

# HIGH-PRESSURE GAS SAFETY CONTROL ACT

Wholly Amended by Act No. 3703, Dec. 31, 1983

Amended by Act No. 4541, Mar. 6, 1993

Act No. 4625, Dec. 27, 1993

Act No. 4966, Aug. 4, 1995

Act No. 5184, Dec. 12, 1996

## Article 1 (Purpose)

The purpose of this Act is to provide matters pertaining to the production, storage, sale, transportation and use of high-pressure gases as well as the manufacture and inspection of containers, refrigerators and specified equipment for high-pressure gases in order to prevent hazards due to highpressure gas and to secure the public safety.

## Article 2 (Scope of Application)

The types and scope of high-pressure gases under this Act shall be provided by the Presidential Decree.

## Article 3 (Definitions)

For the purpose of this Act, *<Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>*

1. the term “storage place” means a fixed place where high-pressure gas of not less than the amount provided by the Ordinance of the Ministry of Trade, Industry and Energy is stored in containers or in storage tanks;
2. the term “container” means a transportable thing (including accessories) for filling with high-pressure gas;
3. the term “storage tank” means a thing attached to a fixed location for storage of high-pressure gas;
4. the term “refrigerator” means a piece of equipment which uses highpressure gas for freezing and has a freezing capacity not lower than that provided by Ordinance of the Ministry of Trade, Industry and Energy; and
5. the term “specified equipment” means a storage tank or a piece of equipment for high-pressure gas provided by the Ordinance of the Ministry of Trade, Industry and Energy.

## Article 4 (High-Pressure Gas Production Permission, etc.)

(1) A person who intends to produce (including the filling of containers; the same applies hereinafter) high-pressure gases (hereinafter referred to as “high-pressure gas producer”) shall obtain permission for each production place from the Seoul Special Metropolitan City Mayor, the Metropolitan City Mayor or Do governor (hereinafter referred to as the “Mayor/ Do governor”). The same shall apply when there is to

be any change in important matters provided by the Ordinance of the Ministry of Trade, Industry and Energy which are included among the permitted matters. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>

(2) Regardless of the provisions of paragraph (1), the high-pressure gas producer of a type and scale smaller than that provided by the Presidential Decree shall make a report to the Mayor/Do governor according to the Ordinance of the Ministry of Trade, Industry and Energy. The same shall apply when there is to be any change in important matters provided by the Ordinance of the Ministry of Trade, Industry and Energy which are included among the permitted matters. <Newly Inserted by Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>

(3) A person who intends to set up a storage place (hereinafter referred to as a “high-pressure gas storer”) or to sell high-pressure gas (hereinafter referred to as a “high-pressure gas seller”) shall obtain permission for each storage place or store from the head of Si/Gun/Gu (the head of autonomous Gu; the same applies hereinafter). The same shall apply when there is to be any change in important matters provided by the Ordinance of the Ministry of Trade, Industry and Energy which are included among the permitted matters. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>

(4) The class, standards and scope of the permission under the provisions of the above paragraphs (1) and (3) shall be provided by the Presidential Decree; the facility standards and technical standards necessary for the production, storage and sale of high-pressure gas shall be provided by the Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>

(5) The authorities granted the permission or received the report under the provisions of paragraphs (1) through (3) shall notify the chief of the competent fire station of the contents of the permission or the report within 7 days. <Amended by Act No. 4625, Dec. 27, 1993>

#### **Article 5 (Manufacturing Permission, etc., for Containers, Refrigerators and Specified Equipment)**

(1) A person who intends to manufacture containers, refrigerators or specified equipment (hereinafter referred to as “containers, etc.”) shall obtain the permission of the Mayor/Do governor. The same requirement shall apply when there is to be any change in important matters provided by the Ordinance of the Ministry of Trade, Industry and Energy which are included among the permitted matters. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>

(2) The standards and the scope of the permission under the provisions of paragraph (1) shall be provided by the Presidential Decree; the facility standards and technical standards necessary for manufacturing containers, etc., shall be provided by the Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>

(3) When the owner or the possessor of containers, etc., intends to repair them, he shall have the containers, etc., repaired by a person qualified to do such repairs.

(4) The standards for repair of containers, etc., and the qualifications and scope of repairs permitted by the person who may repair containers etc. shall be provided by the Ordinance of the Ministry of Trade,

Industry and Energy. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>

#### **Article 5-2 (Registration of Importers of High-Pressure Gas)**

(1) A person who intends to manage a high-pressure gas importing business provided by the Ordinance of the Ministry of Trade, Industry and Energy shall register with the Mayor/Do governor. The same shall apply when there is to be any change in important matters provided by the Ordinance of the Ministry of Trade, Industry and Energy which are included among the registered matters.

(2) The facility standards and other matters necessary for the registration as prescribed in the above paragraph (1) shall be provided by the Ordinance of the Ministry of Trade, Industry and Energy.

#### **Article 6 (Disqualification)**

Any person who falls under any of the following subparagraphs shall be disqualified from permission under the provisions of Article 4 or 5: Provided, That this shall not apply to the high-pressure gas producer provided by the Presidential Decree and the high-pressure gas storer:

1. A person declared legally incompetent or quasi-incompetent;
2. A person who was adjudicated bankrupt and has not yet had his rights restored;
3. A person who violated this Act, was sentenced to imprisonment or heavier punishment and for whom 2 years have not passed from the date when he finished or was relieved from the execution thereof;
4. A person who violated this Act, was granted a suspended sentence and is still on probation;
5. A person for whom 2 years have not passed from the date when his permission was revoked under the provisions of Article 9; or
6. A juristic person whose representative falls under any of subparagraphs 1 through 5.

#### **Article 7 (Report of Commencement, etc. of Business)**

When a person who has obtained the permission or made the report under the provisions of Article 4 or 5, or registered under the provisions of Article 5-2 (hereinafter referred to as “business operated, etc.”) intends to commence, to close or to suspend his business or the use of his storage place, he shall, in conformity with the Ordinance of the Ministry of Trade, Industry and Energy, make a report to the authorities which granted the permission (hereinafter referred to as “permission authorities”) or the authorities which received the report (hereinafter referred to as “report authorities”) under the provisions of Article 4 or 5, or the authorities which received the registration as provided in Article 5-2 (hereinafter referred to as “registration authorities”) in advance. The same requirement shall apply in the event that he intends to resume the suspended business or the use of the storage place. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>

#### **Article 8 (Succession)**

(1) In the event that a business operator, etc., transfers his business or storage place or dies, and there is a merger of the business operators as a juristic person the transferee of the business or storage place, the successor thereof or the juristic person existent after the merger or newly organized by the merger succeeds to the status of business operator, etc..

