Act to consolidate and amend the Small Claims Tribunals Act）	第7輯	114-295
紐西蘭	1967年訪問買賣法 Door to Door Sales Act 1967	第7輯	296-363

## 貳、歐洲地區

國別	法規名稱（中文譯名及原文名稱）	輯別	頁次
德國	瑕疵產品責任法 Gesetz über die Haftung für fehlerhafte Produkte	第3輯	68-89
德國	到宅交易及類似交易取消法 Gesetz über den Widerruf von Haustürgeschäften und ähnlichen Geschäften	第2輯	156-167
德國	一般交易條款規制法 Gesetz zur Tegelung des Rechts der Allgemeinen Geschäftsbedingungen（AGB-Gesetz）	第3輯	12-67
德國	聯邦經濟部設置消費者顧問會規程 Geschäftsordnung des Verbraucherbeirates Beim Bundesminister für Wirtschaft	第3輯	155-246
德國	商品安全要求基準及保護CE標識法律（商品安全法） Entwurf Gesetz zur Regelung der Sicherheitsanforderungen an Produkte- und zum Schutz der CE-Kennzeichnung（Produktsicherheitsgesetz ProdSG）	第9輯	247-326

德國	食品、香煙產品、化妝品及其他生活必需品之交易法律 Gesetz über den Verkehr mit Lebensmitteln, Kosmetischen Mitteln und sonstigen Bedarfsgegenständen	第9輯	327-480
德國	德國民法中有關消費者保護規定 Bürgerliches Gesetzbuch (BGB)	第23輯	15-114
德國	德國民法一般交易條款規定 Bürgerliches Gesetzbuch (BGB)	第24輯	47-80
瑞典	消費者銷售法 The Consumer Sales Act	第1輯	65-80, 183-202
瑞典	行銷法 The Marketing Practices Act	第1輯	81-86, 203-210
瑞典	消費者保險法 The Consumer Insurance Act	第1輯	87-101, 221-228
瑞典	送達到戶銷售法 The Door-to Door Sales Act	第1輯	101,104 229-234
丹麥	1994年產品安全法 Danish Protect Safety Act 1994	第8輯	2-33
丹麥	1994年行銷措施法 The Danish Marketing Practices Act 1994	第8輯	34-63
丹麥	1994年聯合付帳卡法 Consolidated Payment Cards etc. Act 1994	第8輯	64-109
丹麥	1995年安全玩具及誤食似物之玩具法 Order on safety requirements for toys and products which due to their outward Appearance may be mistaken for food 1995	第8輯	110-175
英國	消費者保護（營業所外交易之取消權）條例 Consumer Protection (Cancellation of Contracts Concluded away from Business Premises) Regulations 1987	第2輯	168-195

英國	1987年消費者保護法—產品責任 Consumer Protection Act 1987-Product Liability	第3輯	90-121
英國	1987年消費者保護法 Consumer Protection Act 1987	第4輯	48-329
英國	1991年煙火安全規定 Consumer Protection The Fireworks (Safety) Regulations 1997	第8輯	179-229
英國	2006年消費者貸款法 Consumer Credit Act 2006	第14輯	246-431
英國	2012年消費者保險資訊揭露及表示法 Consumer Insurance (Disclosure and Representations) Act 2012	第21輯	179-214
英國	2012年消費者支付附加費用權利法 The Consumer Rights (Payment Surcharges) Regulations 2012	第21輯	215-242
英國	2013年消費者契約（契約資訊、契約解除及附加費用）規則 The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013	第22輯	247-380
英國	2015年消費者權利法 Consumer Rights Act 2015	第23輯	169-618
比利時	1991年消費者保護法 Consumer Protection Act 1991	第5輯	2-195
奧地利	1993年消費者保護（歐洲經濟區）法 Consumer Protection (EEA) Act 1993	第5輯	196-213
奧地利	1993年產品責任法 Product Liability (EEA) Act 1993	第5輯	214-226
比利時	1991年消費者信用法 Consumer Credit Act 1981	第7輯	366-577

比利時	1992年消費者信用（呆帳）令 Consumer Credit（Bed Debts）Decree 1992	第7輯	578-607
比利時	1992年誤導性職業廣告法 Misleading Professional Advertising Act 1992	第7輯	608-631
愛爾蘭	2007年消費者保護法 Consumer Protection Act 2007	第16輯	72-359

