

Law Viewer

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

CHAPTER I GENERAL PROVISIONS

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 approval of form of construction machinery, construction machinery business, construction machinery operator's license, etc.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 2 (Definitions, etc.)

(1)The definitions of terms used in this Act shall be as follows: <Amended by Act No. 11690, Mar. 23, 2013>

- 1.The term "construction machinery" means machinery that can be used for construction works, which is prescribed by Presidential Decree;
- 2.The term "construction machinery business" means construction machinery rental business, construction machinery maintenance business, construction machinery sales business, and construction machinery dismantlement business;

3. The term "construction machinery rental business" means business of leasing construction machinery;
4. 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;
5. 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;
6. The term "construction machinery discarding business" means business of dismantling, pressing, crushing, cutting, or melting (hereinafter referred to as "discarding") the apparatus of construction machinery prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport so that they can no more maintain their performance;
7. 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;
8. The term "form of construction machinery" means standardized form 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.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 2 (Definitions, etc.)

(1) The definitions of terms used in this Act shall be 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 melting the apparatus of construction machinery prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport so that they can no more maintain their performance;
3. The term "construction machinery business" means construction machinery rental business, construction machinery maintenance business, construction machinery sales business, and construction machinery dismantling 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 construction machinery requested to discard, collecting reusable parts, and filing an application for discarding and for the cancellation of registration by proxy;
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 "form of construction machinery" means standardized form 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.
- [This Article Wholly Amended by Act No. 9850, Dec. 29, 2009] <<Enforcement Date: Jan. 18, 2018>> Article 2

CHAPTER II REGISTRATION OF CONSTRUCTION MACHINERY

Article 3 (Registration, etc.)

- (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 a Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor, or Special Self-Governing Province Governor (hereinafter referred to as "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.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

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

- (1) Notwithstanding Article 3, the Minister of Land, Infrastructure and Transport may, in cases where it is deemed necessary to adjust demand for and supply of construction machinery, develop a demand and supply plan for construction machinery, which reflects the matters falling under each of the following subparagraphs, and then place restrictions on registration of construction machinery used for business for a specific period up to two years after going through the deliberation thereon by the Construction Machinery Demand and Supply Adjustment Committee provided for in Article 3-3: Provided, That when necessary, such period may be extended through the same procedure; <Amended by Act No. 11055, Sep. 16, 2011; Act No. 11690, Mar. 23, 2013>
1. Current trends and the prospect of the construction industry;
 2. Registration of construction machinery and trends in its operation;
 - 3.

Current trends and the prospect of the construction machinery rental market;

4. Other matters necessary to develop a plan for adjusting demand for and supply of construction machinery, which are prescribed by Presidential Decree.

(2) The Minister of Land, Infrastructure and Transport shall, in cases 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 notify the Mayor/Do Governor of the restrictions. The same shall apply where he/she intends to lift the restrictions. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Other necessary matters concerning procedures, etc. for developing a plan for demand for and supply of construction machinery and adjusting demand for and supply of construction machinery shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

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

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

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

(3) The chairperson of the Demand and Supply 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 learning and experience in the field of the construction machinery industry. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

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

[This Article Newly Inserted by Act No. 8336, Apr. 6, 2007]

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>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 5 (Reporting on Changes in Registered Matters)

(1) Where there are changes in the registered matters of construction machinery, the owner or possessor of such construction machinery shall report on such fact to the 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.