(2) A person who has succeeded to the status of business operator, etc., in accordance with the Ordinance of the Ministry of Trade, Industry and Energy shall make a report to the permission authorities, the report authorities or the registration authorities. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>

(3) The provisions of Article 6 shall apply mutatis mutandis to the successor as provided in the above paragraph (1). In this case, the word “permission” shall be read as “succession.”

#### **Article 9 (Revocation etc., of Permission or Registration)**

When a business operator, etc., falls under any of the following subparagraphs, the permission authorities or the registration authorities may revoke the permission or registration, or may order him to suspend or to restrict his business or the use of his storage place for a specified period of not exceeding 6 months: <Amended by Act No. 4966, Aug. 4, 1995>

1. When he has violated this Act or an order issued under this Act;
2. When he has, without a justifiable reason, failed to commence his business or the use of his storage place within a year from the permission date or has suspended the same for an uninterrupted period of not less than a year;
3. When he has caused significant hazards to the public or consumers by intention or by negligence; or
4. When he falls under any of the subparagraphs of Article 6: Provided, That this shall not apply when the representative of a juristic person who falls under any of the subparagraphs of Article 6 has been replaced within 3 months.

#### **Article 9-2 (Imposing of penalty)**

(1) The permission or the registration authorities which shall issue a suspension or restriction order for a business or the use of a storage place as provided in Article 9 may instead impose a penalty not exceeding 20,000,000 won. <Amended by Act No. 4966, Aug. 4, 1995>

(2) Types of violations, amounts of penalties in accordance with the gravity of the violation and other necessary matters for imposing of a penalty as provided in paragraph (1) shall be provided by the Presidential Decree.

(3) When a business operator has failed to pay the penalty by the due date, the permission authorities or the registration authorities shall collect the penalty in accordance with the example of disposition for local taxes in arrears. <Amended by Act No. 4966, Aug. 4, 1995>

#### **Article 9-3 (Hearing)**

When a measure is taken to revoke the permission or registration, or to suspend or to restrict the business or the use as provided in Article 9 or to impose a penalty as provided in Article 9-2, the permission authorities or the registration authorities shall, in accordance with the Presidential Decree, provide the person subject to such measure or his agent an opportunity to state his opinion in advance: Provided, That this shall not apply in the event where the person subject to such measure or his agent, without a justifiable reason, fails to respond to this or cannot be given the opportunity to state his opinion due to unknown address. <Amended by Act No. 4966, Aug. 4, 1995>

#### **Article 10 (Duties, etc., of Supplier)**

(1) When supplying high-pressure gas to a user, the high-pressure gas producer or high-pressure gas seller shall conduct a safety diagnosis of the user's facilities, and shall, in accordance with the Ordinance of the Ministry of Trade, Industry and Energy, educate the user on necessary matters for prevention of hazards.

*<Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>*

(2) When the safety diagnosis as provided in the above paragraph (1) has identified matters for improvement with the user's facilities, the high-pressure gas producer or high-pressure gas seller shall instruct the user to improve the applicable facilities.

(3) When the user of the high-pressure gas does not improve the facilities, the high-pressure gas producer or high-pressure gas seller shall stop supplying high-pressure gases to the user, and shall, without delay, report this to the head of Si/Gun/Ku.

(4) The head of Si/Gun/Gu who received the report as provided in the above paragraph (3) shall order the user to improve the facility.

(5) The qualifications or number of the inspection personnel, the equipment for inspection and standards for inspection as provided in the above paragraph (1) shall be provided by the Ordinance of the Ministry of Trade, Industry and Energy. *<Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>*

#### **Article 11 (Safety Control Regulations)**

(1) The business operator, etc., shall prepare safety control regulations pertaining to the safety maintenance of his facilities for high-pressure gas production, storage or sale, or facilities for manufacturing containers, etc., and shall submit them to the permission authorities or the registration authorities when making the report on commencement of his business or the use of his storage place as provided in Article 7. In this case, the business operator etc. shall append the written opinion of the Korea Gas Safety Corporation (hereinafter referred to as the "Corporation") as provided in Article 28.

(2) As prescribed by the Presidential Decree, the business operator, etc., shall give priority to safety in all business activities such as management principles, organizational control, data and information management and facilities supervision, and shall include necessary matters in his safety control regulations as provided in paragraph (1) in order to secure comprehensive safety.

(3) A person who has obtained permission as provided in Article 5 shall include the manufacturing process and self-inspection method, etc., of containers, etc., in his safety control regulations as provided in the above paragraph (1).

(4) When the safety control regulations received as provided in the above paragraph (1) have not been deemed appropriate for securing safety, the permission authorities or the registration authorities may order changes in the safety control regulations.

(5) The person who submitted the safety control regulations as provided in the above paragraph (1) and his employees shall observe the safety control regulations, and shall draw up and keep records of execution of the safety control regulations.

(6) The permission authorities or the registration authorities shall certify and appraise whether the business operator etc., and his employees observe the safety control regulations as provided in the above paragraph (1) in conformity with the Ordinance of the Ministry of Trade, Industry and Energy.

(7) The guidelines for preparing the safety control regulations as provided in the above paragraph (1) and other necessary matters shall be provided by the Ordinance of the Ministry of Trade, Industry and Energy.

#### **Article 12 (Self-Inspection)**

(1) A person who obtained the permission or made a report as provided in Article 4 shall, in accordance with the Ordinance of the Ministry of Trade, Industry and Energy, conduct regular self-inspections of the facilities for production, storage and sale, and shall draw up and keep inspection records. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 8, 1995>

(2) A person who obtained permission as provided in Article 5 shall conduct self-inspection of each container, etc., of his manufacture, shall put the self-inspection mark on each, and shall draw up and keep records of the inspection.

(3) The containers, etc., which have not undergone self-inspection shall not be transferred, lent, used or exhibited for sale.

