

Traffic and Driving



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[Traffic and Driving]

The purpose of the Traffic Act is to ensure the safe and smooth flow of traffic by eliminating and preventing dangers and obstacles to road traffic. Compliance with the Traffic Act is essential to ensure the safe and convenient use of vehicles.

『Traffic and Driving』 provides the necessary legal information and is classified by ① Preparations for Driving a Vehicle, ② Safe Driving on Public Roads, ③ Violations of the Traffic Act, and ④ Traffic Accidents.

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1. Preparations for Driving a Vehicle

1.1. Prohibition related to driving

1.1.1. Prohibition of unlicensed driving

▣ Prohibition of unlicensed driving, etc.

▣ Prohibition of unlicensed driving

- In order to drive a vehicle or a motorcycle, the driver must obtain a driver's license.

※ A 'motorcycle' is a two-wheeled vehicle with a displacement of less than 125cc among two-wheeled vehicles provided for in Article 3 of the Motor Vehicle Management Act or a vehicle with a displacement of less than 125cc (where the vehicle is powered by electricity, less than 11kw of rated power) (Article 2(19) of the 「Road Traffic Act」).

- The Road Traffic Act prohibits both those who have not obtained a driver's license and those who have a suspended license from driving any motor vehicle (Article 43 of the Road Traffic Act).

▣ Penal provisions

- Anyone who drives a motor vehicle without obtaining or having a driver's license (except a motorcycle license) or with a suspended license shall be punished by imprisonment of not more than 1 year or a fine of not more than KRW 3,000,000 (Article 152(1) of the Road Traffic Act).

- Anyone who drives a motorcycle without a license shall be punished by a fine of not more than KRW 300,000 or penal detention (Article 154(2) of the Road Traffic Act).

- Any individual who has been sentenced to a punishment more severe than a fine due to a violation of the provisions concerning the prohibition of unlicensed driving or the prohibition of driving with a suspended license cannot reacquire a driver's license until the following period has passed from the day of the violation(or suspension in the case of a suspended license) (Article 82(2)1 of the Road Traffic Act).

Classification of licenses	Period of disqualification
Licenses except motorcycle license	1 year
Motorcycle license	6 months (1 year in the case of a violation of the provision on dangerous collective conduct)

※ The drivers of two or more motor vehicles, etc. shall be prohibited from

driving their motor vehicles, etc. in a close line or side by side without justifiable grounds, in a manner which endangers other persons and other traffic, otherwise known as the prohibition of dangerous collective conduct (Article 46(1) of the Road Traffic Act).

- Any person who causes the death of or injury to another person as a result of unlicensed driving or who violates the duty to take action in the event of an accident shall be prohibited from acquiring a driver's license for 5 years from the day on which he/she violates the provision (Article 82(2)1 of the Road Traffic Act).
- Any person who violates the provision concerning the prohibition of unlicensed driving on more than two occasions shall be prohibited from acquiring a driver's license for 2 years from the day on which he/she violates the relevant law (in the case of a person who license has been suspended, the date of revocation of his/her license due to a violation) (Article 82(2)2 of the Road Traffic Act).

※However, in the case where a sentence of a penalty less than a fine or a suspension of sentence is upheld, indictment is suspended or a protective disposition according to Article 32 of the Juvenile Act is determined, a driver's license can be issued even during the period above (Article 82.(2) of the Road Traffic Act).

▣ **Type of unlicensed driving**

▣ **Type of unlicensed driving**

- The type of unlicensed driving is as follows(『Research and Analysis of Traffic Accident Cases』 by the Traffic Safety Education Center for Traffic Safety of the Korea Transportation Safety Authority, October, 2009).

- Unlicensed driving (Article 152(1) of the Road Traffic Act).
- In cases where a person who has only a military driver's license drives a vehicle that is not owned by the military.
- In cases where driving a vehicle not permitted by the class of the driver's license.
- Driving with a revoked license.
- Driving while possessing a revoked license.
- Driving with a suspended license.
- Driving after passing the driving test but prior to issuance of a driver's license.
- Practicing driving without a practice license.
- A foreigner who drives a vehicle with an international license after more than one year has passed since his/her entry to South Korea (Article 152(1) of the Road Traffic Act).
- In cases where a foreigner drives a vehicle with an international license issued in a country that does not accept an international license.