(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 related to the processing of 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>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 6 (Cancellation of Registration)

(1)Where registered construction machinery falls under any of the following subparagraphs, a Mayor/Do Governor may, upon application by its owner or ex officio, cancel the registration: Provided, That where such construction machinery falls under subparagraph 1 or 8 (limited to cases where such construction machinery is discarded under Article 34-2 (2)), he/she shall ex officio cancel the registration:

1. Where construction machinery is registered by fraud or other improper means;
2. Where construction machinery is no longer usable or has been destroyed due to a natural disaster or any accident, etc. corresponding thereto;
3. Where the chassis of construction machinery differs from that at the time of registration;
4. Where construction machinery fails to meet construction machinery safety standards prescribed in Article 12;
5. Where the owner is notified and fails to undergo a regular inspection by the designated date prescribed in Article 13 (5);
6. Where construction machinery is exported;
7. Where construction machinery is stolen;
8. Where construction machinery is discarded;
9. Where construction machinery is returned to its maker or its seller due to structural manufacturing defects thereof etc.;

10. Where construction machinery is used for educational and research purposes.

(2) Any owner of construction machinery shall file an application for the cancellation of registration with the Mayor/Do Governor as classified below: <Amended by Act No. 13468, Aug. 11, 2015>

1. Where any cause falling under any of paragraph (1) 2 and 8 (excluding cases falling under Article 34-2 (2)) through 10 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 the cancellation of registration prescribed in paragraph (1) with the Mayor/Do Governor before exportation. <Newly Inserted by Act No. 13468, Aug. 11, 2015>

(4) Each one who files an application for the cancellation of registration (including the owner of construction machinery who directly files an application for the cancellation of 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 the registration of such construction machinery was cancelled to the Mayor/Do Governor, and if he/she has failed to export such construction machinery, he/she shall request a construction machinery discarding business entity to discard 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. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 13468, Aug. 11, 2015>

(5) Where the Mayor/Do Governor intends to cancel registration prescribed in paragraph (1), he/she shall notify the owner of construction machinery and interested parties thereto of his/her intention in advance and shall not cancel registration until one month (three months where mortgage is created thereon) passes from such notification.

(6) When the Mayor/Do Governor intends to cancel registration 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 (5). <Newly Inserted by Act No. 11361, Feb. 22, 2012; Act No. 13468, Aug. 11, 2015>

(7) Procedures for the cancellation of registration under paragraph (1) and other necessary matters shall be 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>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 6 (Cancellation, etc. of Registration)

(1) Where registered construction machinery falls under any of the following subparagraphs, the Mayor/Do Governor may, upon application by its owner or ex officio, cancel the registration: Provided, That where such construction machinery falls

under subparagraph 1 or 8 (limited to cases where such construction machinery is discarded under Article 34-2 (2)), he/she shall ex officio cancel registration:

1. Where construction machinery is registered by fraud or other improper means;
2. Where construction machinery is no longer usable or has been destroyed due to a natural disaster or any accident, etc. corresponding thereto;
3. Where the chassis of construction machinery differs from that at the time of registration;
4. Where construction machinery fails to meet construction machinery safety standards prescribed in Article 12;
5. Where the owner is notified and fails to undergo a regular inspection by the designated date prescribed in Article 13 (5);
6. Where construction machinery is exported;
7. Where construction machinery is stolen;
8. Where construction machinery is discarded;
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 discard construction machinery;
10. Where construction machinery is returned to its maker or its seller due to structural manufacturing defects thereof etc.;
11. Where construction machinery is used for educational and research purposes.

(2) Any owner of construction machinery shall file an application for the cancellation of registration with the 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 the cancellation of registration prescribed in paragraph (1) with the Mayor/Do Governor before exportation.

(4) Each one who files an application for the cancellation of registration (including the owner of construction machinery who directly files an application for the cancellation of 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 the registration of such construction machinery was cancelled to the 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 discard 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 flaw in the matters stated therein and documents appended thereto and meets the formality requirements prescribed in

statues, 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 and 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") are linked with each other to verify whether export has occurred pursuant to paragraph (4), a report referred to in paragraph (4) shall be deemed filed, if the fact that an export declaration of construction machinery whose registration was cancelled for a reason set forth in paragraph (1) 6 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 the cancellation of registration under paragraph (1) with the 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 himself/herself applies for the cancellation of registration, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.
- (8) Where the Mayor/Do Governor intends to cancel registration pursuant to paragraph (1), he/she shall notify his/her intention to the owner of construction machinery and interested parties in advance and shall not cancel registration until one month (three months where mortgage is created thereon) passes from such notification.
- (9) When the Mayor/Do Governor intends to cancel registration *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 whose registration was cancelled, an application for new registration shall be filed, as prescribed by Article 3 (1). In such cases, if any mortgage, etc. was created in the construction machinery register as at the time the registration was cancelled, it shall be proved that the relevant relationship of rights and duties has been dissolved, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.
- (11) Procedures for the cancellation of registration under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport.