(4) The inspection facilities and other matters necessary for self-inspection under the provision of the above paragraphs (1) and (2) shall be provided by the Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>

#### **Article 13 (Safety Maintenance for Facilities and Containers)**

(1) The business operator, etc., shall maintain the facilities for the production, storage and sale of high-pressure gas and the facilities for manufacturing containers, etc., in conformity with the facility standards and technical standards as provided in Articles 4 (4), 5 (2) and 5-2 (2). <Amended by Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>

(2) When filling containers with high-pressure gases, the high-pressure gas producer shall, in accordance with the Ordinance of the Ministry of Trade, Industry and Energy, inspect the safety of the containers in advance, so as to place the high-pressure gas in containers that conform to the inspection standards. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>

(3) When a high-pressure gas producer fills containers with high-pressure gas or a high-pressure gas seller sells high-pressure gas in filled containers, he shall prepare a high-pressure gas filling register or high-pressure gas sales register, in which he shall record and keep the matters prescribed by the Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>

(4) The high-pressure gas producer or high-pressure gas seller shall maintain and control the containers safely in accordance with the Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>

#### **Article 13-2 (Safety Evaluation, etc.)**

(1) The business operator, etc., as provided in Article 11 (2) shall evaluate the safety of the facilities as provided by the Ordinance of the Ministry of Trade, Industry and Energy, shall draw up a safety improvement plan, and submit it to the permission authorities. In this case, the business operator etc., shall append the Corporation's written opinion to the safety improvement plan.

(2) When it is deemed necessary for the public safety, the permission authorities may order a change of the safety improvement plan as provided in paragraph (1) of this Article.

(3) A person who has drawn up and submitted a safety improvement plan as provided in paragraph (1) of this Article shall execute it faithfully.

(4) The Ministry of Trade, Industry and Energy shall prepare standards for evaluation of safety and other necessary matters.

#### **Article 14 (Hazard Prevention Measures, etc.)**

(1) When a hazard has occurred or is likely to occur due to the facilities for production, storage, sale or use, or the containers, etc., the producer, storer, seller or consumer of high-pressure gas shall take immediate hazard-prevention measure.

(2) A person who has taken measures under the provisions of the above paragraph (1) shall report this to the head of Si/Gun/ Gu, the chief of a police station or the chief of a fire station: Provided, That the consumer shall notify this to the supplier without delay.

#### **Article 15 (Safety Control Personnel)**

(1) The business operator, etc., and the reported specified high-pressure gas user under the provisions of Article 20 (4) shall select and appoint safety controllers prior to the commencement of the business or the use of the specified high-pressure gas in order to secure the safety of the facilities and containers, etc., and to fulfill their duty to prevent hazards. *<Amended by Act No. 4966, Aug. 4, 1995>*

(2) When a safety controller under the provisions of the above paragraph (1) is selected and appointed, dismissed or retired, this shall be reported without delay to the permission authorities, the report authorities, the registration authorities, or the authorities received the usage report as provided in Article 20 (1) (hereinafter referred to as "usage report authorities"), and the replacement for this reason shall be selected and appointed within 30 days from the date of dismissal or retirement: Provided, That when the replacement can not be selected and appointed within that period, the period may be extended with the approval of the permission authorities, the report authorities, the registration authorities or the usage report authorities. *<Amended by Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>*

(3) When a safety controller is prevented from performing his duties for a time on account of travel, sickness or other causes, the person who selected and appointed the safety controller under the provisions of the above paragraph (1) shall appoint a deputy who will act on behalf of the safety controller. *<Amended by Act No. 4966, Aug. 4, 1995>*

(4) The safety controller shall perform his duties conscientiously, and the business operator, etc., the reported specified high-pressure gas user and their employees shall respect the safety controller's opinions on safety and observe his instructions. *<Amended by Act No. 4966, Aug. 4, 1995>*

(5) The type, qualifications, number and scope of duties of the safety controllers, the period of duty of the deputy acting on behalf of the safety controller and other necessary matters shall be provided by the Presidential Decree. *<Amended by Act No. 4966, Aug. 4, 1995>*

#### **Article 16 (Inspections, etc.)**

(1) When a person who has obtained permission or made a report under the provisions of Article 4 intends to construct or remodel the facilities for production, storage or sale of high-pressure gas, he shall, in accordance with the Ordinance of the Ministry of Trade, Industry and Energy, undergo an interim inspection of each construction process by the permission authorities or the report authorities. *<Amended by Act No. 4966, Aug. 4, 1995>*

(2) When a business operator, etc., has completed the construction work to set up or change the facilities for production, storage or sale of high-pressure gas or the facilities for manufacture of containers, etc., he shall use such facilities after passing completion inspection by the permission authorities, the report authorities or the registration authorities. *<Amended by Act No. 4966, Aug. 4, 1995>*

(3) When a completion inspection under the provisions of the above paragraph (2) has identified minor defects provided by the Ordinance of the Ministry of Trade, Industry and Energy, the permission authorities, the report authorities or the registration authorities may allow temporary use of the applicable facilities with the method and period of use specified, regardless of the provisions of the above paragraph (2). *<Amended by Act No. 4966, Aug. 4, 1995>*

(4) The standards and methods for the interim inspection and completion inspection under the provisions of the above paragraphs (1) and (2) and other necessary matters shall be provided by the Ordinance of the Ministry of Trade, Industry and Energy. *<Amended by Act No. 4966, Aug. 4, 1995>*

#### **Article 16-2 (Regular and Irregular Inspection)**

(1) A person who has obtained permission under the provisions of Article 4 (except for persons among the high-pressure gas sellers under the provisions of Article 4 (3), who sell high-pressure gas in containers), made a report or registered as provided by Article 5-2 shall, in accordance with the Ordinance of the Ministry of Trade, Industry and Energy, periodically or at any time undergo inspection by the permission authorities, the report authorities or the registration authorities: Provided, That a person who has undergone the safety diagnosis under the provisions of Article 16-3 or a person who is provided by the Presidential Decree may be exempted in whole or part from the regular inspection. *<Amended by Act No. 4966, Aug. 4, 1995>*

(2) The standards and methods for regular inspection under the provision of the above paragraph (1) and other necessary matters shall be provided by the Ordinance of the Ministry of Trade, Industry and Energy. *<Amended by Act No. 4966 Aug. 4, 1995>*

#### **Article 16-3 (Safety Diagnosis)**

(1) Among the high-pressure gas producers or high-pressure gas storers who obtained permission under the provisions of Article 4, a person who establishes and uses facilities for production and storage of high-pressure gas with the capacity provided by the Ordinance of the Ministry of Trade, Industry and Energy



shall undergo a safety diagnosis of the facilities by the Minister of Trade, Industry and Energy. *<Amended by Act No. 4966, Aug. 4, 1995>*

(2) The standards and methods for the safety diagnosis under the provisions of the above paragraph (1) and other necessary matters shall be provided by the Ordinance of the Ministry of Trade, Industry and Energy. *<Amended by Act No. 4966, Aug. 4, 1995>*

#### **Article 17 (Inspection of Containers, etc.)**

(1) A person who has manufactured, repaired or imported containers, etc., shall undergo inspection by the Mayor/Do governor prior to sale or use of the applicable containers: Provided, That the containers, etc., provided by the Presidential Decree may be exempted in whole or part from the inspection.