1.1.2. Prohibition of driving while intoxicated or overworked

▶ Prohibition of driving while intoxicated

■ Prohibition of driving while intoxicated

- While intoxicated, it is prohibited to drive any motor vehicle or motorcycle, etc. (including construction machinery, other than construction machinery provided for in the proviso to Article 26 (1) of the Construction Machinery Management Act; hereinafter 'motor vehicles, etc.')(Article 44(1), 2(21) of the Road Traffic Act).
- The threshold regarding the state of intoxication at which driving a motor vehicle, etc. is prohibited shall be not less than 0.03 percent of blood-alcohol concentration (Article 44(4) of the Road Traffic Act).
- When it is deemed necessary to ensure the safety of traffic and prevent danger to other drivers/persons, and a driver appears to be intoxicated while driving a motor vehicle, etc., he/she may be required to take a breath test by a police officer(s). In such cases, the driver shall comply with the request to take a breath test as required by a police officer (Article 44(2) of the Road Traffic Act).
- ※ In cases where a driver refuses the request to take a breath test by a police officer, even if he/she has driven while intoxicated or there is sufficient reason to assume that he/she has driven while intoxicated, his license shall be revoked (Enforcement Regulation of the Road Traffic Act, Article 91, Attached table 28(2)2, 3, and (3)2).
- ※ Anyone who refuses the request to take a breath test by a police officer while displaying sufficient signs of being drunk shall be punished by imprisonment of not less than 1 year but not more than 5 years, and a fine of not less than KRW 5,000,000 but not more than KRW 20,000,000 (Article 148-2(2) of the Road Traffic Act).
- Any driver who does not accept the result of a breath test may be tested again by another method such as a blood test upon his/her agreement (Article 44(3) of the Road Traffic Act).

▶ Prohibition of driving while overworked, etc.

■ Prohibition of driving while overworked, etc.

- The drivers of motor vehicles shall not drive in a state where they may be unable to drive normally due to the effects of overwork, disease, drugs or other causes (Article 45 of the Road Traffic Act).
- ※ An overworked driver is very likely to exhibit abnormal physical functions and/or to doze at the wheel, while a driver who has mental illness or takes drugs for such may have a seizure or lose his/her sense of sensation or perception. As such, it is unreasonable to expect such drivers to drive safely.
- Drugs that are prohibited while driving
- The consumption of the following drugs, including hemp and psychotropic drugs which are considered by the appropriate medical authorities to be harmful chemicals that cause excitement, hallucination or anesthesia, is prohibited during driving (Article 45 of the Road Traffic Act, Article 28 of the Enforcement Regulation of the Road Traffic Act, Article 11 of the Enforcement Decree of the Toxic Chemicals Control Act).

- Toluene, ethyl acetate or methyl alcohol.
- Thinners (organic solvent used for reducing the viscosity of varnish and paint) containing toluene, ethyl acetate or methyl alcohol, adhesives, balloons, paints and varnishes.
- Butane gas.
- Nitrous oxide (other than being used for the medical purpose).

Penal provisions

■ Suspension or revocation of a driver's license and restrictions on reacquiring the license

- A driver's license shall be revoked in the following cases (Article 93 of the Road Traffic Act, Enforcement Regulation of the Road Traffic Act, Attached Table 28(2)2).

- In cases where a driver causes death or injury to a person while driving intoxicated beyond the permissible limit (i.e. a blood-alcohol concentration equivalent to or more than 0.03 percent).
- In cases where a driver is apprehended while driving with a blood-alcohol concentration equivalent to or more than 0.08 percent.
- In cases where a driver is apprehended while driving intoxicated beyond the permissible limit (i.e. a blood-alcohol concentration of higher than 0.03 percent) or has refused to take a breath test more than 2 times.

- A driver who drives while intoxicated beyond the permissible limit (i.e. a blood-alcohol concentration of 0.05-0.1 percent) shall be punished by the suspension of his/her driver's license at least 1 year and 100 penalty points (Road Traffic Act, Article 93(1)1, Enforcement Regulation of the Road Traffic Act, Attached Table 28(3)2).

- Anyone who drives a motor vehicle in a state where normal driving is likely to be prevented by the administering, smoking, consumption, or injection of a drug (narcotics, marijuana, psychoactive drug, or hallucinogenic substance under Article 25 of the Toxic Chemicals Control Act) or other causes shall be punished by the revocation of his/her driver's license (Article 93(1)4 of the Road Traffic Act, Enforcement Regulation of the Road Traffic Act, Attached Table 28(2)6).

- In cases where a driver causes the death of or injury to another person while driving intoxicated or in a state where normal driving is impossible because of the effects of a drug, has violated the duty to take proper measures in the event of an accident and therefore has been sentenced to a heavier punishment than a monetary penalty including a probation, he/she shall be prohibited from reacquiring a driver's license for 5 years from the day of revocation (Article 82(2)3 of the Road Traffic Act).

※However, in the case where a sentence of a penalty less than a fine or a suspension of sentence is upheld, indictment is suspended or a protective disposition according to Article 32 of the Juvenile Act is determined, a driver's license can be issued even during the period above (Article 82.(2) of the Road Traffic Act).

■ Penalty

- Drivers who are apprehended driving in a state of intoxication shall be punished

in accordance with the following classification (Article 148-2(2) of the Road Traffic Act).

Blood-alcohol content	Punishment
Over 0.2 % or over	Imprisonment of between 2 and 5 years or a fine of between KRW 10,000,000 and KRW 20,000,000
0.1%~0.2%	Imprisonment of between 1 and 2 years or a fine of between KRW 5,000,000 and KRW 10,000,000
0.05%~0.1%	Imprisonment of not more than 1 year or a fine of not more than KRW 5,000,000