[This Article Wholly Amended by Act No. 14847, Aug. 9, 2017] <<Enforcement Date: Jan. 18, 2018>> Article 6

Article 7 (Keeping, etc. 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 the Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 8 (Marks of Registration, etc.)

- (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 the 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>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 8-2 (Designation, etc. 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 the Mayor/Do Governor.
- (2) Matters necessary for the standards for facilities and equipment to be equipped by manufacturers of registration number plates prescribed in paragraph (1) 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 the 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 the Mayor/Do Governor.
- (7) Where manufacturers of registration number plates fall under any of the following subparagraphs, a Mayors/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>

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.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

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 the Mayor/Do Governor as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That where registration is canceled 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).

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

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 the Mayor/Do Governor has been granted or orders of the Mayor/Do Governor under Article 11 have been issued, this shall not apply.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 11 (Orders to Inscribe Registration Numbers)

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

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 12 (Construction Machinery Safety Standards, etc.)

- (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>

[This Article Wholly Amended by Act No. 9188, Dec. 26, 2008]

CHAPTER III INSPECTION AND CHECKING OF CONSTRUCTION MACHINERY

Article 13 (Inspection, etc.)

- (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, the 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, the 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), the 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>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 14 (Vicarious Inspections, etc.)

- (1) The Minister of Land, Infrastructure and Transport may, if deemed necessary, designate a person with the facilities and technical capability for inspection of construction machinery to vicariously conduct all or part of inspection prescribed in Article 13. <Amended by Act No. 11690, Mar. 23, 2013>
- (2) Each one 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 subparagraphs, the Minister of Land, Infrastructure and Transport may revoke the designation or suspend all or part of 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 conducted an inspection of 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) Deleted. <by Act No. 13784, Jan. 19, 2016>

(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. 11690, Mar. 23, 2013; 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.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 15 (Reissuance, etc. 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>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 17 (Alteration, etc. of Structure of Construction Machinery)

(1) Where an owner of construction machinery intends to alter or remodel a principal structure of registered construction machinery, he/she shall do so in conformity with construction machinery safety standards.

(2) The extent of 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>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 17 (Alteration, etc. 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>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009] <<Enforcement Date: Jan. 18, 2018>> Article 17

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.

[This Article Newly Inserted by Act No. 14847, Aug. 9, 2017] <<Enforcement Date: Jan. 18, 2018>> Article 17-2

CHAPTER IV APPROVAL OF FORM OF CONSTRUCTION MACHINERY

Article 18 (Approval, etc. of Form 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 approval of form 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 form 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 approval of form or submitted a report on the form prescribed in paragraph (2) intends to alter matters concerning such form, he/she shall obtain approval from the Minister of Land, Infrastructure and Transport with regard to matters concerning the approval of form, and he/she shall report to the Minister of Land, Infrastructure and Transport with regard to matters concerning the report on form: 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 form as that for which approval of form has already been obtained or on which reporting on form has already been made as prescribed in paragraph (2) or (3), shall report such form 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 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>
- (7) Where the Minister of Land, Infrastructure and Transport acknowledges that matters need to be improved for the enhancement of the efficiency and safety of construction machinery among forms of construction machinery, he/she may grant form-approval prescribed in paragraph (2) or (3) on condition of such improvement. <Amended by Act No. 11690, Mar. 23, 2013>
- (8) Notwithstanding paragraphs (2) and (3), a person who intends to manufacture, etc. construction machinery for the purposes of research and development, or exportation may neither obtain approval of form nor make a report on form. <Newly Inserted by Act No. 11361, Feb. 22, 2012>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 19 (Confirmation Inspection, etc. of Construction Machinery)

