

CONSTRUCTION MACHINERY MANAGEMENT ACT

Wholly Amended by Act No. 4561, jun. 11, 1993

Amended by Act No. 5303, Mar. 7, 1997

Act No. 5454, Dec. 13, 1997

Act No. 5453, Dec. 13, 1997

Act No. 5728, Jan. 29, 1999

Act No. 5905, Feb. 8, 1999

Act No. 6069, Dec. 28, 1999

Act No. 6363, Jan. 16, 2001

Act No. 7545, May 31, 2005

Act No. 8336, Apr. 6, 2007

Act No. 8369, Apr. 11, 2007

Act No. 8404, Apr. 27, 2007

Act No. 8852, Feb. 29, 2008

Act No. 8980, Mar. 21, 2008

Act No. 9188, Dec. 26, 2008

Act No. 9770, jun. 9, 2009

Act No. 9850, Dec. 29, 2009

Act No. 11055, Sep. 16, 2011

Act No. 11361, Feb. 22, 2012

Act No. 11690, Mar. 23, 2013

Act No. 11919, Jul. 16, 2013

Act No. 12373, Jan. 28, 2014

Act No. 12966, Jan. 6, 2015

Act No. 13468, Aug. 11, 2015

Act No. 13784, Jan. 19, 2016

Act No. 14476, Dec. 27, 2016

Act No. 14534, Jan. 17, 2017

Act No. 14707, Mar. 21, 2017

Act No. 14847, Aug. 9, 2017

Act No. 15778, Sep. 18, 2018

Act No. 16134, Dec. 31, 2018

Article 1 (Purpose)

The purpose of this Act is to promote the mechanization of construction works by efficiently managing construction machinery and securing the safety of construction machinery by prescribing matters concerning the registration, inspection, and type approval of construction machinery, construction machinery business, construction machinery operator's license, etc.

Article 2 (Definitions)

(1) The definitions of the terms used in this Act are as follows: *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 14534, Jan. 17, 2017>*

1. The term "construction machinery" means machinery that can be used for construction works, which is prescribed by Presidential Decree;
 2. The term "discarding" means dismantling, pressing, crushing, cutting, or dissolving the apparatus of construction machinery prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport so that it can no more maintain its performance;
 3. The term "construction machinery business" means construction machinery rental business, construction machinery maintenance business, construction machinery sales business, and construction machinery dismantlement and recycling business;
 4. The term "construction machinery rental business" means business of leasing construction machinery;
 5. The term "construction machinery maintenance business" means business of conducting all activities for the smooth use of construction machinery (excluding those prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, such as minor maintenance), such as disassembling, assembling or repairing construction machinery and working on, manufacturing and replacing its parts;
 6. The term "construction machinery sales business" means business of buying and selling secondhand construction machinery, offering good offices for sale, and reporting by proxy any alterations in registered matters arising in consequence of such activities;
 7. The term "construction machinery dismantling and recycling business" means business of acquiring, collecting reusable parts from, and discarding, construction machinery required to be discarded, and of acting as an agency to apply for de-registration;
 8. The term "secondhand construction machinery" means construction machinery that has been acquired by legal acts or provisions of Acts from a person who has manufactured, assembled or imported it, and retains its performance;
 9. The term "type of construction machinery" means a standardized type of construction machinery with regard to the structure, standards, performance, etc.
- (2) Construction machinery rental business and construction machinery maintenance business may be subdivided, as prescribed by Presidential Decree.

Article 3 (Registration)

- (1) Each owner of construction machinery shall register his/her construction machinery, as determined by Presidential Decree.
- (2) Where the owner of construction machinery files for registration under paragraph (1), he/she shall file an application for registration of construction machinery with the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as a "Mayor/Do Governor").
- (3) Where a Mayor/Do Governor receives an application for registration of construction machinery under paragraph (2), he/she shall conduct a new registration inspection under Article 13 (1) 1, enter the necessary matters in a construction machinery register, and issue a construction machinery registration certificate to the owner of said construction machinery.
- (4) Where a construction machinery registration certificate is lost or worn out, the owner of the construction machinery shall apply for its reissuance, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (5) Matters necessary for registration under paragraph (1), such as the requirements and procedures for registration, shall be prescribed by Presidential Decree.

Article 3-2 (Adjustment of Supply of and Demand for Construction Machinery)

- (1) Notwithstanding Article 3, where it is deemed necessary to adjust supply of and demand for construction machinery, the Minister of Land, Infrastructure and Transport may develop a supply and demand plan for construction machinery, which reflects the following matters; and may then impose restrictions on registration of construction machinery used for business for a specific period of up to two years after the plan undergoes deliberation by the Construction Machinery Supply and Demand Adjustment Committee under Article 3-3: Provided, That when necessary, such period may be extended following the same procedure: *<Amended by Act No. 11055, Sep. 16, 2011; Act No. 11690, Mar. 23, 2013; Act No. 16134, Dec. 31, 2018>*

1. Trends and outlook of the construction industry;
 2. Registration of construction machinery and trends in its operation;
 3. Trends and outlook of the construction machinery rental market;
 4. Trends and outlook in the supply of and demand for specialists in installing, dismantling, and operating, etc. construction machinery;
 5. Developments in the levels of construction machinery accidents that pose threats to citizens' safety;
 6. Other matters necessary to develop a plan for adjusting supply of and demand for construction machinery, which are prescribed by Presidential Decree.
- (2) Where it is necessary to amend the plan for the supply of and demand for construction machinery due to the occurrence of disasters or construction machinery accidents, the Minister of Land, Infrastructure and Transport may change the plan after deliberation by the Construction Machinery Supply and Demand Adjustment Committee under Article 3-3: Provided, That this shall not apply to minor amendments

prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Newly Inserted by Act No. 16134, Dec. 31, 2018>*

(3) The Minister of Land, Infrastructure and Transport shall, where he/she intends to place restrictions on registration of construction machinery used for business pursuant to paragraph (1), publish such restrictions in the Official Gazette; and shall notify a Mayor/Do Governor of the restrictions. The same shall apply where he/she intends to eliminate the restrictions. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 16134, Dec. 31, 2018>*

(4) Other necessary matters concerning procedures, etc. for developing a plan for supply of and demand for construction machinery and adjusting supply of and demand for construction machinery shall be prescribed by Presidential Decree. *<Amended by Act No. 16134, Dec. 31, 2018>*

Article 3-3 (Establishment of Construction Machinery Supply and Demand Adjustment Committee)

(1) A Construction Machinery Supply and Demand Adjustment Committee (hereinafter referred to as the "Supply and Demand Adjustment Committee") mandated to deliberate on the matters concerning the adjustment of supply of and demand for construction machinery shall be established in the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) The Supply and Demand Adjustment Committee shall be comprised of not more than 15 members, including one chairperson.

(3) The chairperson of the Supply and Demand Adjustment Committee shall be the Vice Minister of Land, Infrastructure and Transport; and its members shall be appointed or commissioned by the Minister of Land, Infrastructure and Transport from among persons of profound knowledge and experience in the field of the construction machinery industry: Provided, That the members shall include the executive officers of trade associations relating to the construction machinery whose supply and demand are controlled. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 16134, Dec. 31, 2018>*

(4) Other necessary matters concerning the composition, operation, etc. of the Supply and Demand Adjustment Committee shall be prescribed by Presidential Decree.

Article 4 (Ban on Use of Unregistered Construction Machinery)

(1) No construction machinery shall be used or operated until it is registered under Article 3 (1): Provided, That where it is temporarily operated before its registration because of a reason prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport this shall not apply. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Where construction machinery is temporarily operated under the proviso to paragraph (1), a temporary number plate shall be attached thereto, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 5 (Reporting on Changes in Registered Matters)

(1) Where the registered matters of construction machinery are changed, the owner or possessor of such construction machinery shall report on such fact to a Mayor/Do Governor, as prescribed by Presidential Decree.

(2) Where a person who has registered construction machinery sales business under Article 21 (1) (hereinafter referred to as "construction machinery sales agent") buys or sells construction machinery or offers good offices for its sale, he/she shall report on the changes in registered matters under paragraph (1) in lieu of its buyer: Provided, That this shall not apply where the buyer reports on those changes directly.

<Amended by Act No. 11361, Feb. 22, 2012>

(3) A Mayor/Do Governor shall notify whether a report on changes under paragraph (1) or a report on changes under the main sentence of paragraph (2) is accepted to a person who has filed such report, within three days from the date of receipt of the report. *<Newly Inserted by Act No. 14707, Mar. 21, 2017>*

(4) Where a person who has purchased construction machinery without the brokerage of a construction machinery sales agent fails to report on the changes in registered matters under paragraph (1), its seller (referring to its owner, the name of which is entered in the construction machinery register at the time of reporting the changes) may report such changes in lieu of the buyer, as prescribed by Presidential Decree.

<Amended by Act No. 14707, Mar. 21, 2017>

(5) Upon receipt of a report on changes under paragraph (4), a Mayor/Do Governor shall receive it as prescribed by Presidential Decree and notify the person who has filed it of whether it is accepted, within 15 days after the receipt thereof. *<Amended by Act No. 14707, Mar. 21, 2017>*

(6) Where a Mayor/Do Governor fails to notify a person who has filed a report of whether his/her report is accepted or whether the processing period is extended pursuant to statutes and regulations related to processing civil petitions within the period prescribed in paragraph (3) or (5), such report shall be deemed accepted on the day following the termination date of such period. *<Newly Inserted by Act No. 14707, Mar. 21, 2017>*

Article 6 (De-Registration)

(1) Where registered construction machinery falls under any of the following cases, a Mayor/Do Governor may de-register it, upon application by its owner or ex officio: Provided, That where such construction machinery falls under subparagraph 1, 8 (limited to where such construction machinery is disposed of under Article 34-2 (2)), or 12, he/she shall ex officio de-register it: *<Amended by Act No. 15778, Sep. 18, 2018>*

1. Where the construction machinery is registered by fraud or other improper means;
2. Where the construction machinery is no longer usable or has been destroyed in a natural disaster or equivalent accident, etc.;
3. Where the chassis of construction machinery differs from that during registration;
4. Where the construction machinery fails to meet any construction machinery safety standard prescribed in Article 12;
5. Where the owner is notified and fails to undergo a regular inspection by the designated date prescribed under Article 13 (5);
6. Where the construction machinery is exported;