- Anyone who violates Article 44 (1) or (2) of the Road Traffic Act more than once (confined to a person who drove a motor vehicle or a tram) shall be punished by imprisonment of not less than 2 year but not more than 5 years, and a fine of not more than KRW 20,000,000 (Article 148-2(1) of the Road Traffic Act).
- Any person who drives a motor vehicle, etc. in such a state that he/she is unable to drive normally due to the effects of alcohol or drugs and who causes the injury of another person shall be punished by imprisonment of not less than 1 year but not more than 15 years, or a fine of not less than KRW 10,000,000 but not more than KRW 30,000,000, and any person who drives a motor vehicle, etc. in such a state that he/she is unable to drive normally due to the effects of alcohol or drugs and who causes the death of another person shall be punished by life imprisonment or imprisonment of not less than 3 years (Article 5-11(1) of the Act on the Aggravated Punishment of Specific Crimes).
- Any person who refuses the request of a police officer to take a breath test under Article 44(2) of the Road Traffic Act while giving the strong impression that he/she is drunk shall be punished by imprisonment of not less than 1 year but not more than 5 years, and a fine of not less than KRW 5,000,000 but not more than KRW 20,000,000 (Article 148-2(2) of the Road Traffic Act).
- Anyone who drives a motor vehicle or a tram in a state where normal driving is likely to be prevented by a drug in violation of Article 45 of the Road Traffic Act shall be punished by imprisonment of not more than 3 years, and a fine of not more than KRW 10,000,000 (Article 148-2(4) of the Road Traffic Act).
- A person who drives a motor vehicle in a state in which he/she is unable to drive normally due to overwork or disease shall be punishable by a fine of not more than KRW 300,000 or a period of detention (Article 154(3) of the Road Traffic Act).

1.2. Maintenance and use of motor vehicles

1.2.1. Maintenance provisions for motor vehicles

Prohibition of window tinting which can harm traffic safety



- Standard of transmissivity of visible rays for car windows
 - It is illegal to drive a motor vehicle (other than those used by security services for important persons, emergencies or funerals, etc.) whose front windshield and window glass on the right and left sides of the driver's seat pose a threat to traffic safety due to their sub-standard transmissivity of visible rays (Article 49(1)3 of the Road Traffic Act, Article 28 of the Enforcement Decree of the Road Traffic Act).
 - Front windshield: below 70%
 - Window glass on the right and left sides of the driver's seat: below 40%
 - In the event that a police officer(s) identifies a motor vehicle that violates the provision on the prohibition of tinting, the driver of the motor vehicle in question may be required to remove the infringing material on the spot or ordered to take the necessary measures. In such cases, when the driver fails to comply with the order, the police officer(s) may remove the infringing matters and take the necessary measures (Article 49(2) of the Road Traffic Act).
- Penal provision
 - A driver who violates the standard on the transmissivity of visible rays shall be punishable by a fine of up to KRW 20,000 (Article 160(2)1 of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 6, no.8)

■ Prohibition of the attachment of detection devices for speed traps, etc.

- Items of equipment whose attachment to motor vehicles is prohibited
 - It is prohibited to drive a motor vehicle to which any of the following items of equipment has been attached or installed: Provided, a motor vehicle to which any of such equipment has been attached or installed for the development of new technology of autonomous vehicles shall be excluded therefrom (subparagraph 4 of Article 49(1) of the Road Traffic Act and Article 29 of the Enforcement Regulation of the Road Traffic Act).
 - Any device designed to interrupt traffic enforcement equipment.
 - Radios set at the same frequency as that of the police force's radio frequency.
 - Warning lights, sirens, or emergency lights attached to non-emergency motor vehicles.
 - Devices not stipulated in the but which could pose a serious threat to road safety.
- Penal provision
 - The contents of the violations and the respective penalties are as follows (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Article 93(1) and Attached Table 8 no.62).

Violation	Penalty
Driving a motor vehicle fitted with an illegal device/item of equipment (except driving a vehicle fitted with equipment designed to interrupt traffic enforcement equipment)	Van: KRW 20,000 Car: KRW 20,000 Two-wheeled vehicle: KRW 10,000 Bicycle: KRW 10,000

- Anyone who drives a motor vehicle fitted with equipment designed to interrupt traffic enforcement equipment shall be punished by imprisonment of not more than 6 months or a fine of not more than KRW 2 million, or a period of detention (Article 153(1)4 of the Road Traffic Act).

1.2.2. Regulations to observe when using a motor vehicle

Restrictions

- Restriction on number of passengers or loading a motor vehicle
- Drivers shall ensure that the number of passengers does not exceed the passenger capacity and shall not violate the following safety standards concerning the load or volume (main sentence of Article 39(1) of 「Road Traffic Act」, Article 22 of 「Enforcement Decree of the Road Traffic Act」).

Classification	Motor vehicle	Standard
(1) No. of passengers	Motor vehicles (except express buses and trucks)	Within 110% of capacity (However, driving in excess of the capacity shall not be allowed on expressways)
	Express buses and trucks	Within capacity
(2) Loading weight	Trucks	Within 110% of the weight of the load (depending on structure and performance)
(3) Loading capacity	Trucks, Two-wheeled vehicle, and small three-wheeled vehicle	Length: original length of the motor vehicle plus 10 percent of that length (in the case of two-wheeled vehicles, the original length plus 30m) Width: the range that can be seen in the rear view mirrors of the vehicle (in cases where the height of the freight is lower than the rear view mirrors, the the range that the freight shall be seen, and in the opposite case, the range that the rear shall be seen) Height: In the case of trucks, 4m from the ground (in the routes of which the preservation of structure and safety of passage is recognized by notification: 4m 20cm / three wheeler tricar: 2m 50cm / two-wheeled car: 2m)

■ Permission to exceed the number of passengers and load weight

- However, upon obtaining the permission of the head of a police station supervising the departing place in the following procedure, it is possible to drive a motor vehicle that infringes the above standard (Article 39(1) of the Road Traffic Act, Article 26 of the Enforcement Regulation of the Road Traffic Act).