- (1) Where a person falling under any of the following subparagraphs 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 approval of form of construction machinery as prescribed in Article 18 (2) or (3);
 2. A person who has submitted a report on form as prescribed in Article 18 (4) in order to import construction machinery in the same form as that for which approval of form has been obtained.
- (2) Where a person who has submitted a report on form of construction machinery pursuant to Article 18 (2) or (3), or a person who has submitted a report on form pursuant to Article 18 (4) in order to import construction machinery in the same form as that for which a report on form has been submitted, 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 had a confirmation inspection under paragraph (1) or (2) shall be deemed to have had a confirmation inspection under paragraph (1) or (2) and a new registration inspection under Article 13 (1) 1.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

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

- (1) A person who has obtained approval of or submitted a report on the form 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 the maintenance of construction machinery and providing technology and educational data on maintenance and inspection with respect to 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 follow-up services provided 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 prescribed in Article 21;
3. Where he/she uses facilities, etc., equipped with by any other manufacturer, etc., prescribed in 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>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

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>

[This Article Newly Inserted by Act No. 11055, Sep. 16, 2011]

CHAPTER V CONSTRUCTION MACHINERY BUSINESS

Article 21 (Registration, etc. 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. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 22 (Contracts to Lease Construction Machinery, etc.)

- (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.
- (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>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 22-2 (Fact-Finding Investigations, etc. of Contracts to Lease, etc. 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>

[This Article Newly Inserted by Act No. 12373, Jan. 28, 2014]

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

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

- (1)A person who has registered construction machinery business under Article 21 (1) (hereinafter referred to as "construction machinery business entity") shall, in cases where reported matters are changed, such business is commenced, suspended, or discontinued, or the suspended business is reopened, 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. 11361, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>
- (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 related to the processing of 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>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 24-2 (Reports on Transfer, Acquisition, etc. 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>

[This Article Newly Inserted by Act No. 13784, Jan. 19, 2016]

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>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

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>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 25-2 (Discardment of Construction Machinery)

- (1) A person who has registered construction machinery discarding business pursuant to Article 21 (hereinafter referred to as "construction machinery discarding business entity") shall, when requested to discard construction machinery by construction machinery owners or by the Mayor/Do Governor, take over the relevant construction machinery and the registration number plate thereof and then issue a document evidencing such fact.
- (2) A construction machinery discarding business entity shall, when taking over construction machinery and the registration number plate thereof pursuant to paragraph (1), dispose of the registration number plate by the method of cutting after discarding the relevant construction machinery.
- (3) A construction machinery discarding business entity shall pay the balance of subtraction of expenses incurred in dismantlement from the value amount of construction machinery to the owner of the construction machinery as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport: Provided, That when expenses for discardment exceed the value amount of the construction machinery intended to be discarded, he/she may receive the excessive expenses from the owner of the construction machinery, as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Newly Inserted by Act No. 11055, Sep. 16, 2011]

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 cancelling registration with the Mayor/Do Governor who has cancelled the 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.

[This Article Newly Inserted by Act No. 14534, Jan. 17, 2017] <<Enforcement Date: Jan. 18, 2018>> Article 25-2

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 construct as prescribed by Ordinance of the Ministry of Land, Infrastructure and Transport. <Amended by Act No. 11690, Mar. 23, 2013>
- (4) A construction machinery dismantlement business entity who is requested to dismantle construction machinery shall, when the construction machinery falls under any of the following subparagraphs, not dismantle the construction machinery:
 1. When construction machinery is seized or mortgaged: Provided, That such construction

- machinery may be dismantled when an interested person submits a deed of cancellation of seizure or mortgage along with a certificate of his/her seal impression;
2. When matters registered are different from matters indicated in the construction machinery registration ledger.

[This Article Newly Inserted by Act No. 11055, Sep. 16, 2011]

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.