(2) The containers or specified equipment which falls under any of the following subparagraphs after undergoing inspection under the provisions of the above paragraph (1) shall undergo re-inspection by the Mayor/Do governor: *<Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>*

1. Lapse of the period provided by the Ordinance of the Ministry of Trade, Industry and Energy;
2. Occurrence of damages;
3. Deterioration of the pass mark; or
4. Change of the type of high-pressure gas used to fill the containers.

(3) The Mayor/Do governor shall, in accordance with the Ordinance of the Ministry of Trade, Industry and Energy, scrap containers and specified equipment that has failed to pass inspection or re-inspection under the provisions of the above paragraph (1) or (2): Provided, That the specified equipment may be repaired in accordance with the Ordinance of the Ministry of Trade, Industry and Energy and may undergo re-inspection under the provisions of the above paragraph (1) or (2). *<Amended by Act No.4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>*

(4) The Mayor/Do governor shall, in accordance with the Ordinance of the Ministry of Trade, Industry and Energy, stamp or mark necessary items on the containers, etc., which have passed inspection under the provisions of the above paragraph (1) or (2). *<Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>*

(5) In case of containers, etc., which are to be subject to inspection or re-inspection under the provisions of the above paragraph (1) or (2) but have not been inspected or re-inspected, these shall not be transferred, lent, used or displayed for sale.

(6) When the containers, etc., as provided by the Ordinance of the Ministry of Trade, Industry and Energy, have passed inspection or re-inspection under the provisions of the above paragraph (1) or (2), the Mayor/Do governor shall issue pass certificates for such containers, etc.. *<Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>*

(7) The facilities, standards, method and other necessary matters for inspections and re-inspections under the provisions of the above paragraph (1) or (2) shall be provided by the Ordinance of the Ministry of Trade, Industry and Energy. *<Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>*

### **Article 18 (Quality Guarantee, etc., of Containers)**

(1) The Minister of Trade, Industry and Energy, when it is deemed necessary to ensure safety of containers, may specify types of containers in consultation with the Administrator of the Industrial Advancement Administration, and may have the related container manufacturers mark their containers with the Korea Industrial Standards in accordance with the Industrial Standardization Act before they are sold. *<Amended by Act No. 4541, Mar. 6, 1993; Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>*

(2) When it is deemed necessary for the safety control of containers, the Mayor/Do governor may collect containers in circulation, may conduct inspections, and, when the inspection identifies defective containers, may order the manufacturer or importer of the concerned containers to withdraw them.

(3) The collection method for containers, the withdrawing procedures of defective containers and other necessary matters, under the provisions of the above paragraph (2), shall be provided by the Ordinance of the Ministry of Trade, Industry and Energy. *<Amended by Act No.4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>*

### **Article 19 (Durable Life of Containers)**

The durable life of containers shall be provided by the Ordinance of the Ministry of Trade, Industry and Energy. *<Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>*

### **Article 20 (Usage Report)**

(1) Among persons intending to use hydrogen, oxygen, liquefied ammonia, acetylene, liquefied chlorine, natural gas, compressed monosilane, compressed diborane, liquefied algin and other high-pressure gases provided by the Presidential Decree (hereinafter referred to as “specified highpressure gas”), persons stipulated by the Ordinance of the Ministry of Trade, Industry and Energy (hereinafter referred to as a “specified high-pressure gas user”) shall, prior to using specified high-pressure gases, make a report to the head of Si/Gun/Ku. *<Amended by Act No. 4541, Mar. 6, 1993; No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>*

(2) The head of Si/Gun/Gu who received a report under the provisions of the above paragraph (1) shall notify the chief of the competent fire station of the items of the report within 7 days.

(3) A specified high-pressure gas user under the provisions of the above paragraph (1) shall prepare facilities for high-pressure gas use in conformity with the facility standards and technical standards provided by the Ordinance of the Ministry of Trade, Industry and Energy. *<Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>*

(4) When a person who made a report under the provisions of the above paragraph (1) (hereinafter referred to as a “reported specified highpressure gas user”) has completed the construction or modification of facilities for the use high-pressure gases, he shall, prior to the use of the facilities, undergo a completion inspection by the government office which received the report, and then shall undergo regular inspections by the authorities which received the report.

(5) The standards, methods and periods for the completion inspection and regular inspection under the provisions of the above paragraph (4) and other necessary matters shall be provided by the Ordinance of

the Ministry of Trade, Industry and Energy. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>

(6) When a specified high-pressure gas user is deemed to cause hazards in violation of this Act or an order issued by this Act, the head of Si/ Gun/ Gu, the chief of the police station or the chief of the fire station may suspend the use of high-pressure gases temporarily, may seal the user facilities, or may detain the facilities temporarily.

#### **Article 21 (Import Report)**

A person who intends to import high-pressure gas or containers, etc., shall, in accordance with the Ordinance of the Ministry of Trade, Industry and Energy, make a report to the Mayor/Do governor in advance: Provided, That this shall not apply to high-pressure gas as provided in Article 5-2 imported by a person who has registered as provided in Article 5-2, liquefied natural gas which has received, import contract approval as provided by the Petroleum Business Act, or liquefied petroleum gas which has received import contract approval (including import contract report) under the Safety Control and Business Regulation of Liquefied Petroleum Gas Act. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>

#### **Article 22 (Transportation, etc.)**

(1) The transfer, acquisition, transportation or hand-carrying of high-pressure gas shall conform to the standards provided by the Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>

(2) The permission authorities or the chief of the police station may prohibit or restrict the transfer, acquisition, transportation or hand-carrying of high-pressure gas in violation of the standards provided in the above paragraph (1), or may detain the high-pressure gas temporarily.

#### **Article 23 (Safety Education)**

(1) The business operator, etc., the reported specified high-pressure gas user and the person performing duties related to safety control for the inspection agency as provided in Article 35 shall undergo education conducted by the Mayor/Do governor. <Amended by Act No. 4966, Aug. 4, 1995>

(2) The business operator, etc., the reported specified high-pressure gas user and the inspection agency as provided in Article 35 shall have their employees who are subject to the safety education as referred to in the above paragraph (1) undergo such education. <Newly Inserted by Act No. 4966, Aug. 4, 1995>

(3) The scope of trainees, periods and curricula of safety education as provided in the above paragraph (1) and other matters necessary for such education shall be provided by the Ordinance of the Ministry of Trade, Industry and Energy. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>

#### **Article 23-2 (Autonomous Safety Education)**

(1) The business operator, etc., as provided in Article 11 (2) shall draw up a plan for safety education under his own auspices and submit it to the permission authorities in order to have his employees who are engaged in work related to construction, maintenance or management of gas facilities undergo safety education conducted autonomously by the business when it commences and more than once yearly.