7. Where the construction machinery is stolen;
 8. Where the construction machinery is disposed of;
 9. Where a person registered for construction machinery dismantling and recycling business pursuant to Article 21 (hereinafter referred to as "construction machinery dismantling and recycling business entity") is requested to dispose of construction machinery;
 10. Where the construction machinery is returned to its maker or its seller due to structural manufacturing defects thereof etc.;
 11. Where the construction machinery is used for educational and research purposes;
 12. Where the construction machinery is past its durability period prescribed by Presidential Decree under Article 20-3 (1): Provided, That if its durability period is extended after a precision diagnosis under the proviso to Article 20-3 (2), the relevant construction machinery past the extended durability period.
- (2) Any owner of construction machinery shall file an application for de-registration under paragraph (1) with a Mayor/Do Governor as classified below:
1. Where any cause falling under any of paragraph (1) 2 and 8 (excluding cases falling under Article 34-2 (2)) through 11 occurs: Within 30 days from the date the relevant cause occurs;
 2. Where any cause falling under paragraph (1) 7 occurs: Within two months from the date the relevant cause occurs.
- (3) Where any cause falling under paragraph (1) 6 occurs, a person who exports construction machinery shall file an application for de-registration prescribed in paragraph (1) with a Mayor/Do Governor before exportation.
- (4) Each person who files an application for de-registration (including the owner of construction machinery who directly files an application for de-registration as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport) due to any cause falling under paragraph (1) 6 occurs, shall report whether he/she has exported the relevant construction machinery, within nine months from the date such construction machinery was de-registered, to a Mayor/Do Governor; and if he/she has failed to export such construction machinery, he/she shall request a construction machinery dismantling and recycling business entity to dispose of such construction machinery, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport or have such construction machinery registered pursuant to Article 3.
- (5) If a report filed under paragraph (4) has no error in the matters stated therein and documents appended thereto; and meets the formalities prescribed in statutes and regulations, etc., the obligation to report shall be deemed fulfilled when the report reaches the receiving authority.
- (6) Where a computerized information processing system under Article 39-2 is linked with the Comprehensive Customs Duties Information Network of Korea under Article 327 of the Customs Act (hereinafter referred to as "Comprehensive Customs Duties Information Network of Korea") to verify whether construction machinery has been exported pursuant to paragraph (4), a report in paragraph (4) shall be deemed filed, if the fact that an export declaration for construction machinery de-registered on a

ground prescribed in paragraph (1) 6 has been accepted pursuant to Article 248 of the Customs Act, is entered in the Comprehensive Customs Duties Information Network of Korea.

(7) Notwithstanding paragraph (2) 1, where any cause falling under paragraph (1) 9 arises, a construction machinery dismantling and recycling business entity shall file an application for de-registration under paragraph (1) with a Mayor/Do Governor in lieu of the owner of the relevant construction machinery: Provided, That the same shall not apply where the owner of construction machinery directly applies for de-registration, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

(8) Where a Mayor/Do Governor intends to de-register construction machinery pursuant to paragraph (1), he/she shall pre-notify his/her intention to the owner of construction machinery and interested parties; and shall not de-register it until one month (three months where a mortgage is created thereover) passes from such notification.

(9) When a Mayor/Do Governor intends to de-register construction machinery ex officio pursuant to paragraph (1), he/she may keep in custody or dispose of the certificate of registration of construction machinery, registration number plate, and seal of the relevant construction machinery after giving notice pursuant to paragraph (8).

(10) In cases of re-registering any construction machinery which was de-registered, an application for new registration shall be filed, as prescribed by Article 3 (1). In such cases, if any mortgage, etc. existed in the construction machinery register at the time of de-registration, it shall be proved that the relevant rights and duties have been discharged, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

(11) Procedures for de-registration under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

Article 7 (Keeping of Construction Machinery Register)

(1) A Mayor/Do Governor shall keep and manage construction machinery register, as prescribed by Presidential Decree.

(2) Anyone who intends to be issued a certified copy or an abridged transcript of construction machinery register or to peruse construction machinery register may file an application therefor with a Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 8 (Marks of Registration)

(1) A registration number plate shall be attached to registered construction machinery, and a seal shall be put on the plate on which a registration number shall be inscribed, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11361, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

(2) Where a registration number plate or its seal falls from construction machinery or has become unidentifiable, the owner of the construction machinery shall file an application with a Mayor/Do Governor to attach a registration number plate thereto or put a seal on such registration number plate.

(3) No person shall operate construction machinery without a registration number plate referred to in paragraph (1) attached or sealed thereto: Provided, That the same shall not apply in cases of operating temporarily by attaching a temporary number plate pursuant to Article 4 (2). *<Newly Inserted by Act No. 11361, Feb. 22, 2012>*

(4) No one shall cover up or damage any registration number plate so that it becomes difficult to identify, and operate such construction machinery. *<Amended by Act No. 11361, Feb. 22, 2012>*

Article 8-2 (Designation of Manufacturers of Registration Number Plates)

(1) A person who intends to engage in business of manufacturing registration number plates and inscribing registration numbers prescribed in Article 8 (hereinafter referred to as "manufacturer of registration number plates") shall be designated by a Mayor/Do Governor.

(2) Matters necessary for the standards for facilities and equipment to be equipped by manufacturers of registration number plates and the procedures for designation shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Where manufacturers of registration number plates intend to change designated matters, they shall report thereon to a Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) A Mayor/Do Governor shall notify whether a report on changes under paragraph (3) is accepted to a person who has filed such report, within seven days from the date of receipt of the report. *<Newly Inserted by Act No. 14707, Mar. 21, 2017>*

(5) Where a Mayor/Do Governor fails to notify a person who has filed a report of whether his/her report is accepted or whether the processing period is extended pursuant to statutes related to the processing of civil petitions within the period prescribed in paragraph (4), the report shall be deemed accepted on the day following the termination date of such period. *<Newly Inserted by Act No. 14707, Mar. 21, 2017>*

(6) Manufacturers of registration number plates may collect service charges from owners of construction machinery for registration number plates manufactured or registration numbers inscribed, within the extent authorized by a Mayor/Do Governor. *<Amended by Act No. 14707, Mar. 21, 2017>*

(7) Where manufacturers of registration number plates fall under any of the following subparagraphs, a Mayor/Do Governor may revoke such designation or issue an order to suspend their business for a fixed period of not exceeding six months: Provided, That in cases falling under subparagraph 3, he/she shall revoke such designation: *<Amended by Act No. 13784, Jan. 19, 2016; Act No. 14707, Mar. 21, 2017>*

1. Where they have manufactured registration number plates or inscribed registration numbers by fraud or other improper means;
2. Where they have refused to manufacture registration number plates or inscribe registration numbers without good cause;
3. Where they have engaged in their business during the period of business suspension, in violation of an order to suspend their business.

Article 9 (Return of Registration Number Plates)

Where either of the following cases arises, owners of registered construction machinery shall remove seals on the registration number plates within ten days and return such registration number plates to a Mayor/Do Governor as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That where de-registration is made due to reasons under Article 6 (1) 2, 7 or 8, this shall not apply:

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

1. Where registration of construction machinery has been revoked;
2. Where matters prescribed by Presidential Decree, among registered matters of construction machinery have been changed;
3. Where an owner of construction machinery files an application to attach a registration number plate thereto or put a seal on such registration number plate pursuant to Article 8 (2).

Article 10 (Prohibition from Damaging Registration Numbers)

No one shall delete the registration number of construction machinery or perform any act making it difficult to identify such number: Provided, That where permission of a Mayor/Do Governor has been granted or orders of a Mayor/Do Governor under Article 11 have been issued, this shall not apply.

Article 11 (Orders to Inscribe Registration Numbers)

Where the registration number of construction machinery is difficult to identify, a Mayor/Do Governor may order to delete and inscribe it again.

Article 12 (Construction Machinery Safety Standards)

(1) The structure and mechanism of construction machinery prescribed by Presidential Decree shall meet the performance and standards necessary for the safe operation or use thereof (hereinafter referred to as "construction machinery safety standards").

(2) If construction machinery running on roads under subparagraph 1 of Article 2 of the Road Traffic Act fails to meet construction machinery safety standards, it shall not run on such roads.

(3) Matters necessary for construction machinery safety standards shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 13 (Inspections)

(1) Owners of construction machinery shall be subject to an inspection conducted by the Minister of Land, Infrastructure and Transport with respect to the said construction machinery, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport according to the classification under the following subparagraphs: *<Amended by Act No. 9770, Jun. 9, 2009; Act No. 11690, Mar. 23, 2013>*

1. New registration inspection: Inspections conducted on newly registered construction machinery;
2. Regular inspection: Inspections conducted on construction machinery used for construction works which continue to be operated for not more than three years after the expiration of the effective period of inspection as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, and regular inspections conducted on cars in running order, as provided for in Article 62 of the Clean Air Conservation Act and Article 37 of the Noise and Vibration Control Act;

3. Inspection for alteration of structure: Inspections conducted on construction machinery, the principal structure of which is altered or remodeled under Article 17;
4. Occasional inspection: Inspections conducted occasionally on construction machinery which shows bad performance or causes frequent accidents, in order to check the safety, etc., and inspections conducted in compliance with the application that is filed by an owner of construction machinery.
- (2) A person who intends to undergo an inspection of construction machinery under paragraph (1) shall file a written application for inspection and present the said machinery to the Minister of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (3) When the Minister of Land, Infrastructure and Transport conducts an inspection of construction machinery as prescribed in paragraph (1), he/she shall verify the following matters: *<Amended by Act No. 11690, Mar. 23, 2013>*
1. Whether the structure, specification, performance, etc. of the relevant construction machinery meets the standards prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;
 2. Whether the registration number, etc. of the relevant construction machinery is the same as that entered in the construction machinery registration certificate.
- (4) With respect to construction machinery subject to regular inspections under paragraph (1) 2 among those which have undergone a new registration inspection provided for in paragraph (1) 1, a Mayor/Do Governor shall issue a construction machinery inspection certificate to the owner of such construction machinery.
- (5) A Mayor/Do Governor shall require the owner of construction machinery who has not undergone a regular inspection under paragraph (1) 2 to have a regular inspection, by fixing a period of not more than ten days, within three months from the date of expiration of the effective period for the regular inspection, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (6) A Mayor/Do Governor may order occasional inspections as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport in order to check safety, etc. prescribed in paragraph (1) 4. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (7) A Mayor/Do Governor may order the maintenance of construction machinery that has not passed an inspection under paragraph (1) as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (8) When each owner of construction machinery is deemed unable to have his/her construction machinery inspected pursuant to paragraph (1) 2 through 4 on the grounds of natural disasters or other inevitability, a Mayor/Do Governor may extend the period of such inspection, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (9) When an owner of construction machinery fails to follow a peremptory notice on a regular inspection, an order for an occasional inspection or an order for maintenance which are referred to in paragraphs (5) through (7), a Mayor/Do Governor may keep the registration number plate of the relevant construction

machinery in custody. In such cases, the Mayor/Do Governor shall notify the owner of the relevant construction machinery of the fact that he/she keeps the registration number plate in custody. *<Newly Inserted by Act No. 11361, Feb. 22, 2012>*

(10) Matters necessary for the method, procedure, etc. of keeping registration number plates in custody referred to in paragraph (9) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Newly Inserted by Act No. 11361, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

Article 14 (Vicarious Inspections)

(1) If deemed necessary, the Minister of Land, Infrastructure and Transport may designate a person with the facilities and technical capability for inspection of construction machinery to vicariously conduct all or part of an inspection under Article 13. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Each person who seeks designation under paragraph (1) shall be endowed with the facilities, technical human resources, and operational rules for inspection conforming to the standards prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 13784, Jan. 19, 2016>*

(3) Where a person designated as an inspection agent (hereinafter referred to as "inspection agent") prescribed in paragraph (1) falls under any of the following, the Minister of Land, Infrastructure and Transport may revoke the designation or fully or partially suspend business for a period not exceeding six months: Provided, That where the person falls under subparagraph 1, such designation shall be revoked: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Where he/she has been designated by fraud or other improper means;
2. Where he/she has ceased to conform to the standards prescribed in paragraph (2);
3. Where he/she has inspected construction machinery by illegal means;
4. Where it is deemed inappropriate to have him/her continue performing the duties of vicarious inspection due to poor management, etc.;
5. Where he/she has been sentenced to a fine or heavier punishment for violating this Act.