[This Article Newly Inserted by Act No. 11055, Sep. 16, 2011] <<Enforcement Date: Jan. 18, 2018>> Article 25-3

CHAPTER VI CONSTRUCTION MACHINERY OPERATOR'S LICENSE

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>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

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.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 27-2 (Matters to be Observed by Construction Machinery Operators)

- (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 under the influence of alcohol or drugs. <Amended by Act No. 11361, Feb. 22, 2012>

(2) Standards for a state of intoxication and the kinds of prohibited drugs, etc. referred to in paragraph (1) and the methods of testing them shall be governed by the Road Traffic Act.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

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

Where a construction machinery operator falls under any of the following subparagraphs, 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 by specifying 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 or 2, such construction machinery operator's license shall be revoked: <Amended by Act No. 11361, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>

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 the period of suspension of the 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 during the operation of 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 operates his/her construction machinery in a state of intoxication or narcotic influence, in violation of Article 27-2.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 29 Deleted. <by Act No. 6069, Dec. 28, 1999>

Article 30 Deleted. <by Act No. 13784, Jan. 19, 2016>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

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 licences for private taxi business provided for in Article 4 of the Passenger Transport Service Act. <Amended by Act No. 11690, Mar. 23, 2013>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 31 Deleted. <by Act No. 6069, Dec. 28, 1999>

CHAPTER VII ORGANIZATION OF CONSTRUCTION MACHINERY BUSINESS ENTITIES

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.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

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.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

CHAPTER VIII SUPPLEMENTARY PROVISIONS

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>

[This Article Wholly Amended by Act No. 5728, Jan. 29, 1999]

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.

[This Article Newly Inserted by Act No. 13468, Aug. 11, 2015]

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).

[This Article Newly Inserted by Act No. 13468, Aug. 11, 2015]

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

- (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>

[This Article Newly Inserted by Act No. 12373, Jan. 28, 2014]

Article 34-2 (Compulsory Measures, etc. for Construction Machinery)

- (1) Where an owner or possessor of construction machinery performs any act prohibited under Article 33 (3), the 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, the 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, the 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, the 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.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

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

Article 35 (Reporting, Inspections, etc.)

- (1) The Minister of Land, Infrastructure and Transport, Mayors/Do Governors or heads of Sis/Guns/Gus may have a person who falls under any of the following subparagraphs report on his/her facilities or business, or have public officials under his/her control enter the places of business, construction sites, offices or construction machinery to inspect books, papers, construction machinery or other things or ask questions to the persons concerned: <Amended by Act No. 11361, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>
 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) 10.
- (2) Public officials who inspect or query under paragraph (1) shall carry a certificate indicating their authority and present it to the persons concerned.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 35 (Reporting, Inspections, etc.)

(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.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009] <<Enforcement Date: Jan. 18, 2018>> Article 35

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

(1)When a construction machinery business entity falls under any of the following subparagraphs, the head of a Si/Gun/Gu may revoke the relevant registration or order the suspension of all or some of the business for a fixed period up to six months: Provided, That when 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>

- 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;
- 3.When a construction machinery business entity fails to meet the criteria for registration referred to in Article 21 (2);
- 4.When a construction machinery business entity fails to make a report for change or makes a false report, in violation of Article 24 (1);
- 5.When a construction machinery business entity conducts business during the period for 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 whose registration 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 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>

[This Article Newly Inserted by Act No. 11055, Sep. 16, 2011]

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.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 37 (Fees)

(1)A person who falls under any of the following subparagraphs shall pay the fees 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>

- 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 the revocation of registration under Article 6;
- 4.A person who files an application for the issuance or inspection of 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 approval of form, approval of alteration of the form, confirmation inspection, or submits a report on form or a report on alteration of the form under Article 18 or 19;
- 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);
- 10.A person who files an application for reissuance of a construction machinery registration certificate, a construction machinery inspection certificate, a construction machinery business registration certificate, a construction machinery operator's licence, etc.