1) Applications for permit for driving/loading above safety standard (Enforcement Regulation of the Road Traffic Act, Addenda, Form no.5)

2) Consideration

※ Criteria for permission (Article 23(1) of the Enforcement Decree of the Road Traffic Act)

- In cases where a truck needs to be loaded above its capacity for a public work such as telephone, telegraph, water supply or snow removal work, etc.

- In cases where the relevant freight cannot be classified under the above categories (2) and (3).

3) Permit for riding/loading above safety standard (Enforcement Regulation of the Road Traffic Act, Addenda no.6)

4) Driving a motor vehicle attached with a red mark made of cloth (reflectors shall be attached at night)

- The driver of a motor vehicle shall take all the measures necessary to cover and fasten loaded freight in order to prevent it from falling off during transportation (Article 39(4) of the Road Traffic Act).
- Drivers shall be prohibited from driving any motor vehicle while holding an animal or an infant in his/her arms or carrying articles in his/her seat in such a way as to impede the safety of the motor vehicle (Article 39(5) of the Road Traffic Act).

■ Penal provisions

- Penalties and penalty points (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 8, no.13, 33, Enforcement Regulation of the Road Traffic Act, Attached Table 28 no. 3-26).

Violation	Penalty
Exceeding the proper number of passengers	Van: KRW 70,000 Car: KRW 60,000 Two-wheeled car: KRW 40,000 Bicycle: KRW 30,000
Violations of load limit, negligence of freight falling prevention measures, or driving with a baby or pet in one's arms	Van: KRW 50,000 Car: KRW 40,000 Two-wheeled car: KRW 30,000 Bicycle: KRW 20,000

▶ Legal obligation to fasten seatbelt and in a car seat

■ Legal obligation to fasten seatbelt and in a car seat

- The driver of a motor vehicle (excluding two-wheeled vehicles) shall fasten the seatbelt thereof while driving the motor vehicle and require any passenger seated beside him/her to fasten their own seatbelt (in the case of an infant, this refers to the seatbelt after an infant safety harness has been installed) (Article 50(1) of the Road Traffic Act).

※ Penal provision (Road Traffic Act, Article 156(6), Enforcement Decree of the Road Traffic Act, Article 93(1) and Attached Table 8 no.56).

Violation	Penalty (KRW)
Failure to fasten seatbelt or car seat	Vans: 30,000 Cars: 30,000 Two-wheeled vehicles: 20,000 Bicycles: 10,000

※ A person who fails to comply with the above provision shall be punished by a fine of KRW 60,000 when a passenger is under 13 years old and KRW 30,000 when a passenger is at least 13 years old (Article 160(2)2 of the Road Traffic Act and Article 88(4) and Attached Table 6 No. 9 of the Enforcement Decree of the Road Traffic Act).

■ Exceptions to the mandatory fastening of seatbelts

- In the following cases it is not necessary to fasten a seatbelt (Article 50(1) of the Road Traffic Act, Article 31 of the Enforcement Regulation of the Road Traffic Act).
 - In cases where a person who appears unfit to wear a seatbelt on account of injury, disease, disability or pregnancy drives or takes a motor vehicle.
 - In cases where a person backs out a motor vehicle by driving.
 - In cases where a person who appears unfit fit to wear a seat belt on account of his/her physical condition such as height or weight drives or takes a motor vehicle.
 - In cases where an emergency vehicle is being used for its intended purpose.
 - In cases where a person drives or takes a motor vehicle which is being guarded or led by a police car.
 - In cases where a person drives or takes a vehicle used for a referendum or an election campaign or for administrative tasks related with a referendum or an election in accordance with the National Referendum Act and the Public Official Election Act.
 - In cases where a person drives or takes a motor vehicle in order to carry out a certain kind of work requiring frequent and repeated getting in and out a vehicle, such as the collection and delivery of mail or the collection of waste.
 - In cases where the driver of a transportation vehicle, under the Passenger Transport Service Act, cannot force an intoxicated or drugged passenger to fasten his/her seatbelt.

2. Safe Driving on Roads

2.1. Driving

2.1.1. General standards

▣ General travel standard

- Where a road is divided into a roadway and a sidewalk, motor vehicles shall travel on the roadway.
- Drivers of motor vehicles shall travel along the roadway on roads that are divided into a sidewalk and a roadway; provided that when they drive a motor vehicle into or out of any place other than a road, they may cross the sidewalk (Article 13(1) of the Road Traffic Act).
- Penal provision (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 8 no.5, Enforcement Regulation of the Road Traffic Act, Attached Table 28 no.3 A. 20).