(4) The Minister of Land, Infrastructure and Transport shall not designate a person as an inspection agent if the latter's inspection agent designation was revoked at least two years ago under paragraph 3. *<Newly Inserted by Act No. 15778, Sep. 18, 2018>*

(5) Inspection agents shall perform inspection duties according to the criteria of inspection conducted under Article 13 (3) and the operational rules for inspection conducted under paragraph (2). *<Amended by Act No. 13784, Jan. 19, 2016>*

(6) Inspection agents and employees in charge of inspection duties shall be deemed public officials for the purposes of Articles 129 through 132 of the Criminal Act.

(7) The Minister of Land, Infrastructure and Transport may designate an institution that exercises overall control over inspection duties (hereinafter referred to as "inspection control organ") from among public institutions prescribed in the Act on the Management of Public Institutions to verify and examine inspections on construction machinery prescribed by Presidential Decree out of inspection duties under

paragraph (5). *<Newly Inserted by Act No. 15778, Sep. 18, 2018>*

(8) The inspection control organ shall perform the following functions: Provided, That it shall not conduct inspections on construction machinery prescribed by Presidential Decree: *<Newly Inserted by Act No. 15778, Sep. 18, 2018>*

1. Verifying and examining inspection duties under paragraph (5);
2. Receiving applications for inspection and allocating inspection duties under paragraph (5);
3. Other matters prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

(9) Upon performing duties under each subparagraph of paragraph (8), the inspection control organ shall submit the results thereof as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Newly Inserted by Act No. 15778, Sep. 18, 2018>*

(10) Where the inspection control organ performs the duties in the main sentence of paragraph (8) improperly or performs inspections in breach of the proviso to paragraph (8), the Minister of Land, Infrastructure and Transport may issue a corrective order or de-register the inspection control organ. *<Newly Inserted by Act No. 15778, Sep. 18, 2018>*

(11) An inspection control organ may request an inspection agent to submit materials needed for verifying and examining inspection affairs. In such cases, the inspection agent shall comply with each request to submit except in extenuating circumstances. *<Newly Inserted by Act No. 15778, Sep. 18, 2018>*

(12) Other matters necessary for designating an inspection control organ, revoking such designation, methods and procedures for performing its work, etc. shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Newly Inserted by Act No. 15778, Sep. 18, 2018>*

Article 14-2 (Composition of Evaluation Committee)

(1) The Minister of Land, Infrastructure and Transport may establish an evaluation committee to evaluate inspection agents (hereinafter referred to as the “Evaluation Committee”).

(2) The Evaluation Committee shall be comprised of not more than seven members, including one chairperson; the chairperson shall be appointed by the Minister of Land, Infrastructure and Transport from among public officials affiliated with the Ministry of Land, Infrastructure and Transport; and the members shall be commissioned by the Minister of Land, Infrastructure and Transport from among persons with profound knowledge and experience in the field of inspecting construction machinery, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

(3) The Evaluation Committee shall perform the following functions:

1. Evaluating whether an inspection agent has implemented inspection poorly;
2. Evaluating the status of inspection affairs conducted by inspection agents;
3. Performing other functions prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

(4) Other matters necessary for the establishment, operation, etc. of the Evaluation Committee shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

Article 15 (Reissuance of Construction Machinery Inspection Certificates)

(1) Deleted. <by Act No. 6363, Jan. 16, 2001>

(2) Where a construction machinery inspection certificate has been lost or worn out, the owner of the construction machinery shall request its reissuance, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 9850, Dec. 29, 2009; Act No. 11690, Mar. 23, 2013>

(3) Each owner of construction machinery whose registration has been revoked under Article 6 shall return his/her construction machinery inspection certificate, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 9850, Dec. 29, 2009; Act No. 11690, Mar. 23, 2013>

Article 16 Deleted. <by Act No. 6363, Jan. 16, 2001>

Article 16-2 (Maintenance of Construction Machinery)

Where an owner or possessor of construction machinery intends to maintain construction machinery with his/her own maintenance facilities, he/she shall do so within the extent prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport according to the kind and scale of maintenance facilities.

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

Article 17 (Alteration of Structure of Construction Machinery)

(1) Anyone who intends to alter or remodel a principal structure of registered construction machinery or a principal system, such as engine, transmission, or braking system, shall comply with construction machinery safety standards. <Amended by Act No. 14847, Aug. 9, 2017>

(2) The scope of principal system and the alteration and remodeling of a principal structure under paragraph (1) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

<Amended by Act No. 11690, Mar. 23, 2013; Act No. 14847, Aug. 9, 2017>

Article 17-2 (Prohibition of Use, Operation, and Transfer of Construction Machinery Dismantled without Authorization)

No one shall use or operate any construction machinery by dismantling any apparatus prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, such as the maximum speed-limiting device, or shall transfer it to another person at a cost or free of charge: Provided, That this shall not apply to any of the following cases:

1. Where the construction machinery is inspected or maintained;
2. Where the construction machinery is discarded;
3. In cases of falling under any ground prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, such as the use of the construction machinery for educational and research purposes.

Article 18 (Type Approval of Construction Machinery)

(1) Each person who intends to manufacture or assemble construction machinery shall be equipped with facilities and technical human resources prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Each person who intends to manufacture, assemble, or import (hereinafter referred to as "manufacture, etc.") construction machinery shall obtain type approval of construction machinery from the Minister of

Land, Infrastructure and Transport, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That in cases of construction machinery prescribed by Presidential Decree, the person who has manufactured, etc. such construction machinery shall report the type thereof to 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>*

(3) Where a person who has obtained type approval or reported a type under paragraph (2) intends to alter matters concerning such type, he/she shall obtain approval from the Minister of Land, Infrastructure and Transport with regard to matters concerning the type approval; and he/she shall report the type to the Minister of Land, Infrastructure and Transport: Provided, That in cases of alteration of insignificant matters prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, this shall not apply. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) Each person who intends to import construction machinery in the same type as the construction machinery for which type approval has already been obtained or the type of which has already been reported as prescribed in paragraph (2) or (3), shall report such type to 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>*

(5) The Minister of Land, Infrastructure and Transport shall notify a person who has filed a report of whether his/her report is accepted, within ten days from the date of receipt of the report under the proviso to paragraph (2), the main sentence of paragraph (3), or paragraph (4). *<Newly Inserted by Act No. 14707, Mar. 21, 2017>*

(6) Where the Minister of Land, Infrastructure and Transport fails to notify a person who has filed a report of whether his/her report is accepted or whether the processing period is extended pursuant to statutes and regulations related to processing civil petitions within the period prescribed in paragraph (5), the report shall be deemed accepted on the day following the termination date of such period. *<Newly Inserted by Act No. 14707, Mar. 21, 2017>*

(7) Where the Minister of Land, Infrastructure and Transport acknowledges that matters need to be improved for enhancing the efficiency and safety of construction machinery among types of construction machinery, he/she may grant a type approval prescribed in paragraph (2) or (3) on condition of such improvement. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 14707, Mar. 21, 2017>*

(8) Notwithstanding paragraphs (2) and (3), a person who intends to manufacture, etc. construction machinery for the purposes of research and development, or exportation need neither to obtain type approval nor report the type. *<Newly Inserted by Act No. 11361, Feb. 22, 2012; Act No. 14707, Mar. 21, 2017>*

Article 19 (Confirmation Inspection of Construction Machinery)

(1) Where any of the following persons has manufactured, etc. construction machinery, he/she shall undergo a confirmation inspection, as prescribed by Presidential Decree: Provided, That where construction machinery used in a foreign country has been imported, this shall not apply:

1. A person who has obtained type approval of construction machinery as prescribed in Article 18 (2) or (3);
 2. A person who has reported a type as prescribed in Article 18 (4) to import construction machinery in the same type as that for which type approval has been obtained.
- (2) Where a person who has reported a type of construction machinery pursuant to Article 18 (2) or (3), or a person who has reported a type pursuant to Article 18 (4) in order to import construction machinery in the same type as that for which a report on type has been made, manufactures construction machinery, he/she may undergo a confirmation inspection, as prescribed by Presidential Decree.
- (3) Construction machinery which has had a confirmation inspection under paragraph (1) or (2) shall be deemed to have had a new registration inspection under Article 13 (1) 1; and construction machinery manufactured, etc. with the same type by a person who has undergone a confirmation inspection under paragraph (1) or (2) shall be deemed to have undergone a confirmation inspection under paragraph (1) or (2) and a new registration inspection under Article 13 (1) 1.

Article 20 (Follow-Up Services for Construction Machinery Manufactured)

- (1) A person who has obtained approval of or submitted a report on a type of construction machinery (hereinafter referred to as "manufacturer, etc.") pursuant to Article 18 (2) through (4) shall provide follow-up services, such as supplying parts necessary for maintaining construction machinery and providing technology and educational data on maintenance and inspection regarding the construction machinery manufactured, etc., directly, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) A manufacturer, etc. shall be equipped with facilities and technical human resources (hereinafter referred to as "facilities, etc.") necessary for providing follow-up services under paragraph (1) according to the standards prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That this shall not apply to any of the following cases: *<Amended by Act No. 13468, Aug. 11, 2015>*
1. Where he/she is equipped with facilities, etc. prescribed in Article 18 (1);
 2. Where he/she uses facilities, etc. of a person registered for construction machinery maintenance business under Article 21;
 3. Where he/she uses facilities, etc., equipped with by any other manufacturer, etc. under Article 18 (1).
- (3) Where a manufacturer, etc. fails to perform responsibilities for follow-up services prescribed in paragraphs (1) and (2), the Minister of Land, Infrastructure and Transport may order such manufacturer, etc. to perform such responsibilities. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 20-2 (Correction of Manufacturing Defects)

- (1) A manufacturer, etc. shall, when a defect is found in construction machinery he/she manufactured, etc., such as failure to comply with construction machinery safety standards or prevention from safe operation or safety of work, make public such fact without delay and take corrective measures, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Land, Infrastructure and Transport shall advise or order manufacturers, etc. who fail to make public the fact of having defects or fails to take corrective measures pursuant to paragraph (1) to make corrections, 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 may, when necessary to confirm whether construction machinery manufactured, etc. has defects, have corporations or organizations referred to in Article 38 (2) conduct inspections with regard thereto, as prescribed by Presidential Decree. In such cases, manufacturers, etc. shall render cooperation for inspectors' requests for submission of materials. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) A manufacturer, etc. shall, when taking corrective measures pursuant to paragraphs (1) and (2), report a plan for corrective measures and the progress thereof to the Minister of Land, Infrastructure and Transport, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. In such cases, the Minister of Land, Infrastructure and Transport shall make public the results of the reported corrective measures. *<Amended by Act No. 11690, Mar. 23, 2013>*

(5) Details of construction machinery safety standards and manufacturing defects subject to corrective measures which are referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

(6) When an inspection is conducted pursuant to paragraph (3), the Minister of Land, Infrastructure and Transport shall provide the expenses incurred therein. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 20-3 (Durability Period of Construction Machinery)

(1) The Minister of Land, Infrastructure and Transport may provide for the durability periods of construction machinery prescribed by Presidential Decree, and apparatus and parts thereof, as prescribed by Presidential Decree.