(2)Fees referred to in paragraph (1) shall be paid with revenue stamps or revenue certification stamps, or with electronic money or by such methods as electronic payment referred to in Article 14 of the Electronic Government Act. <Amended by Act No. 11361, Feb. 22, 2012>

(3)Notwithstanding paragraph (2), the following persons shall pay in cash the fees under paragraph (1) to an inspection agent, or a person entrusted with approval of form, etc.:

1. A person who files an application for an inspection with an inspection agent;
2. A person who files an application for approval of form, approval of alteration of the form, or confirmation inspection, or submits a report on form or a report on alteration of the form to a person entrusted with such business under Article 38 (2).

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 38 (Delegation and Entrustment of Authority)

- (1) Part of authority of the Minister of Land, Infrastructure and Transport as provided for in this Act may be 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 approving forms, receiving a report on form, approving alteration of form, receiving reports on alteration of form, conducting a confirmation inspection under Article 19, managing the careers of construction machinery operators under Article 30-2, and installing and operating of 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>
 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, Etc.;
 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.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 38-2 (Legal Fiction as Public Official in Application 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 in application of penalty provisions pursuant to Articles 129 through 132 of the Criminal Act.

[This Article Newly Inserted by Act No. 14847, Aug. 9, 2017]

Article 39 (Relationship with other Acts)

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

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

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>

[This Article Newly Inserted by Act No. 11361, Feb. 22, 2012]

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: January 1, 2016.

[This Article Newly Inserted by Act No. 13784, Jan. 19, 2016]

CHAPTER IX PENALTY PROVISIONS

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>

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 the Mayor/Do Governor, in violation of Article 8-2 (1);
- 3-2. 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).

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

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 the Mayor/Do Governor, in violation of Article 8-2 (1);
- 3-A person who alters or remodels the principal structure of construction machinery or 2. the principal system, such as engine, transmission, or braking system, in violation of Article 17;
- 3-A person who uses or operates any construction machinery dismantled without 3. 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).

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009] <<Enforcement Date: Jan. 18, 2018>> Article 40

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>

1. A person who operates or uses construction machinery for sale, in violation of Article 25 (1);
- 1- A person who refuses to issue documents evidencing the takeover of dismantlement or 2. issues false documents, in violation of Article 25-2 (1);
- 1-A person who fails to dismantle construction machinery requested to be dismantled or 3. fails to dispose of registration number plates, in violation of Article 25-2 (2);
2. A person who operates construction machinery without obtaining a construction machinery operator's license prescribed in the main sentence of Article 26 (1);
- 2- A person who acquires a construction machinery operator's license referred to in 2. Article 26 by fraudulent or other illegal means;
- 2-A person who issues false evidential documents regarding the completion of 3. educational courses on the operation of small construction machinery referred to in

Article 26 (4);

3.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;

4.A person who abandons construction machinery on any road or other's land, in violation of Article 33 (3);

5.and 6. Deleted. <by Act No. 11055, Sep. 16, 2011>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 42 (Penalty Provisions)

Any person who falls under any of the following subparagraphs shall be punished by a fine not exceeding one million won:

1.A person who deletes a registration number or makes it hard to identify, in violation of the provisions of Article 10;

2.A person who fails to undergo an inspection for alteration of structure or an occasional inspection under Article 13 (1);

3.A person who fails to comply with a maintenance order under Article 13 (7);

4.A person who manufactures, etc. construction machinery without obtaining approval of form or of alteration thereof, or undergoing confirmation inspection under the main sentence of Article 18 (2), 18 (3), or 19 (1);

5.A person who fails to comply with an order for follow-up services under Article 20 (3).

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

Article 43 (Joint Penalty Provisions)

When the representative of a corporation, or an agent or employee of, or other persons employed by, a corporation or an individual commits any violations described in Articles 40 through 42 in connection with the business affairs of the corporation or individual, not only shall such violator be punished, but also the corporation or individual shall be punished by a fine prescribed in the relevant Article: Provided, That this shall not apply to cases where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business affairs to prevent such violations.