Violation	Penalty (KRW)	Penalty points
Failure to observe the road division	Vans: 70,000 Cars: 60,000 Two-wheeled vehicles: 40,000 Bicycles: 30,000	10 (※ Bicycles are excluded)

- Cases in which it is permitted to travel along the center or the left-hand side of the road
- Drivers of motor vehicles and riders of horses shall travel along the part of the road that is situated to the right of the central line of the road. However, they may pass along the central or the left-hand side of the road in any of the following cases (Article 13(3) and (4) of the Road Traffic Act).
 - In cases where the road is reserved exclusively for one-way traffic
 - In cases where it is impossible for motor vehicles and horses to pass along the right-hand side of the road due to damage to the road, road construction works, and other impediments.
 - In cases where a vehicle (driver) intends to overtake other motor vehicles travelling ahead of it on a road, and where the width of the right-hand lane is not more than 6 meters. However, the same shall not apply in the following cases.
 - √ In cases where it is impossible to recognize the right-hand side of the road.
 - √ In cases where it is feared to impede the traffic approaching from the opposite direction.

- √ In cases where safety signs, etc. prohibit or restrict the passing of other motor vehicles driving ahead of it.
 - In cases where the width of the right-hand side of the road is not sufficiently wide for motor vehicles and horses.
 - In cases where the Commissioner of the Local Police Agency finds it necessary to designate a road section and traffic methods in order to prevent danger to traffic at the curve of a steeply sloping road, and along which motor vehicles and horses may pass according to such designation.
- Penal provision (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 6 no.2 A, Enforcement Regulation of the Road Traffic Act, Attached Table 28 no.3 A. 8).

Violation	Penalty (KRW)	Penalty points
Crossing the center line	Vans: 70,000 (100,000) Cars: 60,000 (90,000) Two-wheeled vehicles: 40,000 (70,000) Bicycles: 30,000	30 (※ Bicycles re excluded)

■ Types of motor vehicles assigned to each lane

- On roads with two or more lanes or one-way roads, each lane is assigned particular types of motor vehicles (Article 14(1) of the Road Traffic Act, Article 16(1) and Attached Table 9 of the Enforcement Regulation of the Road Traffic Act).
- When overtaking a motor vehicle, the next lane on the left-hand side of the designated lane shall be used (Enforcement Regulation of the Road Traffic Act, Attached table 9, note 2).
- Penal provision for failure to use the designated lanes (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 8 no.45, Enforcement Regulation of the Road Traffic Act, Attached Table 28).

Violation	Fine (KRW)	Penalty points
Failure to use designated lanes	Vans: 30,000 Cars: 30,000 Two-wheeled vehicles: 20,000 Bicycles: 10,000	10 (※ Bicycles are excluded)

■ Driving on exclusive lanes

- Categories of motor vehicles which are allowed to travel on exclusive lanes are designated (Article 15(2) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Article 9(1) and Attached Table 1).
- The following types of exclusive lanes have been designated (Enforcement Decree of the Road Traffic Act, Attached table 1).

- √ Bus exclusive lanes
- √ High-occupancy vehicle exclusive lanes
- √ Bicycle exclusive lanes
- Vehicles of other categories are permitted to travel on exclusive lanes in the following cases (Article 15(3) of the Road Traffic Act, Article 10 of the Enforcement Decree of the Road Traffic Act).
 - In cases where an emergency vehicle is travelling in an exclusive lane for its intended purpose.
 - In cases where a taxi uses an exclusive lane for a moment in order to allow a passenger to get in or get out; provided that it does not hinder the traffic in the lane. In such cases, the taxi driver shall leave the lane as soon as the situation allows.
 - In inevitable situations such as the demolition or construction of a road, etc.
- Penalprovision (subparagraph 1 of Article 156 of the RoadTraffic Act, subparagraphs 20 and22 of AttachedTable 8 and subparagraphs 2(c) and 3 of Attached Table 6 of the EnforcementDecree of the Road Traffic Act, and subparagraph 3(a) 12., 22. of AttachedTable 28 ofthe Enforcement Regulation of the Road Traffic Act).

Scene of violation	Penalty (KRW)	Penalty points
Expressway bus exclusive lane, high-occupancy vehicle exclusive lane	Vans: 70,000 (100,000) Cars: 60,000 (90,000) Two-wheeled vehicles: 40,000 (70,000) Bicycles: 30,000	30
Bus exclusive lane	Vans: 50,000 (60,000) Cars: 40,000 (50,000) Two-wheeled vehicles: 30,000 (40,000) Bicycles: 20,000	10

※ The above penalty points shall be imposed only in cases involving the driving of a motor vehicle.

2.1.2. Speed limit and safe distance

▣ Speed limit for motor vehicles, etc.

▪ Speed limit for motor vehicles, etc.

- The speed of motor vehicles, etc. travelling on public roads and highways shall be determined by the Road Traffic Act. When it is deemed necessary to prevent danger

and ensure the safe and smooth flow of traffic on the road, the Commissioner General of the National Police Agency or the Commissioner of a Local Police Agency may designate zones or sections of road on which the speed shall be restricted according to the following classification (Article 17(1) and (2) of the Road Traffic Act).

- The Commissioner General of the National Police Agency: Expressways
 - The Commissioner of a Local Police Agency: Roads other than expressways
- Speed limit for each type of road
- All drivers shall obey the following speed limits (Article 17(1) of the Road Traffic Act, Article 19(1) of the Enforcement Regulation of the Road Traffic Act).