(2) The permission authorities may order changes in the safety education conducted under the auspices of the business as referred to in the above paragraph (1) when such education is deemed insufficient to maintain the public safety or to prevent the hazards.

(3) The business operator, etc., shall execute the plan for safety education under his own auspices faithfully, according to the above paragraph (1).

(4) The contents and standards for preparing the safety education plan under the auspices of the business itself, educational methods, and other matters necessary for education plan under the above paragraph (1) shall be provided by the Ordinance of the Ministry of Trade, Industry and Energy.

#### **Article 24 (Measures by Permission Authorities, etc.)**

(1) The permission authorities, report authorities, registration authorities or usage report authorities may, in accordance with the Presidential Decree, order measures necessary for prevention of hazards to be taken by a high-pressure gas user or a person who obtained permission, made a report or registered under this Act. *<Amended by Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>*

(2) When hazards have occurred or are deemed to occur due to the facilities for the production, storage or sale of high-pressure gas or containers (hereinafter referred to as “facilities, etc.”), the permission authorities may order the removal of the facilities, etc., or the suspension or restriction of the use of the facilities, etc., may order the disposal of the high-pressure gas in the facilities, etc., and may seal the facilities, etc..

#### **Article 25 (Insurance)**

(1) The business operators and reported specified high-pressure gas user shall be insured to compensate for damages done to lives, bodies or properties of others by accidents due to high-pressure gases.

(2) The types of insurance, members and procedures of insuring, and other necessary matters as provided in the above paragraph (1) shall be provided by the Presidential Decree.

(3) The Minister of Trade, Industry and Energy may, in consultation with the Minister of Finance and Economy, every three years, within 3 months from the close of the third business year, order insurance companies to provide part of their profits to persons engaged in the high-pressure gas accident prevention affairs. The necessary matters related to this shall be provided by the Presidential Decree. *<Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>*

#### **Article 26 (Reports and Inspections, etc.)**

(1) When it is deemed necessary for the enforcement of this Act, the permission authorities, the registration authorities, the report authorities or the usage report authorities may order a business operator, etc., or a reported specified high-pressure gas user to submit a report or documents on his affairs, or may have the public official attached to him, or the person to whom part of his authority is entrusted as provided by Article 36, inspect the facilities for production, storage or sale, the containers, etc., the books, the documents and other articles at his business place, plant, business location or warehouse. *<Amended by Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>*

(2) The public official or the employee conducting inspection as provided in the above paragraph (1) shall show the certificate indicating his authority to the concerned persons. <Amended by Act No. 4966, Aug. 4, 1995>

#### **Article 26-2 (Informing about Accidents, etc.)**

(1) The business operator, etc., or reported specified high-pressure gas user shall inform the Corporation, in accordance with the Ordinance of the Ministry of Trade, Industry and Energy, about any gas-related accident that affects his facilities or manufactured goods, and the Corporation, having received such information, shall report its contents to the permission authorities, the report authorities, the registration authorities or the usage report authorities.

(2) The Corporation, having received such information as referred to in the above paragraph(1), may inquire into the causes and circumstances, etc., of the accident when it is deemed necessary for the prevention of recurrence of accident or other gas-related accidents.

#### **Article 26-3 (Guidance and Supervision)**

The Minister of Trade, Industry and Energy shall guide and supervise the Mayor/Do governor, the head of Si/Gun/Gu according to the Presidential Decree, with respect to safety control affairs including various types of inspections of gas facilities, containers, etc., for the public safety or prevention of hazards in connection with the supply and use of gases.

#### **Article 27 (Collection of High-Pressure Gases)**

(1) When it is deemed necessary for the analytic examination of highpressure gases and the inspection of the containers, etc., the permission authorities, the report authorities, the registration authorities or the usage report authorities may have public officials belonging to it collect the minimal necessary high-pressure gases and containers necessary for the examination and inspection from the producers, storers or sellers of the high-pressure gases, or the manufacturers or users of the containers. <Amended by Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>

(2) The provisions of Article 26 (3) shall apply mutatis mutandis to the public officials carrying out the collection as provided in the above paragraph (1). <Amended by Act No. 4966, Aug. 4, 1995>

#### **Article 28 (Establishment of Korea Gas Safety Corporation)**

(1) The Korea Gas Safety Corporation (hereinafter referred to as the "Corporation") is established to prevent hazards caused by high-pressure gases, and to efficiently and systematically promote the development of gas safety technology and gas safety control. <Amended by Act No. 4625, Dec. 27, 1993>

(2) The Corporation shall conduct the affairs of the following subparagraphs concerning gas safety: <Newly Inserted by Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>

1. Professional training and public relations;
2. Studies and researches;
3. Development and diffusion of gas safety technology and international technological cooperation work;

4. Gathering and furnishing of information;
5. Self-inspection, and guidance and confirmation of inspection by other inspection agencies;
6. Services requested by individuals or organizations;
7. Inspections, education, construction supervision, checking and evaluation, etc., as entrusted by authorities; and
8. Other affairs deemed necessary by the Minister of Ministry of Trade, Industry and Energy.

(3) The Corporation shall be a juristic person.

(4) The Corporation is established by registration of its establishment at site of its main office.

(5) The Corporation may have a branch office, a study and training institute, a business place or an affiliated organization with the approval of the Minister of Ministry of Trade, Industry and Energy. *<Newly Inserted by Act No. 4966, Aug. 4, 1995>*

(6) The Corporation shall have a Gas Safety Technology Deliberation Council to deliberate matters pertaining to gas safety technology.

(7) Necessary matters pertaining to the Gas Safety Technology Deliberation Council are provided by the Ordinance of the Ministry of Trade, Industry and Energy. *<Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>*

(8) The Corporation may impose necessary expenses on the beneficiary of a project with the approval of the Minister of Trade, Industry and Energy. *<Newly Inserted by Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>*

#### **Article 28-2 (Prohibition of Use of Similar Name)**

No person other than the Corporation under this Act shall use the name of the Korea Gas Safety Corporation or other similar names.

#### **Article 29 (Operation of Corporation)**

(1) The Corporation is operated by means of income of inspection fees and other revenues.

(2) The Government may subsidize the Corporation with funds necessary for the conducting of its affairs.

#### **Article 30 (Officers)**

(1) The Corporation has 1 president, 1 vice-president, not more than 7 directors (including 2 non-standing directors) and 1 auditor.