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

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>

1.A person who fails to prepare a construction machinery lease contract, in violation of Article 22 (1);

2.A person who fails to report facilities or duties prescribed in Article 35 (1) or submits a false report thereon;

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>

1.A person who fails to report the exportation of his/her construction machinery or fails to dismantle his/her construction machinery or to register his/her construction machinery, in violation of Article 6 (4);

2. A person who fails to attach and seal his/her registration number plate or to have his/her registration number inscribed thereon, in violation of Article 8 (1);
 - 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 such construction machinery, 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 roads, or allows such construction machinery to operate on any road, in violation of Article 12 (2);
 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 the obligations of construction machinery business entities referred to in Article 25-3.
- (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. 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 submits a false report prescribed in Article 5 (1) or (2);
 3. A person who fails to file an application to revoke registration made under Article 6 (2) or (3);
 4. A person who fails to submit a report on alteration or submits a false report on 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 submit a report made under the proviso to Article 18 (2), (3), or (4);
 9. A person who fails to submit a report made under Article 24 (1) or submits a false report;
 - 9- A person who fails to submit a report made under Article 24-2 (4) or submits a false report;
 10. A person who fails to submit a report made under Article 25 (2) or submits a false report;
 11. Deleted; <by Act No. 13784, Jan. 19, 2016>
 12. A person who places construction machinery on any road or empty lot, in violation of Article 33 (2).
- (4) Administrative fines prescribed in paragraphs (1) through (3) shall be imposed and collected by the Minister of Land, Infrastructure and Transport, Mayors/Do Governors, or heads of Sis/Guns/Gus, as determined by Presidential Decree. <Amended by Act No. 11361, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>
- [This Article Wholly Amended by Act No. 9850, Dec. 29, 2009]

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>
1. A person who fails to prepare a construction machinery lease contract, in violation of Article 22 (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>
1. A person who fails to report the exportation of his/her construction machinery or fails to discard 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- 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 such construction machinery, 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 roads, or allows such construction machinery to operate on any road, in violation of Article 12 (2);
 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 the obligations of construction machinery business entities referred to in Article 25-3.
- (3) Any of the following persons shall be punished by 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 cancelling 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 submit a report made under the proviso to Article 18 (2), (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 cancelling 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 prescribed 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>

[This Article Wholly Amended by Act No. 9850, Dec. 29, 2009] <<Enforcement Date: Jan. 1, 2018>> Article 44

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Registered Heavy Machines, etc.)

- (1) Heavy machines registered under the previous provisions at the time of enforcement of this Act shall be deemed construction machinery registered under Article 3 (1).
- (2) A heavy machine registration certificate issued under the previous provisions at the time of enforcement of this Act shall be deemed a construction machinery registration certificate issued under Article 3 (3).

Article 3 (Transitional Measures concerning Heavy Machine Inspection, etc.)

A heavy machine inspection conducted under the previous provisions of Article 12 (1) at the time of enforcement of this Act 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 Agent)

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

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

- (1) A person who has obtained the form approval to make and assemble heavy machines under the previous provisions of Article 13 (2) at the time of enforcement of this Act shall be deemed a person to have obtained the form approval to manufacture and assemble construction machines under Article 18 (1).
- (2) At the time of enforcement of this Act, heavy machines that have undergone confirmation inspection under the previous Article 13 (3) 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) at the time of enforcement of this Act 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, etc.)

(1) A person who has obtained a heavy machine operator's license under the previous provisions of Article 19 (1) at the time of enforcement of this Act 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) at the time of enforcement of this Act 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 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, etc.)

Except for Articles 2 through 7 of the Addenda, in cases where administrative dispositions such as approvals, permissions, and orders, made under the previous provisions at the time of enforcement of this Act 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) 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 the 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 Demand and Supply of Construction Machinery)

The amended provisions of Article 3-2 shall apply to adjustment of demand and supply of 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, where as 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, etc. 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 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, Acquisition, etc. 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 Disposition 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 the 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 the form of construction machinery or a change therein, an import declaration of the same-form 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.