Road		Speed (km/h)	
		Max	Min
Expressways	Two lanes	80	50
	Four or more lanes	100 (80 for truck, etc.)	50
	Zones or sections designated and notified by the Commissioner General of the National Police Agency	120 (90 for trucks, etc.)	50
Motorways		90	30
General roads	General roads in residential, commercial and industrial areas	50 (However, 60 for routes or sections designated by the Commissioner of the Regional Police Agency as specially necessary for smooth traffic)	
	General roads in other than residential, commercial and industrial areas	60 (However, 80 for roads with two or more lanes one way)	
※ Note : “Trucks, etc.” includes freight vehicles(whose dead weight is over 1.5 tons), special motor vehicles, dangerous goods vehicles (which carry dangerous goods in accordance with Note 6 of Attached Table 9 in the Enforcement Regulation of the Road Traffic Act), and construction machinery.			

- Drivers shall always drive their motor vehicle, etc. at a speed higher than the minimum limit and lower than the maximum limit, except in inevitable situations such as traffic jams (Article 17(3) of the Road Traffic Act).

※ Speed limit in protection zones for children, senior citizens or the physically challenged

- In a child protection zone(or school zone) the speed of motor vehicles may be restricted to below 30km/h in order to protect children from the danger of traffic accident; whereas in senior citizen or physically challenged

protection zones, the passage of motor vehicles or horses may be limited or prohibited altogether (Article 12(1), 12-2(1) of the Road Traffic Act).

- A certain section of the neighboring roads of one of the following facilities or locations shall be designated as a school zone (Article 12(1) of the Road Traffic Act and Article 14 of the Enforcement Regulation of the Road Traffic Act).
 - √ Kindergartens according to Article 2 of the Early Childhood Education Act, elementary or special schools according to Articles 38 and 55 of the Elementary and Secondary Education Act.
 - √ Child care centers whose capacity is not less than 100 persons and which comply with Article 10 of 「Child Care Act」: Provided, That, in cases where the mayors of metropolitan cities, the governor of Jeju Special Self-Governing Province, or other mayors and county governors (except governors of a metropolitan city, hereafter "mayors, etc.") recognize the necessity of protecting children from the danger of traffic accidents in consideration of the traffic conditions of the region in which a child care center is located, the neighboring roads of the child care center can be designated as a school zone under the coordination of the commissioner of the local police agency, even though the capacity of the center is below 100.]
 - √ Among private institutes according to Article 2 of the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons, school subject teaching institutes in the Attached Table 2 of the Enforcement Decree of the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons, of which the number of registered students is not less than 100; provided that, in cases where mayors, etc. recognize the necessity of protecting children from the danger of traffic accident in consideration of the traffic conditions of the region in which a daycare center is located, the neighboring roads of the institute can be designated as a school zone under the coordination of the commissioner of local police agency, even though the capacity of the institute is below 100.]
 - √ International schools or alternative schools according to Article 60-2 or 60-3 of 「Elementary and Secondary Education Act」, alternative educational institutions according to Subparagraph 2 of Article 2 of 「Act on Alternative Educational Institutions」, international schools according to Article 223 of 「Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City」, and foreign educational institutes having a kindergarten or elementary school according to Subparagraph 2 of Article 2 of 「Special Act on Establishment and Management of Foreign Educational Institutes in Free Economic Zones and Jeju International Free City」.
 - √ Other facilities or locations frequented by children, as prescribed by Ordinance.

- The drivers of motor vehicles, etc. shall reduce their speed by a prescribed rate depending on the climate or road conditions (Article 19(2) of the Enforcement Regulation of the Road Traffic Act).

※ In bad weather conditions including heavy rainfall, fog, snow, etc., it takes

more time than usual to break and bring a vehicle to a stop because of the deteriorated field of vision and/or irregular road conditions.

- In conditions where it is necessary to drive at 20/100 (20%) of the usual maximum speed limit.
- √ In cases where a road is wet due to heavy rainfall.
- √ In cases where snowfall is below 20mm.
- In conditions where it is necessary to drive at 50/100 (50%) of the usual maximum speed limit.
- √ In conditions where visibility is less than 100m because of heavy rainfall, heavy snow or fog.
- √ On icy roads.
- √ In cases where snowfall is above 20mm.

- If the Commissioner General of the National Police Agency or the Commissioner of a Local Police Agency designates a maximum speed limit by means of a 'variable speed limit' sign, drivers shall comply with this speed limit. In cases where there is a difference between the maximum speed limit determined by a 'variable speed limit' sign and one determined by other types of safety sign, the former shall have priority (Enforcement Regulation of the Road Traffic Act, Article 19(2) and Attached Table 6 I, no.1).
- In cases where a motor vehicle other than a tow truck tows away another motor vehicle along a road (excluding expressways), its driver shall comply with the following speed requirements (Enforcement Regulation of the Road Traffic Act, Article 20).
 - In cases where a motor vehicle whose total weight is below 2,000kg is towed away by another motor vehicle whose total weight is three or more times that of the former: 30km/h and below.
 - In cases where a two-wheeled vehicle tows away, in addition to the above condition: 25km/h and below.
- Penal provision
 - Penal provision (Road Traffic Act, Article 156(1), Enforcement Decree of the Road Traffic Act, Attached Table 6, no.4, Attached Table 8 nos.1, 2, 6, 46, and Enforcement Regulation of the Road Traffic Act, Attached Table 28, nos.3, A. 3, 9, 15).