(2) No one may operate or use construction machinery or an apparatus or part thereof past its durability period under paragraph (1): Provided, That where it is deemed safely operable after a precision diagnosis of the construction machinery, the durability period may be extended by three years at a time.

(3) A construction machinery business entity defined in Article 24, which is hiring a construction machinery operator defined in Article 27-2 (hereinafter referred to as "employer") shall neither fail to stop, nor order, the operation or use of construction machinery or an apparatus or part thereof past its durability period under paragraph (1), while being aware that such construction machinery or an apparatus or part thereof is past its durability period.

(4) A person who intends to receive a precision diagnosis on construction machinery under the proviso to paragraph (2) shall submit an application therefor to the Minister of Land, Infrastructure and Transport as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. In such cases, the Minister of Land, Infrastructure and Transport shall perform the precision diagnosis on the construction machinery; and shall notify the applicant and the competent Mayor/Do Governor of the results, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

(5) Other matters necessary for the application for precision diagnosis, the methods and procedures of such diagnosis under paragraph (4), etc. shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

Article 20-4 (Certification of Construction Machinery Parts)

(1) Anyone who intends to manufacture, assemble, or import an apparatus or part of construction machinery prescribed by Presidential Decree (hereinafter referred to as “part maker, etc.”) shall obtain certification from the Minister of Land, Infrastructure and Transport to certify that the relevant apparatus or part of construction machinery can be used safely (hereinafter referred to as “part certification”), as prescribed by Presidential Decree.

(2) A part maker, etc. shall obtain approval from the Minister of Land, Infrastructure and Transport to change matters that have been part-certified under paragraph (1): Provided, That the same shall not apply to such minor alterations as are prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

(3) Apparatus and parts mounted on construction machinery manufactured, etc. by manufacturer, etc. shall be deemed part-certified.

(4) No one may use any construction machinery apparatus or part that has not been part-certified for construction machinery.

(5) No employer shall fail to stop nor order the use of any construction machinery apparatus or part that has not been part-certified, while being aware that such apparatus or part of construction machinery is used in construction machinery.

(6) Notwithstanding paragraph (1), a person who intends to manufacture, assemble, or import construction machinery apparatus or parts for research, development, and export need not obtain part certification.

Article 20-5 (Suspending Manufacture, Assembly, Import, or Sale of Construction Machinery or Apparatus or Parts Thereof)

(1) The Minister of Land, Infrastructure and Transport may order any manufacturer, etc. or part maker, etc., who falls under any of the following cases to suspend manufacturing, assembling, importing, or selling construction machinery or an apparatus or part thereof: Provided, That he/she shall order the suspension of manufacture, assembly, import, or sale in cases falling under subparagraph 1:

1. Obtaining type approval or part certification or reporting a type by fraud or other improper means;
2. Failing to comply with a corrective order issued under Article 20-2 (2);
3. Selling construction machinery manufactured, etc. inconsistent with the details of type approval or type reporting;
4. Selling construction machinery apparatus or parts manufactured, assembled, or imported inconsistent with part certification.

(2) The Minister of Land, Infrastructure and Transport may have a corporation or group under Article 38 (2) investigate whether a manufacturer, etc. or part maker, etc. falls under any subparagraph of paragraph (1), as prescribed by Presidential Decree. In such cases, the Minister of Land, Infrastructure and Transport

shall provide support to cover expenses incurred in conducting the investigation.

(3) The corporation or group conducting an investigation under paragraph (2) may request a manufacturer, etc. or part maker, etc. to submit materials needed for the investigation; and the manufacturer, etc. or part maker, etc. shall comply with such request except in extenuating circumstances.

Article 21 (Registration of Construction Machinery Business)

(1) A person who intends to run construction machinery business (excluding a local government) shall register his/her construction machinery business with the head of a Si/Gun/Gu (referring to the heads of autonomous Gus; hereinafter the same shall apply) according to the categories of business as determined by Presidential Decree. *<Amended by Act No. 11361, Feb. 22, 2012>*

(2) A person who intends to register his/her construction machinery business pursuant to paragraph (1) shall meet the criteria prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) Matters necessary for the registration procedures and the issuance of registration certificates, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11055, Sep. 16, 2011; Act No. 11690, Mar. 23, 2013>*

Article 22 (Contracts to Lease Construction Machinery)

(1) The parties to a construction machinery lease contract (excluding any subcontract for construction works provided for in Article 22 of the Framework Act on the Construction Industry) shall enter into a contract to lease construction machinery, etc. *<Newly Inserted by Act No. 12373, Jan. 28, 2014>*

(2) The contractual parties prescribed in paragraph (1) shall enter into a contract in a fair manner through consultations on equal terms and sincerely perform the contract in good faith. *<Amended by Act No. 12373, Jan. 28, 2014>*

(3) The contractual parties referred to in paragraph (1) shall clearly specify in the contract lease fees, lease term, and other matters prescribed by Presidential Decree, and each shall exchange and keep a copy of the contract on which they affix their signatures and seals. *<Amended by Act No. 12373, Jan. 28, 2014>*

(4) Where the standardized terms and conditions are used, which undergo examination by the Fair Trade Commission pursuant to Article 19-2 of the Act on the Regulation of Terms and Conditions, such terms and conditions shall be deemed a contract referred to in paragraphs (1) through (3). *<Amended by Act No. 12373, Jan. 28, 2014>*

(5) When the parties to a contract prescribed in paragraph (1) enter into a contract, the Minister of Land, Infrastructure and Transport or Mayors/Do Governors may recommend them to use the standard terms and conditions prescribed in paragraph (4). *<Newly Inserted by Act No. 12373, Jan. 28, 2014>?*

(6) If a public institution determined by the State, a local government, or Presidential Decree is a project owner defined in subparagraph 10 of Article 2 of the Framework Act on the Construction Industry, the relevant project owner shall ascertain whether a contract to lease construction machinery prescribed in paragraph (1) has been concluded. *<Newly Inserted by Act No. 13784, Jan. 19, 2016>*

Article 22-2 (Fact-Finding Investigations of Contracts to Lease Construction Machinery)

(1) The Minister of Land, Infrastructure and Transport or Mayors/Do Governors may periodically investigate to ascertain whether a written contract concerning construction machinery lease, etc. was concluded. In such cases, the Minister of Land, Infrastructure and Transport may publicly announce the results of the fact-finding investigations. *<Amended by Act No. 13784, Jan. 19, 2016>*

(2) The Minister of Land, Infrastructure and Transport or Mayors/Do Governors may request contract-related data from a party to the contract concerning construction machinery lease, etc. In such cases, the contractual party so requested shall comply therewith, except in extenuating circumstances.

(3) Matters necessary for the timing, scope, method, etc. of fact-finding investigations and the results of fact-finding investigations conducted under paragraph (1) shall be determined by Presidential Decree. *<Amended by Act No. 13784, Jan. 19, 2016>*

Article 23 Deleted. *<by Act No. 6069, Dec. 28, 1999>*

Article 24 (Duties of Construction Machinery Business Entities to Report Changes)

(1) A person who has registered construction machinery business under Article 21 (1) (hereinafter referred to as "construction machinery business entity") shall, where registered matters are changed, such business is commenced, suspended, or discontinued, or the suspended business is re-opened, 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. 11361, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 14707, Mar. 21, 2017>*

(2) The head of a Si/Gun/Gu shall notify a person who has filed a report of whether his/her report is accepted, within five days from the date of receipt of the report under paragraph (1). *<Newly Inserted by Act No. 14707, Mar. 21, 2017>*

(3) Where the head of a Si/Gun/Gu fails to notify a person who has filed a report of whether his/her report is accepted or whether the processing period is extended pursuant to statutes and regulations related to processing civil petitions within the period prescribed in paragraph (2), the report shall be deemed accepted on the day following the termination date of such period. *<Newly Inserted by Act No. 14707, Mar. 21, 2017>*

Article 24-2 (Reports on Transfer or Acquisition of Construction Machinery Business)

(1) Where a construction machinery business entity transfers his/her business or dies, or where a corporation is merged, the transferee, successor, or a corporation surviving such merger or a corporation established by the merger, shall succeed to the status of the former construction machinery business entity.

(2) A person who acquires all of the business facilities in accordance with any of the following procedures shall succeed to the status of the former construction machinery business entity. In such cases, the registration of the former construction machinery business entity shall become invalid: *<Amended by Act No. 14476, Dec. 27, 2016>*

1. Auction prescribed in the Civil Execution Act;
2. Conversion prescribed in the Debtor Rehabilitation and Bankruptcy Act;

3. Sale of seized property prescribed in the National Tax Collection Act, the Customs Act, the Local Tax Collection Act, or the Act on the Collection, etc. of Local Non-Tax Revenue;
4. Any other procedures equivalent to those prescribed in subparagraphs 1 through 3.
- (3) If a construction machinery business entity has received such disposition as revocation of registration, suspension of business, etc., pursuant to Article 35-2 (1), a person who has succeeded to the status of a construction machinery business entity prescribed in paragraph (1) shall succeed to the effect of such disposition for one year from the date of the disposition, and when any disposition procedure is in progress, such procedure may continue against a person who has succeeded to the status of the relevant business entity: Provided, That the same shall not apply where the transferee, a corporation surviving such merger, or a corporation established by the merger is not aware of the disposition or the fact prescribed in subparagraphs of Article 35-2 (1).
- (4) A person who has succeeded to the status of a construction machinery business entity prescribed in paragraph (1) or (2) shall file a report thereon with the head of a Si/Gun/Gu within 30 days, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.
- (5) The head of a Si/Gun/Gu shall notify a person who has filed a report of whether his/her report is accepted, within ten days from the date of receipt of the report under paragraph (4). *<Newly Inserted by Act No. 14707, Mar. 21, 2017>*
- (6) Where the head of a Si/Gun/Gu fails to notify a person who has filed a report of whether his/her report is accepted or whether the processing period is extended pursuant to statutes related to the processing of civil petitions within the period prescribed in paragraph (5), the report shall be deemed accepted on the day following the termination date of such period. *<Newly Inserted by Act No. 14707, Mar. 21, 2017>*