### 參、美洲地區

國別	法規名稱（中文譯名及原文名稱）	輯別	頁次
加拿大安大略省	1990年消費者保護法 Consumer Protection Act 1990	第5輯	228-297
加拿大安大略省	1990年消費者保護法176號規則 Consumer Protection Act Regulation	第5輯	298-339
加拿大安大略省	2002年消費者保護法（摘錄） Consumer Protection Act, 2002	第13輯	110-145
加拿大安大略省	2002年消費者保護法 Consumer Protection Act, 2002	第14輯	2-169
加拿大	產品安全法 Canada Consumer Product Safety Act	第19輯	121-215
加拿大	消費性商品包裝標示法 Consumer Packaging and Labelling Act	第24輯	1-46
美國	德克薩斯州律師職業操守守則（摘錄） Texas Disciplinary Rules of Professional Conduct	第13輯	2-13
美國	華盛頓州律師職業守則（摘錄） Washington State Court：Rules of Professional Conduct	第13輯	14-23
美國	特區（D.C.）律師職業守則（摘錄） D.C. Rules of Professional Conduct	第13輯	24-27
美國	新澤西州律師職業守則（摘錄） Rules of Professional Conduct	第13輯	28-49

美國	消費者產品安全法 Consumer Product Safety Act	第15輯	62-285
美國	2008年消費者產品安全改良法 Consumer Product Safety Improvement Act of 2008	第17輯	118-407
美國	聯邦民事訴訟規則第23條 Federal Rules of Civil Procedure Rule 23. Class Actions	第22輯	163-180
美國	聯邦法典第28卷第1332條 28 U.S. Code § 1332 - Diversity of citizenship; amount in controversy; costs	第22輯	181-198
美國	2005年團體訴訟公平法 Class Action Fairness Act of 2005	第22輯	199-246
美國	訪問買賣猶豫期施行細則 PART 429—RULE CONCERNING COOLING-OFF PERIOD FOR SALES MADE AT HOMES OR AT CERTAIN OTHER LOCATIONS	第23輯	1-14
美國	兒童線上隱私保護法施行細則 Part312—Children’s online Privacy Protection Rule	第24輯	81-130
美國	消費者評論公平法 Consumer Review Fairness Act of 2016	第24輯	131-146
美國	2020年線上消費者保護法 H.R.6570—Online Consumer Protection Act of 2020	第28輯	1-16
巴西	法律編號第8078號 消費者防禦法規—提供消費者保護及其解決之道 Consumer Defense Code Provides for Consumer’s Protection and Makes Other Arrangements	第14輯	170-245

## 肆、國際組織

國別	法規名稱（中文譯名及原文名稱）	輯別	頁次
歐體	歐洲經濟共同體保護營業所外交易契約消費者指令 Council Directive of 20 December 1985 to protect the consumer in respect of contracts negotiated from business premises (85/577/EEC)	第2輯	198-217
歐體	歐體93/13號有關消費者契約不公平條款之指令 Council Directive of 5 Apr., 1993 on unfair terms in consumer contracts (93/13/EEC)	第3輯	194-231
歐體	產品責任指令 Council Directive of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products (85/374/EEC)	第3輯	158-193
歐體	1990關於服務責任之理事會指令草案 Vorschlag für eine Richtlinie des Rates über die Haftung bei Dienstleistungen 1990 KOM(90) 482 endg.-SKY 308	第8輯	230-249
歐體	2002/91號有關有機之農製品和糧食製品規章（摘錄） on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs ( Council Regulation 2092/91/EEC )	第13輯	82-109
歐盟	遠距契約之消費者保護指令 Richtlinie 97/7/EG, 20. Mai 1997	第10輯	1-58
歐盟	消費者信用指令 Directive 87/102/EEC, 22 December 1986	第10輯	59-96
歐盟	產品價格標示之消費者保護指令 Directive 98/6/EC, 16 February 1998	第10輯	97-118

歐盟	電子商務之消費者保護指令 Directive 2000/31 EC, 8 June 2000	第10輯	119-222
歐盟	關於保護消費者利益之強制執行 Directive 98/27/EC Of The European Parliament And Of The Council	第12輯	2-27
歐盟	關於公眾取得環保資訊以及廢止理事會 90/313/EEC準則 Directive 2003/4/EC Of The European Parliament And Of The Council	第12輯	174-217
歐盟	關於特定面向之消費品銷售及其保證準則 Directive 1999/44/EC Of The European And Of The Council	第12輯	28-63
歐盟	關於含有基因改造有機體或由基因改造有 機體製成之添加物與香料之食品與食品配 料之標示規章 Commission Regulation (EC) No 50/2000	第12輯	64-81
歐盟	關於電子通訊網路與服務關聯之普及服務 與使用者權利準則 Directive 2002/22/EC Of The European Parliament And Of The Council	第12輯	82-139
歐盟	關於電子通訊領域之個人資料處理及隱私 保護準則 Directive 2002/58/58 Of The European Parliament And Of The Council	第12輯	140-173
歐盟	2005/29/EC有關「進行不公平商業活動」 指令 Unfair Commercial Practices Directive (Directive 2005/29/EC)	第13輯	212-295
歐盟	一般產品安全指令 Directive 2001/95/EC of The European Parliament And Of The Council of 3 December 2001 on general product safety	第15輯	286-377