Extent of excess speed	Penalty (KRW)	Penalty points
Over 60km/h	Vans: 130,000 (140,000)	60
	Cars: 120,000 (130,000)	
	Two-wheeled vehicles: 80,000 (90,000)	
Over 40km/h and not more than 60km/h	Vans: 100,000 (110,000)	30
	Cars: 90,000 (100,000)	
	Two-wheeled vehicles: 60,000 (70,000)	
Over 20km/h and not more than 40km/h	Vans: 70,000 (80,000)	15
	Cars: 60,000 (70,000)	
	Two-wheeled vehicles: 40,000 (50,000)	
Not more than 20km/h	Vans: 30,000 (40,000)	-
	Two-wheeled vehicles: 20,000 (30,000)	

※ The imposition of an additional fine shall apply to violations of the speed limit in school zones and protection zones for the aged or the physically challenged from 8am to 8pm (proviso to Article 88(4) of the Enforcement Decree of the Road Traffic Act and subparagraph 2 of Attached Table 7 and subparagraph 3 of Attached Table 10 of the Enforcement Decree of the Road Traffic Act).

<div style="border: 1px solid gray; padding: 2px; display: inline-block;">확인</div> Extent of excess speed	Penalty in school zones (KRW)
Over 60km/h	Vans: 160,000 (170,000) Cars: 150,000 (160,000) Two-wheeled vehicles: 100,000 (110,000)
Over 40km/h and not more than 60km/h	Vans: 130,000 (140,000) Cars: 120,000 (130,000) Two-wheeled vehicles: 80,000 (90,000)
Over 20km/h and not more than 40km/h	Vans: 100,000 (110,000) Cars: 90,000 (100,000) Two-wheeled vehicles: 60,000 (70,000)
Not more than 20km/h	Vans: 60,000 (70,000) Cars: 60,000 (70,000) Two-wheeled vehicles: 40,000 (50,000)

▶ Maintaining a safe distance

■ Duty to maintain a safe distance

- When a motor vehicle is traveling behind another motor vehicle traveling in the same direction, the driver of the following motor vehicle shall maintain a safe distance in order to avoid a collision with the motor vehicle traveling ahead of it in the event that the latter stops suddenly (Road Traffic Act, Article 19(1)).

■ Precautions concerning safe distance

- When any driver of a motor vehicle, etc. passes by a bicycle travelling in the same direction, he/she shall maintain the necessary distance to avoid a collision with such bicycle (Road Traffic Act, Article 19(2)).
- The drivers of motor vehicles shall not change course abruptly when it is likely to impede the flow of other motor vehicles running in the direction in which he/she intends to change his/her route (Road Traffic Act, Article 19(3)).
- The drivers of motor vehicles shall not apply their brakes in order to abruptly stop their motor vehicle or reduce the speed thereof except in cases where such an action is intended to prevent danger or on the grounds of inevitability (Road Traffic Act, Article 19(4)).

■ Penal provision

- Punishments for failure to maintain a safe distance or violation of the provision on changing one's course abruptly (Road Traffic Act, Article 156(1), Enforcement Decree of the Road Traffic Act, Attached Table 8, nos.22, 46, 47, 60 and Enforcement Regulation of the Road Traffic Act, Attached Table 28, no.3, A. 23).

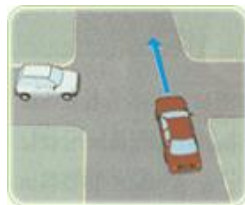
Violation		Penalty (KRW)	Penalty points
Failure to maintain safe distance	General roads	(Passenger) Cars/freight vehicles of not more than 4 tons: 20,000 Two-wheeled vehicles/motorbikes: 10,000	10
	Expressways/ Bus exclusive lanes	Vans: 50,000 Cars: 40,000 Two-wheeled vehicles: 30,000 Bicycles: 20,000	
Violation of provision on changing one's course abruptly		Vans: 30,000 Cars: 30,000 Two-wheeled vehicles: 20,000 Bicycles: 10,000	

2.1.3. Prescribed method of giving way and overtaking

▶ Priority of passage

■ Giving way at an intersection without traffic control

- The driver of a motor vehicle which is about to enter an intersection without traffic control shall give way to another vehicle which has already entered the intersection (Article 26(1) of the Road Traffic Act).

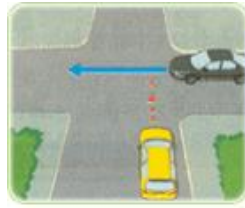


- The driver of a motor vehicle which is about to enter an intersection without traffic control shall slow down, provided that the width of the road on which he/she is driving is narrower than that of the intersecting road. The driver shall also give way to any other vehicle which is about to enter the intersection from the wider road (Article 26(2) of the Road Traffic Act).

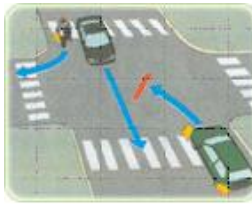


- The driver of a motor vehicle which is about to enter an intersection without

traffic control at the same time as another vehicle which is about enter from the road on the right-hand side shall give way to that vehicle (Article 26(3) of the Road Traffic Act).