Article 24-3 (Collection of Expenses for Keeping and Managing Construction Machinery)

Where a person who has requested the maintenance of construction machinery does not claim the construction machinery for a long time after the maintenance is completed, a construction machinery business entity may collect expenses incurred in keeping and managing such construction machinery from the requester, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 25 (Duties of Construction Machinery Sales Agents to Ban Operation of Construction Machinery for Sale)

- (1) A construction machinery sales agent shall display construction machinery purchased for sale (hereinafter referred to as "construction machinery for sale") at the place of business, and shall neither operate nor use such construction machinery until it is sold from the time of the display except in cases prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, such as test operation and maintenance. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) In any of the following cases, a construction machinery sales agent shall report to the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: *<Amended by Act No. 11055, Sep. 16, 2011; Act No. 11361, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

1. Where he/she has displayed construction machinery for sale at the place of business;
 2. Where he/she has sold construction machinery for sale.
- (3) If a report filed under paragraph (2) has no flaw in the matters stated therein and the documents appended thereto (applicable only to a report filed pursuant to paragraph (2) 2) and meets the requirements for formality prescribed in statutes, etc., the obligation to report shall be deemed fulfilled when the written report reaches the receiving authority. *<Newly Inserted by Act No. 14707, Mar. 21, 2017>*
- (4) Matters necessary for the management of construction machinery for sale displayed at the place of business of a construction machinery sales agent under paragraph (1) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11055, Sep. 16, 2011; Act No. 11690, Mar. 23, 2013; Act No. 14707, Mar. 21, 2017>*

Article 25-2 (Discarding and Recycling of Construction Machinery)

- (1) When a construction machinery dismantling and recycling business entity receives a request to discard any construction machinery from its owner or a Mayor/Do Governor, he/she shall acquire the relevant construction machinery and its registration number plate and issue a document certifying such fact.
- (2) Upon receipt of construction machinery and its registration number plate pursuant to paragraph (1), the construction machinery dismantling and recycling business entity shall dismantle the relevant construction machinery and discard the registration number plate by cutting it into pieces: Provided, That he/she need not discard them if he/she exports the construction machinery acquired pursuant to paragraph (1) after filing an export declaration under the Customs Act or sell it to an exporter.
- (3) A person who intends to export the relevant construction machinery pursuant to the proviso to paragraph (2) shall file a report on the change of reasons for de-registration with the competent Mayor/Do Governor who has made the de-registration, before exporting it.
- (4) Matters necessary for the procedures, methods, etc. for exporting or selling under the proviso to paragraph (2) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.
- (5) The construction machinery dismantling and recycling business entity shall pay to the owner of construction machinery an amount remaining after deducting the cost incurred in discarding from the appraised value of the construction machinery that he/she intends to discard: Provided, That if the cost incurred in discarding exceeds the appraised value of the construction machinery to be dismantled, the amount in excess may be received from the owner of the construction machinery, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

Article 25-3 (Obligations of Construction Machinery Business Entities)

- (1) A construction machinery business entity shall observe the following matters:
 1. In cases of renting construction machinery including a construction machinery operator, the operator shall have a relevant construction machinery operator's license;
 2. In cases of renting construction machinery, private cars or unregistered construction machinery shall not be rented.

(2) A construction machinery maintenance business entity shall observe the following matters: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. No construction machinery maintenance business entity shall maintain construction machinery at his/her discretion without a request or consent of a client;
2. A construction machinery maintenance business entity shall allow clients to choose from new parts, used parts or reclaimed goods, etc. for maintenance;
3. A construction machinery maintenance business entity shall issue written estimates of maintenance and statements of maintenance to clients as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport and provide post-management following maintenance.

(3) When a construction machinery sales business entity sells or arranges the purchase or sale of construction machinery, he/she shall notify the purchaser of construction machinery of such matters as the presence or non-presence of registration of seizure and mortgage, structure, specifications and performance, etc. in writing before concluding a purchase and sale contract, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) Upon receipt of a request to discard construction machinery, a construction machinery dismantling and recycling business entity shall not discard the construction machinery, if the construction machinery falls under any of the following cases: *<Amended by Act No. 14534, Jan. 17, 2017>*

1. Where the construction machinery is seized or mortgaged: Provided, That such construction machinery may be discarded when an interested person submits a deed of cancellation of seizure or mortgage along with a certificate of his/her seal impression;
2. Where matters registered are different from matters indicated in the construction machinery registration ledger.

Article 26 (Construction Machinery Operator's License)

(1) A person who intends to operate construction machinery shall obtain a construction machinery operator's license from the head of a Si/Gun/Gu: Provided, That a person who wishes to operate construction machinery prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport shall obtain a driver's license prescribed in Article 80 of the Road Traffic Act. *<Amended by Act No. 11361, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

(2) A construction machinery operator's license prescribed in the main sentence of paragraph (1) shall be obtained according to the categories of construction machines, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 13468, Aug. 11, 2015>*

(3) A person who intends to obtain a construction machinery operator's license prescribed in the main sentence of paragraph (1) shall obtain the technical qualification in the relevant field under the National Technical Qualifications Act and pass the aptitude test.

(4) In cases of a construction machinery operator's license of small construction machinery prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport, the completion of the curricula on the operation of small construction machinery at an educational institution designated by a Mayor/Do

Governor may be substituted for the acquisition of the technical qualification prescribed in the National Technical Qualifications Act referred to in paragraph (3). <Amended by Act No. 13468, Aug. 11, 2015>

(5) The issuance of a construction machinery operator's license, the criteria for the aptitude test, and other matters necessary for a construction machinery operator's license shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

Article 27 (Disqualification for Construction Machinery Operator's License)

No person who falls under any of the following subparagraphs shall be qualified for a construction machinery operator's license: <Amended by Act No. 11361, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>

1. A person who is under 18 years of age;
2. An insane person or an epileptic who may cause danger or impediments to the operation of construction machinery and are prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;
3. A blind person, deaf person or other handicapped person prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;
4. An addict to narcotics, cannabis, or psychotropic drugs or alcohol who may cause danger or impediments to the operation of construction machinery and are prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport;
5. A person for whom one year (two years where the construction machinery operator's license has been revoked due to the causes of subparagraphs 1 and 2 of Article 28) has not elapsed from the date of revocation of the construction machinery operator's license, or who has been under the suspension of validity of the construction machinery operator's license.

Article 27-2 (Matters to Be Observed by Construction Machinery Operators and Their Employers)

(1) No person who has obtained a construction machinery operator's license as prescribed in Article 26 (hereinafter referred to as "construction machinery operator") shall operate construction machinery in any of the following cases: <Amended by Act No. 15778, Sep. 18, 2018>

1. Where the person is under the influence of alcohol or drugs;
2. Where the person is unlikely to drive properly due to work exhaustion, illness, or other reasons.

(2) An employer shall neither fail to stop a person without a construction machinery operator's license or a person prohibited to drive under paragraph (1) 1 from driving construction machinery; nor order such person to drive construction machinery, while being aware that such person is driving construction machinery. <Newly Inserted by Act No. 15778, Sep. 18, 2018>

(3) Standards for a state of intoxication and the kinds of prohibited drugs, etc. in paragraph (1) and the methods of testing for them shall be governed by the Road Traffic Act. <Amended by Act No. 15778, Sep. 18, 2018>

Article 28 (Revocation or Suspension of Construction Machinery Operator's License)

Where a construction machinery operator falls under any of the following cases, the head of a Si/Gun/Gu may revoke the construction machinery operator's license or suspend the validity of the construction

machinery operator's license for a period not exceeding one year, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That where he/she falls under subparagraph 1, 2 or 8, such construction machinery operator's license shall be revoked: <Amended by Act No. 11361, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 15778, Sep. 18, 2018>

1. Where he/she has obtained the construction machinery operator's license by fraud or other improper means;
2. Where he/she operates construction machinery during a period of suspension of validity of the construction machinery operator's license;
3. Where he/she falls under any of subparagraphs 2 through 4 of Article 27;
4. Where he/she causes a grave accident intentionally or by negligence while operating construction machinery;
5. Where his/her technical qualification in the relevant field is revoked or suspended under the National Technical Qualifications Act;
6. Where he/she lends his/her construction machinery operator's license to another person;
7. Where he/she drives construction machinery under the influence of alcohol or drugs or in a condition in which he/she is unlikely to drive properly due to work exhaustion, illness, or other reason, in violation of Article 27-2 (1);
8. Where he/she fails to take a regular aptitude test under Article 29 or fails the test.

Article 29 (Regular Aptitude Tests for Construction Machinery Operators)

A construction machinery operator shall take a regular aptitude test conducted by the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

Article 30 (Occasional Aptitude Tests)

- (1) A construction machinery operator shall take an occasional aptitude test conducted by the head of a Si/Gun/Gu where he/she falls under any of the cases prescribed by Presidential Decree such as having an acquired physical disability that might interfere with safe operation.
- (2) The period and notice of an occasional aptitude test under paragraph (1) and other matters necessary for conducting such test shall be prescribed by Presidential Decree.

Article 30-2 (Management of Careers for Construction Machinery Operators)

The Minister of Land, Infrastructure and Transport shall prescribe necessary matters concerning the management of careers, including the work periods, for construction machinery operators who intend to obtain licenses for private taxi business provided for in Article 4 of the Passenger Transport Service Act. <Amended by Act No. 11690, Mar. 23, 2013>

Article 31 (Safety Training for Construction Machinery Operators)

- (1) Construction machinery operators shall attend safety training for enhancing safety and expertise, provided by the Minister of Land, Infrastructure and Transport to prevent harm to persons and damage to property from construction machinery (hereinafter referred to as "safety training, etc.").

(2) The Minister of Land, Infrastructure and Transport may designate specialized training institutes to conduct safety training, etc. if it is deemed necessary to conduct such training under paragraph (1).

(3) Matters necessary for trainees, contents, methods and timing of the safety training, etc. and criteria and procedures for designating specialized training institutes under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

Article 32 (Establishment of Organization for Construction Machinery Business Entities)

(1) Construction machinery business entities may establish an association as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport for the purpose of the sound development of construction machinery business and their common interests. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) In establishing the association, 1/5 or more of promoters qualified as members of the said association shall draw up articles of association, the inaugural general meeting with 1/3 or more of the qualified members of the said association present shall pass a resolution on the articles of association, and then the establishment of said association shall be approved by the Minister of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The association shall be a juristic person.

(4) Construction machinery business entities may join the association, as prescribed by the articles of association.

(5) Matters necessary for the articles of association, affairs, supervision, etc. of the association shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

(6) Unless otherwise provided for in this Act, the provisions concerning an association in the Civil Act shall apply mutatis mutandis to the association.