歐盟	消費者信貸指令 (DIRECTIVE 2008/48/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 April 2008)	第19輯	1-121
歐盟	電子商務指令 (DIRECTIVE 2011/83/EU OF THE EUROPEAN PARLIAMEN AND OF THE COUNCIL)	第20輯	1-136
歐盟	爭端解決機制指令修正草案 Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR)	第21輯	99-178
歐盟	消費者線上紛爭解決機制規則 REGULATION (EU) No 524/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR)	第23輯	115-168
歐盟	一般資料保護規則 (GDPR) REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)	第24輯	147-550
歐盟	數位內容以及數位服務提供契約之特定層面指令 DIRECTIVE (EU) 2019/770 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 May 2019	第27輯	1-144

歐盟	商品銷售之契約特定層面指令 DIRECTIVE (EU) 2019/771 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 May 2019	第27輯	145-264
歐盟	消費者保護規則之優化執法與現代化指令 DIRECTIVE (EU) 2019/2161 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 November 2019	第27輯	265-380
OECD	企業對消費者之替代性爭端解決機制在隱私及消費者保護部分之法律規定 Working Party on Information Security and Privacy Legal Provisions Related to Inness-To-Consumer Alternative Dispute Resolution In Relation To Privacy And Consumer Protection DSTI/ICCP/RFG/CP (2002) 1/FINAL 17-Jul-2002	第11輯	1- 68
OECD	經濟合作暨發展組織－亞太經濟合作會議 全球論壇：數位化經濟政策立法架構 OECD Global Forum on Knowledge Economy - The Digital Economy OECD-APEC GLOBAL FORUM: POLICY FRAMEWORKS FOR THE DIGITAL ECONOMY The Sheraton Waikiki, Honolulu, HI, United States, 14-17 January 2003 CCNM/GF/KE/DE (2002) 3 16-Sep-2002	第11輯	69-100
OECD	電子商務消費者保護準則施行三年後檢討報告 CONSUMERS IN THE ONLINE MARKETPLACE: THE GUIDELINES THREE YEARS LATER Draft Report to the OECD Council on the Guidelines for Consumer Protection in the Context of Electronic Commerce DSTI/CP (2002) 4 13-Sep-2002	第11輯	101-156

OECD	<p>第62次消費者政策委員會會議記錄摘要草稿                  DRAFT SUMMARY RECORD OF THE 62<sup>nd</sup> SESSION OF THE COMMITTEE ON CONSUMER POLICY                  DSTI/CP/M (2002) 1 04-Apr-2002</p>	第11輯	157-222
OECD	<p>關於跨國詐欺和集團性詐欺消費者保護綱領理事會諮文                  WORKING GROUP DRAFT: RECOMMENDATION OF THE COUNCIL CONCERNING GUIDELINES FOR PROTECTING CONSUMERS FROM CROSS-BORDER FRAUD AND HARD-CORE DECEPTION                  DSTI/CP (2002) 5 12-Sep-2002</p>	第11輯	223-258
OECD	<p>OECD電子商務消費者保護綱領之最佳實務範例                  BEST PRACTICE EXAMPLES UNDER THE OECD GUIDELINES ON CONSUMER PROTECTION IN THE CONTEXT OF ELECTRONIC COMMERCE                  DSTI/CP (2002) 2/FINAL 17-May-2002</p>	第11輯	259-288

## 國家圖書館出版品預行編目(CIP)資料

外國消費者保護法. 第二十八輯/行政院消費者保護處  
編.--一版.--臺北市：行政院, 民111.11

面；公分.--(消費者法規翻譯叢書；28)

ISBN 978-626-7162-26-2(平裝)

1.CST: 消費者保護法規

548.39023

111015638

## 外國消費者保護法第二十八輯

編者：行政院消費者保護處

出版者：行政院

地址：台北市中正區忠孝東路1段1號

網址：<https://www.ey.gov.tw>

電話：(02) 33566500

版次：一版

本書同時登載於行政院網站，網址為

<https://www.ey.gov.tw/資訊與服務/消費者保護/出版品>

定價：新臺幣 290 元

台北展售處：國家書店松江門市

地址：104 台北市松江路 209 號 1 樓

電話：(02) 2518-0207 (代表號)

網址：<http://www.govbooks.com.tw/>

台中展售處：五南文化廣場

地址：400 台中市中山路 6 號

電話：(04) 22260330 (代表號)

網址：<http://www.wunanbooks.com.tw/>

中華民國 111 年 11 月

GPN：1011101461

ISBN：978-626-7162-26-2

本書保留所有權利，如欲利用本書部分或全部內容者，須徵得本處同意或授權。