(2) The president and the auditor are appointed or dismissed by the President through the recommendation of the Minister of Trade, Industry and Energy; the vice-president and directors are appointed or dismissed by the Minister of Trade, Industry and Energy through the recommendation of the president of the Corporation.

(3) The president, vice-president and directors shall serve for 3 years, the auditor shall serve for 2 years and reappointment shall be allowed.

#### **Article 30-2 (Duties of Officers)**

(1) The president shall represent the Corporation and control the operations of the Corporation. *<Amended by Act No. 4966, Aug. 4, 1995>*

(2) The vice-president and directors shall take partial charge of operations in accordance with the articles of incorporation. <Amended by Act No. 4966, Aug. 4, 1995>

(3) The Auditor shall audit the affairs and the accounts of the Corporation.

#### Article 31 (Supervision)

The Minister of Trade, Industry and Energy shall oversee the Corporation. <Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>

#### Article 32 (Description of Articles of Incorporation)

The description of the articles of incorporation, the projects and other matters necessary for operation of the Corporation shall be provided by the Presidential Decree.

#### Article 33 (Application of Civil Act)

The provisions of the Civil Act concerning juridical foundation shall apply mutatis mutandis to the Corporation except for the provisions of this Act. <Amended by Act No. 4625, Dec. 27, 1993>

#### Article 34 (Charges, etc.)

(1) Any person who falls under any of the following subparagraphs shall be obliged to pay a service charge in accordance with provisions of the Ordinance of the Ministry of Trade, Industry and Energy: <Amended by Act No. 4966, Aug. 4, 1995>

1. A person who intends to obtain permission or change the contents of permission for the production, storage or sale of high-pressure gas as provided in Article 4 (1) and (3);
2. A person who intends to obtain permission or change the contents of permission for the manufacture of containers, etc., as provided in Article 5(1); or
3. A person who intends to make registration or change a registration as provided in Article 5-2.

(2) Any person who falls under any of the following subparagraphs shall be obliged to pay service charges or education fees in accordance with the Ordinance of the Ministry of Trade, Industry and Energy: <Amended by Act No. 4966, Aug. 4, 1995>

1. A person who intends to obtain the opinion of the Corporation with respect to his safety control regulations as referred to in Article 11 (1) or safety improvement plans as referred to in Article 13-2 (1);
2. A person who intends to undergo interim inspection or completion inspection in relation to the construction or modification work of facilities for the production, storage or sale of high-pressure gas as provided in Article 16 (1) or (2);
3. A person who intends to undergo regular inspection of facilities for the production, storage or sale of high-pressure gas as provided in Article 16-2 (1);
4. A person who intends to undergo a safety diagnosis of the facilities for the production or storage of high-pressure gas as provided in Article 16-3 (1);
5. A person who intends to undergo inspection or re-inspection of containers, etc., as provided in Article 17 (1) or (2);
6. A person who intends to undergo completion inspection or regular inspection of specified high-pressure gas user facilities as provided in Article 20 (4);

7. A person who intends to take education as provided in Article 23 (1); or
8. A person who intends to obtain confirmation as provided in Article 35 (3).

#### **Article 34-2 (Charges for Safety Control)**

(1) The Minister of Trade, Industry and Energy may levy and collect charges for safety control (hereinafter referred to as “charges”) from a person falling under any of the following subparagraphs for the purpose of the safety control over gas and the improvement of the distribution structure:

1. A person who, as a petroleum refiner pursuant to the Petroleum Business Act or other than a petroleum refiner, produces and sells (excluding sales by export) liquefied petroleum gas; or
2. A person who imports liquefied petroleum gas pursuant to the Petroleum Business Act and the Safety Control and Business Regulation of Liquefied Petroleum Gas Act or liquefied natural gas pursuant to the Petroleum Business Act and the Urban Gas Business Act.

(2) Criteria for the levy, targets of collection, methods of collection, and time limit, for payment of charges pursuant to paragraph (1) of this Article, and other matters necessary for levy and collection of charges shall be prescribed by the Presidential Decree.

(3) The Minister of Trade, Industry and Energy shall, if a targeted person for the collection of charges pursuant to paragraph (1) of this Article fails to pay the charges within the time limit for payment, collect additional dues as prescribed by the Presidential Decree with respect to the period from the next day following the time limit to the day prior to the date on which the charges are paid.

(4) The Minister of Trade, Industry and Energy may, if a person targeted for the collection of charges pursuant to paragraph (1) of this Article fails to pay the charges within the time limit for payment, urge that targeted person to pay the charges by designating a fixed period, and the Minister of Trade, Industry and Energy may, if the targeted person fails to pay the charges and additional dues pursuant to paragraph (3) of this Article within the designated period, collect it according to examples of disposition of national tax in arrears.

(5) Charges and additional dues collected pursuant to the above paragraphs (1) and (3) shall be reverted to special accounts for energy and resources-related projects pursuant to the Act of the Special Accounts of Energy and Resources-related Projects (hereinafter referred to as the “special accounts”).

#### **Article 34-3 (Entrustment of Work Related to Collecting of Charges and Additional Dues)**

(1) The Minister of Trade, Industry and Energy may entrust work related to the collecting of charges and additional dues pursuant to Article 34-2 (1) through (3) to an agency as prescribed by the Presidential Decree.

(2) The Minister of Trade, Industry and Energy may, in case where he has entrusted work related to the collecting of charges and additional dues pursuant to paragraph (1) of this Article, appoint from among the officers and employees of the entrusted agency, accounting personnel to carry out such work.

(3) The provisions concerning accounting personnel in the Liability of Accounting Personnel, etc. Act, shall be applied mutatis mutandis to accounting personnel appointed pursuant to paragraph (2) of this Article.



(4) The Minister of Trade, Industry and Energy may, in case where he has entrusted work related to the collecting of charges and additional dues pursuant to paragraph (1) of this Article, pay a fee for the carrying out of such work or the expenses necessary for carrying out such work as prescribed by the Minister of Trade, Industry and Energy.