Article 32-2 (Mutual-Aid Business)

(1) The association established by construction machinery business entities prescribed in Article 32 may conduct mutual-aid business, including business of guaranteeing compensation for damage due to construction machinery accidents caused by construction machinery business entities with permission from the Minister of Land, Infrastructure and Transport, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Construction machinery entities, who have joined the mutual-aid business prescribed in paragraph (1), shall bear their respective contributions as may be required to conduct the mutual-aid business.

(3) Deleted. *<by Act No. 13468, Aug. 11, 2015>*

(4) Matters necessary for the details and operation of the mutual-aid business prescribed in paragraph (1) shall be prescribed by Presidential Decree.

(5) With respect to the mutual-aid business prescribed in paragraph (1), the Insurance Business Act (excluding Article 208 of the same Act) shall not apply.

Article 33 (Prohibited Acts of Owners or Possessors of Construction Machinery)

(1) Deleted. <by Act No. 6069, Dec. 28, 1999>

(2) No owner or possessor of construction machinery shall obstruct traffic by putting his/her construction machinery on any road or empty lot around residential areas or impair the calm and quiet living environment of residents by making noise or others. <Amended by Act No. 9850, Dec. 29, 2009>

(3) No owner or possessor of construction machinery shall abandon construction machinery on any road or another's land without justifiable grounds. <Amended by Act No. 9850, Dec. 29, 2009>

Article 33-2 (Building of Parking Ramps)

(1) A Mayor/Do Governor or the head of a Si/Gun/Gu may build public parking ramps (referring to parking ramps provided for construction machinery business, which are built by a Mayor/Do Governor or the head of a Si/Gun/Gu; hereinafter the same shall apply) and operate them directly or lease them out (including entrustment of operation) to organizations of construction machinery business entities or construction machinery business entities.

(2) A Mayor/Do Governor or the head of a Si/Gun/Gu who intends to build public parking ramps shall establish a plan for building and operation of public parking ramps (hereafter in this Article referred to as "establishment and operation plan"). In such cases, the head of a Si/Gun/Gu shall obtain prior approval from the competent Mayor/Do Governor, and the same shall apply when he/she intends to modify an approved plan.

(3) When a Mayor/Do Governor or the head of a Si/Gun/Gu establishes or modifies an establishment and operation plan or obtains approval or approval for modification thereof under paragraph (2), he/she shall make public notification.

Article 33-3 (Expropriation and Use)

(1) Where necessary to build a public parking ramp, a Mayor/Do Governor or the head of a Si/Gun/Gu may expropriate or use the land, fixtures, and rights prescribed in Article 3 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects (hereafter in this Article referred to as "land, etc.").

(2) Where an establishment and operation plan was formulated, has obtained approval, and was publicly notified under Article 33-2 (2) and (3), it shall be deemed to have obtained project approval and made public announcement prescribed in Articles 20 (1) and 22 of the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects.

(3) Except as otherwise expressly prescribed in this Act, the Act on Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply mutatis mutandis to the expropriation or use of land, etc., prescribed in paragraph (1).

Article 34 (Establishment of the Center for Reporting Non-Payment of Construction Machinery Lease Fees)

(1) Where a construction machinery business entity fails to collect construction machinery lease fees, etc. from a person who leased construction machinery or from a third person, or where such collection is delayed, the association established by construction machinery business entities pursuant to Article 32

may establish a center for reporting non-payment of construction machinery lease fees, etc. (hereafter in this Article referred to as “report center”) in order to assist in the aforementioned collection.

(2) Matters necessary for the establishment and operation of a reporting center shall be prescribed by Presidential Decree.

(3) The State may subsidize fund, etc. required for the establishment and operation of a report center.

<Newly Inserted by Act No. 13468, Aug. 11, 2015>

Article 34-2 (Compulsory Measures for Construction Machinery)

(1) Where an owner or possessor of construction machinery performs any act prohibited under Article 33 (3), a Mayor/Do Governor may demand that he/she dismantle the construction machinery in question or take other necessary dispositions against him/her or order him/her to take an appropriate measure, such as taking back the construction machinery, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Where an owner or possessor of construction machinery does not comply with an order made under paragraph (1) after one month has passed from the date of such order, a Mayor/Do Governor may sell or dismantle such construction machinery, as prescribed by Presidential Decree.

(3) Where any act prohibited under Article 33 (3) is performed and the owner or possessor of the construction machinery in question is unidentifiable, a Mayor/Do Governor may sell or dismantle such construction machinery after the period of his/her public notice expires as prescribed by Presidential Decree. In such cases, the Mayor/ Do Governor shall make prior public notification on the matters prescribed by Presidential Decree, such as the details of dispositions against the construction machinery for a fixed period of seven or more days.

(4) Where construction machinery is sold or dismantled under paragraph (2) or (3), the expenses incurred in its sale or dismantlement shall be borne by the owner or possessor of the construction machinery. In such cases, a Mayor/Do Governor shall appropriate profits accruing from the sale or dismantlement first for the payment of the expenses, and the balance, if any, shall be paid to the owner or possessor of the construction machinery, whereas if the owner or possessor is unidentified, it shall be deposited pursuant to the Deposit Act.

Article 34-3 Deleted. *<by Act No. 11055, Sep. 16, 2011>*

Article 35 (Reporting and Inspections)

(1) The Minister of Land, Infrastructure and Transport, a Mayor/Do Governor, or the head of a Si/Gun/Gu may require any of the following persons to report on his/her facilities or business, or require public officials under his/her control to enter the places of business, construction sites, offices or construction machinery to inspect books, papers, construction machinery or other things or to ask questions to the interested persons: *<Amended by Act No. 11361, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 14534, Jan. 17, 2017>*

1. An owner of construction machinery;

2. A person who manufactures construction machinery number plates, and inscribes registration numbers thereon;
 3. An inspection agent;
 4. A person who manufactures, etc. construction machinery;
 5. A construction machinery business entity;
 6. An educational and research institution that uses construction machinery for educational and research purposes pursuant to Article 6 (1) 11.
- (2) Public officials who inspect or query under paragraph (1) shall carry a certificate indicating their authority and present it to the interested persons.

Article 35-2 (Administrative Dispositions against Construction Machinery Business Entities)

(1) When a construction machinery business entity falls under any of the following cases, the head of a Si/Gun/Gu may revoke the relevant registration or order the business to be fully or partially suspended for a fixed period up to six months: Provided, That in cases falling under subparagraph 1 or 5, he/she shall revoke the relevant registration: *<Amended by Act No. 13784, Jan. 19, 2016; Act No. 14707, Mar. 21, 2017; Act No. 15778, Sep. 18, 2018>*

1. When a construction machinery business entity obtains registration by fraud or other improper means;
2. When a construction machinery business entity fails to commence business within six months from the date of registration;
- 2-2. When a construction machinery business entity rents construction machinery in breach of the construction machinery safety standards under Article 12 (1), thereby causing a serious accident defined in subparagraph 7 of Article 2 of the Occupational Safety and Health Act;
3. When a construction machinery business entity fails to meet any of the criteria for registration in Article 21 (2);
4. When a construction machinery business entity fails to report on change or reports falsely, in violation of Article 24 (1);
5. When a construction machinery business entity conducts business during the period of a suspension of business, in violation of an order for suspension of business;
6. Deleted. *<by Act No. 14707, Mar. 21, 2017>*

(2) No business entity the registration of which is revoked pursuant to the proviso to paragraph (1) shall obtain construction machinery business registration referred to in Article 21 until the lapse of one year from the date of revocation.

(3) Matters necessary for criteria and procedures for administrative dispositions in paragraph (1) shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 36 (Hearings)

Where the Minister of Land, Infrastructure and Transport, a Mayor/Do Governor or the head of a Si/Gun/Gu intends to take any of the following dispositions, he/she shall hold a hearing: <Amended by Act No. 11361, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 13784, Jan. 19, 2016; Act No. 14707, Mar. 21, 2017>

1. Revocation of designation as manufacturers of registration number plates prescribed in Article 8-2 (7) or suspension of business;
2. Revocation of designation as inspection agents and suspension of business prescribed in Article 14 (3);
3. Revocation of a construction machinery operator's license and suspension of validity prescribed in Article 28;
4. Revocation of registration of construction machinery business or suspension of business prescribed in Article 35-2.

Article 37 (Fees)

(1) Any of the following persons shall pay the fees or necessary expenses prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 14707, Mar. 21, 2017; Act No. 15778, Sep. 18, 2018>

1. A person who files an application for registration under Article 3 (2);
2. A person who reports changes in registered matters under Article 5;
3. A person who files an application for revoking registration under Article 6;
4. A person who files an application for issuance of or to inspect a certified transcript or abstract of a construction machinery register under Article 7 (2);
5. A person who files an application for inspection under Article 13;
6. A person who files an application for type approval, type-change approval, confirmation inspection, or reports a type or changes in type under Article 18 or 19;
- 6-2. A person who applies for a precision diagnosis under Article 20-3 (4);
- 6-3. A person who applies for part certification or a change of matters that have been part-certified under Article 20-4 (1) or (2);
7. A person who registers his/her construction machinery business under Article 21 (1);
8. A person who reports changes under Article 24 (1);
9. A person who files an application for a construction machinery operator's license under the main sentence of Article 26 (1);
- 9-2. A person who applies for a regular or occasional aptitude test under Article 29 or 30;
- 9-3. A person who receives safety training, etc. under Article 31 (1);
10. A person who files an application for re-issuance of a construction machinery registration certificate, a construction machinery inspection certificate, a construction machinery business registration certificate, a construction machinery operator's license, etc.

(2) Fees or necessary expenses prescribed in paragraph (1) shall be paid with revenue stamps or revenue certification stamps, or with electronic money or by electronic payment in Article 14 of the Electronic Government Act. <Amended by Act No. 11361, Feb. 22, 2012; Act No. 15778, Sep. 18, 2018>

(3) Notwithstanding paragraph (2), the following persons shall pay in cash the fees or necessary expenses under paragraph (1) to an inspection agent, or a person entrusted with type approval, etc.: <Amended by Act No. 15778, Sep. 18, 2018>

1. A person who files an application for an inspection with an inspection agent;
2. A person who files an application for type approval, type-change approval, or confirmation inspection, or reports a type or changes in type to a person entrusted with such business under Article 38 (2).

Article 38 (Delegation and Entrustment of Authority)

(1) The authority of the Minister of Land, Infrastructure and Transport as provided for in this Act may be partially delegated to a Mayor/Do Governor, the head of a Si/Gun/Gu, or the head of an agency under the jurisdiction of the Ministry, as prescribed by Presidential Decree. <Amended by Act No. 11361, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>

(2) Affairs of the Minister of Land, Infrastructure and Transport as provided for in Article 18, such as type approvals; receiving a report on type; approving a type change; receiving a report on type changes; conducting a confirmation inspection under Article 19; precision diagnosis by the Minister of Land, Infrastructure and Transport under the proviso to Article 20-3 (2); part certification by the Minister of Land, Infrastructure and Transport under Article 20-4 (1); managing the careers of construction machinery operators under Article 30-2; and installing and operating a computerized information processing system under Article 39-2 may be entrusted to any of the following corporations or organizations, as prescribed by Presidential Decree: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 11919, Jul. 16, 2013; Act No. 15778, Sep. 18, 2018>

1. The Korea Institute of Construction Technology provided for in the Act on the Establishment, Operation and Fostering of Government-Funded Science and Technology Research Institutes;
2. Inspection agents;
3. The association of construction machinery business entities provided for in Article 32;
4. Other corporations or organizations determined by Presidential Decree.

Article 38-2 (Legal Fiction as Public Official for Purposes of Penalty Provisions)

Executive officers and employees who engage in the entrusted affairs in a corporation or organization entrusted under Article 38 (2) shall be deemed as public officials for the purposes of penalty provisions pursuant to Articles 129 through 132 of the Criminal Act.

Article 39 (Relationship to Other Statutes)

With respect to construction machinery, the Motor Vehicle Management Act shall not apply.

Article 39-2 (Computerized Processing of Construction Machinery Management Business)

(1) The Minister of Land, Infrastructure and Transport may, if necessary for the efficient management of construction machinery, handle business provided for in this Act by means of a computerized information processing system, 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 a computerized information processing system referred to in paragraph (1) (hereinafter referred to as "computerized data") shall obtain approval from the Minister of Land, Infrastructure and Transport after an examination by the heads of relevant administrative agencies of the central government is made, as prescribed by Presidential Decree. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The Minister of Land, Infrastructure and Transport may, upon receipt of a request for granting approval referred to in paragraph (2), grant approval only if he/she deems that the approval neither impede the efficient conduct of construction machinery management business nor infringe the privacy and freedom of the owners of construction machinery, etc. In such cases, the Minister of Land, Infrastructure and Transport may grant approval, limiting the use thereof. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) Where the Minister of Land, Infrastructure and Transport entrusts a corporation or organization with the affairs of installing and operating of computerized information processing system under paragraph (1), he/she may support expenses incurred therefrom. *<Newly Inserted by Act No. 11919, Jul. 16, 2013>*

(5) Matters necessary for applicability of use of computerized data, criteria for examination and approval, etc. which are referred to in paragraphs (2) and (3), shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 11919, Jul. 16, 2013>*

Article 39-3 (Re-Examination of Regulation)

The Minister of Land, Infrastructure and Transport shall examine the validity of the following matters every three years (referring to the period that ends on the day before the base date of every third year) from the base date specified in the following subparagraphs and take measures for improvement, etc.:

1. Inspection of construction machinery prescribed in Article 13: January 1, 2016;
2. Scope of maintenance to be conducted by an owner or possessor of construction machinery under Article 16-2: January 1, 2016.

Article 40 (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. 11055, Sep. 16, 2011; Act No. 12966, Jan. 6, 2015; Act No. 14847, Aug. 9, 2017>*

1. A person who uses or operates unregistered construction machinery, in violation of Article 4;
2. A person who uses or operates construction machinery, the registration of which is revoked under Article 6;
3. A person who manufactures registration number plates or inscribes registration numbers thereon without being designated by a Mayor/Do Governor, in violation of Article 8-2 (1);

- 3-2. A person who alters or remodels the principal structure of construction machinery or the principal system, such as engine, transmission, or braking system, in violation of Article 17;
- 3-3. A person who uses or operates any construction machinery dismantled without authorization, or transfers it to another person at cost or free of charge, in violation of Article 17-2;
- 3-4. A person who fails to perform a corrective order referred to in Article 20-2 (2);
- 4. A person who runs construction machinery business without registering his/her business or falsely registers his/her business, in violation of Article 21;
- 5. A person who continues to conduct construction machinery business as a construction machinery business entity whose registration is revoked or whose business is fully or partially suspended pursuant to Article 35-2 (1).

Article 41 (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 ten million won: <Amended by Act No. 11055, Sep. 16, 2011; Act No. 11361, Feb. 22, 2012; Act No. 12966, Jan. 6, 2015; Act No. 13468, Aug. 11, 2015; Act No. 15778, Sep. 18, 2018>

- 1. A person who is registered by fraud or other improper means in violation of Article 3 (1);
- 2. A person who deletes the registration number or obscures such number in violation of the main sentence of Article 10;
- 3. A person who fails to undergo an inspection on alteration of structure or occasional inspection under Article 13 (1) 3 or 4;
- 4. A person who fails to comply with a maintenance order under Article 13 (7);
- 5. A person who manufactures, etc. construction machinery without receiving a type approval, type change approval, or confirmation inspection under the main sentence of Article 18 (2), Article 18 (3), or Article 19 (1);
- 6. A person who fails to comply with an order for follow-up services under Article 20 (3);
- 7. A person who operates or uses construction machinery or an apparatus or part thereof past its durability period in violation of Article 20-3 (2);
- 8. An employer who fails to stop, or orders, the operation or use of construction machinery or an apparatus or part thereof past its durability period despite being aware that it is past its durability period in violation of Article 20-3 (3);
- 9. A person who uses an apparatus or part that has not been part-certified, in violation of Article 20-4 (4);
- 10. An employer who fails to stop, or order, the use of any construction machinery apparatus or part that has not been part-certified, despite being aware that such construction machinery apparatus or part is used in construction machinery in violation of Article 20-4 (5);
- 11. A person who operates or uses construction machinery for sale, in violation of Article 25 (1);
- 12. A person who refuses to issue documents certifying the acquisition of dismantlement or issues false documents, in violation of Article 25-2 (1);

13. A person who fails to dismantle construction machinery or fails to dispose of a registration number plate despite a request to do so, in violation of Article 25-2 (2);
14. A person who operates construction machinery without obtaining a construction machinery operator's license prescribed in the main sentence of Article 26 (1);
15. A person who obtains a construction machinery operator's license under Article 26 by fraud or other improper means;
16. A person who issues false evidential documents regarding the completion of educational courses on operating small construction machinery referred to in Article 26 (4);
17. A person who drives construction machinery under the influence of alcohol or drugs in violation of Article 27-2 (1) 1 or 2, or an employer who fails to stop such person from driving construction machinery or orders such person to drive construction machinery despite being aware that such person is driving;
18. A person who continues to operate construction machinery after his/her construction machinery operator's license is revoked or its validity is suspended under Article 28;
19. A person who abandons construction machinery on any road or another's land, in violation of Article 33 (3).

Article 42 Deleted. <by Act No. 15778, Sep. 18, 2018>

Article 43 (Joint Penalty Provisions)

When the representative of a corporation, or an agent, employee, or other servant of a corporation or an individual commits any violations described in Article 40 or 41 in connection with the business affairs of the corporation or individual, not only shall such violator be punished, but the corporation or individual also shall be punished by a fine prescribed in the relevant Article: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business affairs to prevent such violations. <Amended by Act No. 15778, Sep. 18, 2018>

Article 44 (Administrative Fines)

(1) Any of the following persons shall be subject to an administrative fine not exceeding three million won: <Amended by Act No. 12373, Jan. 28, 2014; Act No. 15778, Sep. 18, 2018>

1. A person who fails to prepare a construction machinery lease contract, in violation of Article 22 (1);
- 1-2. A person who fails to take a regular or occasional aptitude test under Article 29 or 30 (1);
2. A person who fails to report or falsely reports facilities or duties under Article 35 (1);
3. A person who refuses, obstructs, or evades an inspection or inquiry by relevant public officials prescribed in Article 35 (1).

(2) Any of the following persons shall be subject to an administrative fine not exceeding one million won: <Amended by Act No. 11055, Sep. 16, 2011; Act No. 11361, Feb. 22, 2012; Act No. 12373, Jan. 28, 2014; Act No. 13468, Aug. 11, 2015; Act no. 15778, Sep. 18, 2018>

1. A person who fails to report the exportation of his/her construction machinery or fails to dispose of or register it, in violation of Article 6 (4);
 2. A person who fails to attach and seal his/her registration number plate or fails to have his/her registration number inscribed thereon, in violation of Article 8 (1);
 - 2-2. A person who operates construction machinery without a registration number plate attached and sealed thereto, in violation of Article 8 (3);
 3. A person who hides or defaces his/her registration number plate, leaving his/her construction machinery unidentifiable, or operates construction machinery in such condition, in violation of Article 8 (4);
 4. A person who violates an order to have a registration number inscribed under Article 11;
 5. A person who operates construction machinery not meeting construction machinery safety standards on a road, or allows such construction machinery to be operated on any road, in violation of Article 12 (2);
 - 5-2. A person who refuses, obstructs, or evades an inspection or a request for submission of materials, in violation of Article 14 (11) or Article 20-5 (3);
 6. A person who fails to submit data concerning a contract related to a construction machinery lease, etc. without any just ground, in violation of Article 22-2 (2);
 7. A person who violates any of the obligations of construction machinery business entities referred to in Article 25-3;
 8. A person who drives construction machinery without receiving safety training, etc. under Article 31 (1).
- (3) Any of the following persons shall be subject to an administrative fine not exceeding 500,000 won:
<Amended by Act No. 11055, Sep. 16, 2011; Act No. 13468, Aug. 11, 2015; Act No. 13784, Jan. 19, 2016; Act No. 14534, Jan. 17, 2017; Act No. 14707, Mar. 21, 2017>
1. A person who operates construction machinery without attaching a temporary number plate, in violation of Article 4 (2);
 2. A person who fails to report or falsely reports under Article 5 (1) or (2);
 3. A person who fails to file an application for de-registration made under Article 6 (2), (3), or (5);
 4. A person who fails to report or falsely reports any alteration, in violation of Article 8-2 (3);
 5. A person who fails to surrender a registration number plate, in violation of Article 9;
 6. A person who fails to undergo a regular inspection conducted under Article 13 (1) 2;
 7. A person who maintains construction machinery in violation of Article 16-2;
 8. A person who fails to report under the proviso to Article 18 (2) or Article 18 (3) or (4);
 9. A person who fails to report or falsely reports under Article 24 (1);
 - 9-2. A person who fails to report or falsely reports under Article 24-2 (4);
 10. A person who fails to report or falsely reports under Article 25 (2);

11. A person who fails to report or falsely reports the change of reasons for de-registration pursuant to Article 25-2 (3);

12. A person who places construction machinery on any road or empty lot, in violation of Article 33 (2).
(4) Administrative fines in paragraphs (1) through (3) shall be imposed and collected by the Minister of Land, Infrastructure and Transport, the Mayors/Do Governors, or the heads of Sis/Guns/Gus, as prescribed by Presidential Decree. <Amended by Act No. 11361, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1994.

Article 2 (Transitional Measures concerning Registered Heavy Machines)

(1) Heavy machines registered under the previous provisions as at the time this Act enters into force shall be deemed construction machinery registered under Article 3 (1).

(2) A heavy machine registration certificate issued under the previous provisions as at the time this Act enters into force shall be deemed a construction machinery registration certificate issued under Article 3 (3).