#### **Article 35 (Designation of Inspection Agency)**

(1) The Minister of Trade, Industry and Energy, or the Mayor/Do governor may, in accordance with the Presidential Decree, designate an inspection agency to enforce and execute part of the inspections and safety control affairs under this Act professionally and efficiently. *<Amended by Act No. 4541, Mar. 6, 1993; Act No. 4966, Aug. 4, 1995>*

(2) The standards, methods and other necessary matters related to the inspection agency as provided in the above paragraph (1) shall be provided by the Presidential Decree. *<Newly Inserted by Act No. 4625, Dec. 27, 1993>*

(3) The inspection agency shall, prior to the commencement of its inspection work, obtain confirmation from the Minister of Trade, Industry and Energy, and the Mayor/Do governor concerning whether the inspection facilities conform to the standards provided in the above paragraph (2). *<Newly Inserted by Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>*

#### **Article 35-2 (Revocation of Designation)**

When the inspection agency under Article 35 (1) falls under any of the following subparagraphs, the Minister of Trade, Industry and Energy, or the Mayor/Do governor may revoke the designation thereof, or may order suspension or restriction of business by specifying a period not exceeding 6 months: Provided, That in case where the inspection agency falls under the following subparagraph 1, its designation shall be revoked: *<Amended by Act No. 4966, Aug. 4, 1995>*

1. When the designated inspection agency has been designated by deception or other illegal means;
2. When the designated inspection agency has failed to conform to the designation standards as provided in Article 35 (2); or
3. When the designated inspection agency has been deemed to be inappropriate as an inspection agency due to improper inspections or other reasons.

#### **Article 36 (Delegation and Entrustment of Authority)**

The Minister of Trade, Industry and Energy, the Mayor/Do governor, the permission authorities, the report authorities, the registration authorities or the consumption report authorities may, in accordance with the Presidential Decree, delegate or entrust part of its authority under this Act to the head of Si/Gun/ Gu, the Corporation or the designated inspection agency as provided in Article 35. *<Amended by Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>*

#### **Article 36-2 (Disposition Request, etc.)**

(1) When, in the course of investigation of an accident as provided in Article 26-2(2) or exercise of entrusted authority as provided in Article 36, the Corporation discovers the fact of violation of this Act or an Order issued under this Act, it may notify the Mayor/Do governor or the head of Si/Gun/ Gu, or may

request necessary disposition against the person who has committed the offence.

(2) When he receives the request referred to in the above paragraph (1), the Mayor/Do governor, the head of Si/Gun/Gu shall make the necessary disposition, if he has no proper reason to do so otherwise.

#### **Article 37 (Relation to Other Acts)**

(1) This Act shall not apply to matters prescribed by the Safety Control and Business Regulation of Liquefied Petroleum Gas Act and the Urban Gas Business Act.

(2) The provisions of Article 12 (except for matters pertaining to the sales business of petroleum byproducts) of the Petroleum Business Act shall not apply to case where the high-pressure gas producer and the highpressure gas seller sell high-pressure gas. *<Amended by Act No. 4625, Dec. 27, 1993>*

#### **Article 38 (Penal Provisions)**

(1) A person who has damaged high-pressure gas facilities or a person who has remodelled containers or specified equipment shall be sentenced to imprisonment for not more than 5 years or a fine not exceeding 50,000,000 won. *<Amended by Act No. 4966, Aug. 4, 1995>*

(2) A person who has damaged high-pressure gas facilities as a result of negligence in the conduct of business or of gross negligence shall be sentenced to imprisonment for not more than 2 years, without prison labor, or a fine not exceeding 20,000,000 won. *<Newly Inserted by Act No. 4966, Aug. 4, 1995>*

(3) A person who has killed or injured another person on account of gas explosion as a result of crime as referred to in the above paragraph (1) shall be sentenced to imprisonment for life or imprisonment for not less than 3 years. *<Newly Inserted by Act No. 4966, Aug. 4, 1995>*

(4) A person who has killed or injured another person on account of gas explosion caused by crime as referred to in the above paragraph (2) shall be sentenced to imprisonment without prison labor, for not more than 10 years, or a fine not exceeding 100,000,000 won. *<Newly Inserted by Act No. 4966, Aug. 4, 1995>*

(5) A person who has attempted to violate the provisions of the above paragraph (1) shall be punished.

#### **Article 39 (Penal Provisions)**

A person who has conducted high-pressure gas production business, highpressure gas selling business or containers, etc., manufacturing business or has set up a storage place without obtaining permission as provided in the former part of Article 4 (1) and the former part of paragraph (3) of the same Article or the former part of Article 5 (1) shall be sentenced to imprisonment for not more than 2 years or a fine not exceeding 20,000,000 won. *<Amended by Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>*

#### **Article 40 (Penal Provisions)**

A person who falls under any of the following subparagraphs shall be sentenced to imprisonment for not more than 1 year or a fine not exceeding than 10,000,000 won: *<Amended by Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>*

1. A person who changed the permitted matters without obtaining permission for the change in violation of the provisions of the latter part of Article 4 (1) and the latter part of paragraph (3) of the same Article or the latter part of Article 5 (1);

2. A person who has operated a high-pressure gas import business without registration as provided in the former part of Article 5-2 (1);
3. A person who has failed to conduct the safety diagnosis as provided in Article 10 (1) or a person who has violated the provisions of Article 13 (1);
4. A person who has failed to conduct safety evaluations as provided in Article 13-2 (1) or failed to submit a safety improvement plan;
5. A person who has failed to execute a safety improvement plan as provided in Article 13-2 (3);
6. A person who has failed to undergo inspection as provided in Article 16 (1) and (2) or Article 17 (1);  
or
7. A person who has violated the provisions of Article 17 (5).

#### **Article 41 (Penal Provisions)**

A person who falls under any of the following subparagraphs shall be sentenced to a fine not exceeding 5,000,000 won: <Amended by Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>

1. A person who has produced high-pressure gas without making a report as provided in the former part of Article 4 (2);
2. A person who has changed registered matters without registering the change as provided in the latter part of Article 5-2(1);
3. A person who has failed to conduct self-inspection as provided in Article 12 (1) or (2); or
4. A person who has failed to select and appoint a safety controller as provided in Article 15 (1) or (2).

#### **Article 42 (Penal Provisions)**

A person who falls under any of the following subparagraphs shall be sentenced to a fine not exceeding 3,000,000 won: <Amended by Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995>

1. A person who has violated the provisions of Article 5 (3);
2. A person who has failed to make a report as provided in Article 7, 8 (2), 14 (2), 20 (1) or 21.
3. A person who has violated the provisions of Article 12 (3);
4. A person who has violated the provisions of Article 13 (2), 14 (1), 22 (1) or 23 (1);
5. A person who has failed to undergo the regular or irregular inspection as provided in Article 16-2 (1) or safety diagnosis as provided in Article 16-3 (1);
6. A person who has violated the order issued according to the provisions of Article 18 (2); or
7. A person who has refused or disturbed inspection or sampling as provided in Article 26 (1) or 27 (1).