Article 3 (Transitional Measures concerning Heavy Machine Inspections)

A heavy machine inspection conducted under the previous provisions of Article 12 (1) as at the time this Act enters into force shall be deemed a construction machinery inspection under Article 13 (1) and a heavy machine inspection certificate issued under the previous provisions of Article 12 (3) shall be deemed a construction machinery inspection certificate or certificate of construction machine operational situation record issued under Article 13 (4).

Article 4 (Transitional Measures concerning Acting Heavy Machine Inspection Agents)

A person who has been designated as an acting heavy machine agent under the previous provisions of Article 12-2 (1) as at the time this Act enters into force shall be deemed to have been designated as an acting inspection agent under Article 14 (1).

Article 5 (Transitional Measures concerning Type Approval of Heavy Machines)

(1) A person who has obtained the type approval to make and assemble heavy machines under the previous provisions of Article 13 (2) as at the time this Act enters into force shall be deemed a person to have obtained the type approval to manufacture and assemble construction machines under Article 18 (1).

(2) Heavy machines that have undergone confirmation inspection under the previous Article 13 (3) as at the time this Act enters into force, shall be deemed construction machines that have undergone confirmation inspection under Article 18 (4) of this Act.

Article 6 (Transitional Measures concerning Heavy Machine Entrepreneurs)

A person who has obtained permission for a heavy machine leasing business or heavy machine maintenance business under the previous provisions of Article 14 (1) as at the time this Act enters into

force shall be deemed a person to have reported a construction machinery rental business or construction machinery maintenance business under Article 21 (1).

Article 7 (Transitional Measures concerning Heavy Machine Operator's License)

(1) A person who has obtained a heavy machine operator's license under the previous provisions of Article 19 (1) as at the time this Act enters into force shall be deemed a person to have obtained the said construction machine operator's license under the main sentence of Article 26 (1).

(2) A person who has passed the aptitude test under the previous provisions of Article 19 (2) as at the time this Act enters into force shall be deemed to have passed the aptitude test under Article 26 (3).

(3) A person who has passed the regular aptitude test under the provisions of Article 22 as at the time of enforcement of this Act shall be deemed to have passed the regular aptitude test under Article 29.

Article 8 (Transitional Measures concerning Dispositions)

Except for Articles 2 through 7 of the Addenda, where administrative dispositions such as approvals, permissions, and orders, made under the previous provisions as at the time this Act enters into force contain the provisions corresponding to provisions in this Act, the said administrative dispositions shall be deemed to have been made under this Act.

Article 9 Omitted.

ADDENDA <Act No. 5303, Mar. 7, 1997>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 5453, Dec. 13, 1997>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

Article 2 Omitted.

ADDENDUM <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDA <Act No. 5728, Jan. 29, 1999>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 2 (1) 6 and Article 34-3 shall enter into force eight months after the date of its promulgation.

Article 2 (Transitional Measures concerning Penalty Provisions)

The application of penalties to an offense committed prior to the enforcement of this Act shall be governed by the previous provisions.

Article 3 Omitted.

ADDENDA <Act No. 5905, Feb. 8, 1999>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Suspension of Use of Construction Machines)

With respect to construction machines which were subjected to the disposition of suspension of use under the previous provisions of Article 34 prior to the entry into force of this Act, the previous provisions shall apply.

Article 3 (Transitional Measures concerning Penalty Provisions)

The application of penalties to an offense committed prior to the enforcement of this Act shall be governed by the previous provisions.

ADDENDA <Act No. 6069, Dec. 28, 1999>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Transitional Measures for Sealers of Registration Number Plates) A person who has been designated as a sealer of registration number plates under the previous provisions of Article 8-2 (1) as at the time of the enforcement of this Act shall be deemed to have been designated as a manufacturer of registration number plates under the amendments to Article 8-2 (1).

(3) (Transitional Measures concerning Penalty Provisions and Administrative Fines) In applying the penalty provisions and the administrative fines against the offenses prior to the enforcement of this Act, the previous provisions shall govern.

ADDENDA <Act No. 6363, Jan. 16, 2001>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: Provided, That the amendments to Articles 16, 37, 40, and 44 (1) 8 shall enter into force on January 1, 2002.

(2) (Transitional Measures concerning Penalty Provisions and Administrative Fines) In applying the penalty provisions and administrative fines against the acts committed prior to the enforcement of this Act, the previous provisions shall govern.

ADDENDA <Act No. 7545, May 31, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 8 Omitted.

ADDENDA <Act No. 8336, Apr. 6, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation: Provided, That the amended provisions of Article 13 (1) 2 shall enter into force one year after the date of its promulgation.

Article 2 (Transitional Measures concerning Former Construction Machinery Business Entities)

Any construction machinery business entity who has submitted a report to a Mayor/Do Governor pursuant to the previous provisions before this Act enters into force shall be deemed the construction machinery business entity who registers his/her construction machinery business pursuant to the amended provisions of this Act.

Article 3 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

The application of the penalty provisions and administrative fines to the acts committed before this Act enters into force shall be governed by the previous provisions.

ADDENDA <Act No. 8369, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Articles 2 through 16 Omitted.

ADDENDA <Act No. 8404, Apr. 27, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 14 Omitted.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 8980, Mar. 21, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on July 14, 2008.

Articles 2 through 8 Omitted.

ADDENDUM <Act No. 9188, Dec. 26, 2008>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 9770, Jun. 9, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2010. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9850, Dec. 29, 2009>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 43 shall enter into force on the date of its promulgation.

(2) (Transitional Measures concerning Penalty Provisions and Administrative Fines) In applying penalty provisions (excluding joint penalty provisions under Article 43) and administrative fines to any acts committed before this Act enters into force, the previous provisions shall govern.

ADDENDA <Act No. 11055, Sep. 16, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force one year and six months after its promulgation: Provided, That the amended provisions of Article 3-2 shall enter into force three months after the promulgation.

Article 2 (Applicability to Supply of and Demand for Construction Machinery)

The amended provisions of Article 3-2 shall apply to adjusting supply of and demand for construction machinery on and after this Act enters into force.

Article 3 (Applicability to Correction of Manufacturing Defects)

The amended provisions of Article 20-2 shall apply to construction machinery which is first manufactured, etc. for sale on and after this Act enters into force.

Article 4 (Transitional Measures concerning Penalty Provisions and Administrative Fines against Offenses)

The application of penalty provisions and administrative fines to offenses committed before this Act enters into force shall be governed by the previous provisions.

Article 5 (Temporary Exemption from Obligation to Report Performance of Exportation)

Notwithstanding Article 6 (3), when the revocation of registration is requested pursuant to Article 6 (1) 6 during a period from the date on which this Act is promulgated to December 31, 2013, the performance or non-performance of exportation may not be reported.

ADDENDA <Act No. 11361, Feb. 22, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force one year after its promulgation: Provided, That the amended provisions of Articles 8, 41 and 44 shall enter into force on the date of the promulgation, whereas the amended provisions of subparagraphs 2 and 4 of Article 27, shall enter into force three months after

promulgation.

Article 2 (Transitional Measures concerning Dispositions Following Previous Acts)

Administrative dispositions or other acts issued or conducted by administrative agencies, or registrations or reports or other acts filed with or conducted for administrative agencies pursuant to the previous Articles 21 (1), 24, 25 (3), 26 (1), 28, 30, 35 and 36 as at the time this Act enters into force shall be deemed acts conducted by or for administrative agencies or under this Act in correspondence thereto.

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

- (1) This Act shall enter into force on the date of promulgation.
- (2) Omitted.

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 11919, Jul. 16, 2013>

This Act shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 12373, Jan. 28, 2014>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 12966, Jan. 6, 2015>

This Act shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 13468, Aug. 11, 2015>

This Act shall enter into on the date of its promulgation: Provided, That the amended provisions of Articles 6 and 44 shall enter into force one year after the date of its promulgation.

ADDENDA <Act No. 13784, Jan. 19, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 30 and 35-2, subparagraph 4 of Article 36, Articles 39-3 and 44 (3) 11 shall enter into force on the date of its promulgation.

Article 2 (Applicability to Reports on Transfer or Acquisition of Construction Machinery Business)

The amended provisions of Article 24-2 shall apply to a person who succeeds to the status of a construction machinery business entity by transfer and acquisition, etc., on or after this Act enters into force.

Article 3 (Transitional Measures concerning Administrative Dispositions on Manufacturers of Registration Number Plates)

Notwithstanding the amended provisions of Article 8-2 (5), administrative dispositions against acts committed before this Act enters into force shall be governed by the previous provisions.

Article 4 (Transitional Measures concerning Change of Disposition Authority)

Dispositions for revocation of registration of construction machinery business and dispositions for business suspension imposed by a Mayor/Do Governor under the previous provisions before the amended provisions of Article 35-2 enter into force shall be deemed imposed by the head of a Si/Gun/Gu under the same amended provisions.

ADDENDA <Act No. 14476, Dec. 27, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

Article 2 through 5 Omitted.

ADDENDA <Act No. 14534, Jan. 17, 2017>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Article 2 (Applicability to Export of Construction Machinery Requested to Be Dismantled)

The amended provisions of Article 25-2 (2) shall apply beginning with the first construction machinery exported or sold to an exporter after filing an export declaration, after this Act enters into force.

Article 3 (Transitional Measures concerning Registration of Construction Machinery Dismantling Business)

The construction machinery discarding business registered under the previous provisions as at the time this Act enters into force shall be deemed registered as construction machinery dismantling and recycling business under this Act.

ADDENDA <Act No. 14707, Mar. 21, 2017>

Article 1 (Enforcement Date)

This Act shall enter into force one month after the date of its promulgation: Provided, That the amended provisions of Article 6 and Article 6 of the Construction Machinery Management Act (Act No. 14534) shall enter into force on January 18, 2018.

Article 2 (Applicability to Legal Fiction of Acceptance of Reports, Such as Changes in Registered Matters of Construction Machinery)

The amended provisions of Article 5 (3), (5) and (6), 8-2 (4) and (5), 18 (5) and (6), 24 (2) and (3), or 24-2 (5) and (6) shall apply, beginning with a report on changes in registered matters of construction machinery, a report on changes in matters pertaining to the designation of a manufacturer of registration

number plates is filed, or a report on a type of construction machinery or a change therein, an import declaration of the same type of construction machinery, a report on change of construction machinery business entity, or a report on the succession of the status of a construction machinery business entity, after this Act enters into force.

ADDENDUM <Act No. 14847, Aug. 9, 2017>

This Act shall enter into force on January 18, 2018: Provided, That the amended provisions of Article 38-2 shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 15778, Sep. 18, 2018>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 6, 20-3, and 31, subparagraphs 6-2 and 9-3 of Article 37 (1), Article 38 (2) (limited to the precision diagnosis performed by the Minister of Land, Infrastructure and Transport under the proviso to Article 20-3 (2)), subparagraphs 7 and 8 of Article 41, and Article 44 (2) 8 shall enter into force one year after the date of the promulgation.

ADDENDUM <Act No. 16134, Dec. 31, 2018>

This Act shall enter into force on the date of its promulgation.

Last updated : 2020-06-18