#### **Article 43 (Fine for Negligence)**

(1) A person who falls under any of the following subparagraphs shall be sentenced to a fine for negligence not exceeding 3,000,000 won: <Amended by Act No. 4625, Dec. 27, 1993; Act No. 4966, Aug. 4, 1995; Act No. 5184, Dec. 12, 1996>

1. A person who has changed the reported matters without making a report of the change in violation of the provisions of the latter part of Article 4 (2);

2. A person who has violated the provisions of Article 11(1) and (3), 15 (3) or 25 (1);
3. A person who has violated the order issued according to the provisions of Article 11 (4), 13-2 (2) or 23-2 (2);
4. A person who has used the facilities for the production, storage or sale of high-pressure gases in violation of the provisions of Article 16 (3);
5. A person who has failed to submit a safety education plan or failed to execute a safety education plan as provided in Article 23-2 (1) and (3); or
6. A person who has used the name of the Korea Gas Safety Corporation or other similar names in violation of the provisions of Article 28-2;

(2) A person who falls under any of the following subparagraphs shall be sentenced to a fine for negligence not exceeding 2,000,000 won: *<Amended by Act No. 4966, Aug. 4, 1995; Act No. 5184, Dec. 12, 1996>*

1. A person who has failed to draw up and keep or has falsely drawn up the records of execution of the safety control regulations or the self-inspection records as provided in Article 11 (5) or 12 (1) and (2);
  2. A person who has violated the provisions of Article 10 (3) and 13 (4) or 20 (3) and (4);
  3. A person who has failed to draw up and keep or has falsely drawn up high-pressure gas-filling books or sales books as provided in Article 13 (3);
  4. A person who has violated the order issued by the provision of Article 24 or 26 (1); or
  5. A person who has failed to notify or notified falsely as provided in Article 26-2(1).
- (3) A person who has violated the order issued according to the provisions of Article 10 (4) shall be sentenced to a fine for negligence not exceeding 1,000,000 won. *<Amended by Act No. 4966, Aug. 4, 1995>*
- (4) Fines for negligence as provided in the above paragraphs (1) through (3) shall be imposed and collected by the competent Mayor/Do governor, the head of Si/Gun/Gu (hereinafter referred to as the “competent authorities”) in accordance with the Presidential Decree.

(5) A person who is dissatisfied with the disposition of the fine for negligence as provided in the above paragraph (4) may file objection against the competent authorities within 30 days.

(6) When the person imposed with a fine for negligence as provided in the above paragraph (4) has filed objection as provided in the above paragraph (5), the competent authorities shall notify the competent court of such fact without delay and the notified competent court shall bring the case of the fine for negligence to trial in accordance with the NonContentious Case Litigation Procedure Act.

(7) When a person has failed both to file objection and to pay the fine for negligence within the specified period as provided in the above paragraph (5), the competent authorities shall collect the fine for negligence in accordance with examples of disposition of national tax in arrears.

#### **Article 44 (Joint Penal Provisions)**

In the event of any violation under Articles 38 through 42 by a representative of a juristic person or by an agent, employee or other staff of a juristic person or individual in relation to the affairs of that juristic person or individual, such a juristic person or individual shall receive the penalty of a fine provided by the

relevant Article, apart from the punishment of the violator. <Amended by Act No. 4966, Aug. 4, 1995>

**Article 45 (Legal Fiction as Public Official in Application of Penal Provisions)**

The officers and employees of the Corporation or a inspection agency who are engaged in the affairs entrusted under the provision of Article 36 shall be deemed to be public officials in the application of Articles 129 through 132 of the Criminal Act.

**Article 46 (Enforcement Decree)**

Necessary matters related to the enforcement of this Act shall be provided by the Presidential Decree.

ADDENDA

**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 1984.

**Article 2 (Transitional Measures Related to Appliance Manufacturers)**

A person who has obtained permission for the manufacture of appliances used for refrigeration equipment under the previous provisions before the enforcement of this Act shall be deemed to have obtained permission for manufacture of refrigerators or permission for the manufacture of specified equipment (limited to those for whom the scope of permission includes the manufacture of specified equipment) as provided in Article 5.

**Article 3 (Transitional Measures Related to Specified Equipment Manufacturers)**

A person who was engaged in the manufacture of specified equipment (except persons with permission for the manufacture of appliances used as refrigeration equipment under the previous provisions) before the enforcement of this Act shall obtain permission under the provisions of Article 5 within 6 months from the enforcement date of this Act.

**Article 4 (Transitional Measures Related to Safety Control Regulations)**

A person who shall submit safety control regulations as provided in Article 11 (1) shall submit the same within 3 months from the enforcement date of this Act.

**Article 5 (Transitional Measures Related to Self-Inspection Marks)**

A person who is required to make self-inspection marks as provided in Article 12 (2) shall make such marks within 3 months from the enforcement date of this Act.

**Article 6 (Transitional Measures Related to Regular Inspection)**

A person who underwent security inspection under the previous provisions before the enforcement of this Act shall be deemed to have undergone the regular inspection as provided in Article 16 (2).

**Article 7 (Transitional Measures Related to Acetylene Users)**

An acetylene user who is required to make a report as provided in Article 20 shall make such report within 3 months from the enforcement date of this Act.

**Article 8 (Transitional Measures Related to Penal Provisions)**

The application of penal provisions to the violations committed before the enforcement of this Act shall be based on the previous provisions.

ADDENDA <Act No. 4541, Mar. 6, 1993>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 4625, Dec. 27, 1993>

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

(2) (Transitional Measures Related to Reporting) In case that a highpressure gas producer who obtained permission under the previous provisions before the enforcement of this Act becomes obligated to report under the amended provisions of Article 4 (2), he shall be deemed to have made such a report.

(3) (Transitional Measures according to Amendment of Penal Provisions) The application of penal provisions to violations committed before the enforcement of this Act shall be based on the previous provisions.

ADDENDA <Act No.4966, Aug. 4, 1995>

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

(2) (Transitional Measures Related to Safety Control Regulations) Among persons who have submitted to the safety control regulations as provided in Article 11(1) before the enforcement of this Act, business operator, etc., under the amended provisions of Article 11 (2) shall change the safety control regulations in order to make them suit the amended provisions of Article 11 (2), and shall submit them to the permission authorities within 3 months from the enforcement date of this Act.

(3) (Transitional Measures Related to Penal Provisions and Fine for Negligence) The application of the penal provisions and the fine for negligence to the violations committed before the enforcement of this Act shall be based on the previous provisions.

ADDENDA <Act No. 5184, Dec. 12, 1996>

(1) (Enforcement Date) This Act shall enter into force on January 1, 1997.

(2) Omitted.

Last updated : 2009-07-26