- The driver of a motor vehicle which is about to turn left at an intersection without traffic control shall give way to another vehicle which is about to go straight or turn right (Article 26(4) of the Road Traffic Act).



- Penal provision (Article 156(2) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Article 93 and Attached Table 8(26))

Violation	Penalty (KRW)
Violation of obligation to give way at an intersection	Vans: 50,000 Cars: 40,000 Two-wheeled vehicles: 30,000 Bicycles: 20,000

- Giving way

- All drivers of motor vehicles(except emergency vehicles) wishing to drive their vehicle more slowly than those travelling behind his/her vehicle shall give way to them by driving his/her vehicle along the right-hand edge of the road (Article 20(1) of the Road Traffic Act).

- The above provision shall not apply to roads with four or more lanes, provided that a motor vehicle travelling behind another motor vehicle can overtake it in the proper way (Article 20(1) of the Road Traffic Act).

※ ‘Emergency vehicle’ includes the vehicles listed in the following box. It refers to vehicles that are used for their intended emergency purpose. The vehicles listed from 9 to 12 are emergency vehicles only when they are designated as such by the Commissioner of a Local Police Agency after the application of the user or organization concerned (Article 2(22) of the Road Traffic Act, Article 2(1) of the Enforcement Decree of the Road Traffic Act).

1. Fire engines.
2. Ambulances.
3. Blood supply vehicles.

4. Motor vehicles operated by the police for criminal investigation, traffic regulation, or any other emergency police operations.
5. Motor vehicles operated by the national armed forces and the United Nations Forces in Korea for maintaining order within the armed forces or for ensuring the orderly movement of military troops in convoys.
6. Motor vehicles operated by investigative agencies for criminal investigations.
7. Motor vehicles operated by facilities or agencies falling under any of the following categories when transporting arrested runaways or carrying and guarding inmates or probationers:
 - (a) Correctional institutions, juvenile detention homes, detention houses, and protective custodial houses;
 - (b) Juvenile reformatories and juvenile classification and examination offices;
 - (c) Probation offices.
8. Motor vehicles used by official security services for domestic and foreign key figures.
9. Motor vehicles used in emergency operations for hazard prevention by organizations and institutions that provide electricity, gas or any other public utilities services.
10. Motor vehicles mobilized for emergency preventive measures or restoration works by the government agency responsible for civil defense affairs.
11. Motor vehicles that are used in emergency works undertaken to prevent hazards on the road, operated for road maintenance purposes, and those controlling the vehicles operated under restrictions.
12. Motor vehicles used for emergency services such as repair works related to telegraph or telephone systems, for emergency postal delivery services including the transportation of mail, and for radio wave monitoring.

- In addition to the motor vehicles set forth above, those vehicles moved under a convoy of emergency police vehicles, those operated by the ROK Armed Forces and the United Nations Forces in Korea, or moved under a convoy of emergency vehicles of the ROK Armed Forces or the United Nations Forces in Korea, and those transporting a critical patient, an injured person or blood for a transfusion, shall be deemed to be emergency motor vehicles (Article 2(2) of the Enforcement Decree of the Road Traffic Act).

- Emergency motor vehicles may pass through the center or left-hand side of the road in the event of an emergency or due to other inevitable reasons. When any emergency motor vehicle is approaching the intersection or in the vicinity of the intersection, the drivers of motor vehicles and trams, and riders of horses shall pull away from the intersection to temporarily stop. When any emergency motor vehicle is approaching any other place, the drivers of motor vehicles and trams, and riders of horses shall yield the right of way to the emergency motor vehicle. (Article 29(1), (4), and (5) of the Road Traffic Act).

- Giving way to faster motor vehicles

- When motor vehicles (other than emergency motor vehicles) are travelling in

opposite directions on a narrow road, one or other of the motor vehicles concerned shall yield by moving to the right-hand side of the road according to the following classification (Article 20(2) of the Road Traffic Act).

- Where motor vehicles are travelling in opposite directions on a sloping narrow road, the motor vehicle travelling uphill shall yield.
- Where a motor vehicle carrying a person or loaded goods and an empty motor vehicle are travelling in opposite directions on a narrow road other than a sloping narrow road, the empty motor vehicle shall yield.

▣ Prohibition of overtaking and cutting in

▣ Method of overtaking, etc.

- When a driver of a motor vehicle intends to overtake another motor vehicle, he/she shall drive on the left-hand side of that motor vehicle (Article 21(1) of the Road Traffic Act).
- The driver of any motor vehicle intending to overtake another motor vehicle shall pay due attention to traffic coming from the opposite direction and the traffic ahead, and shall overtake the motor vehicle in front at a safe speed and in a safe manner, by using the indicators, lights or horn, in consideration of the speed and route of the motor vehicle traveling ahead and the road conditions (Article 21(3) of the Road Traffic Act).
- The driver of a motor vehicle shall not accelerate or compete with another motor vehicle which intends to overtake in the ways described above, and shall not drive along the hard shoulder (Article 60(2) of the Road Traffic Act) or obstruct the motor vehicle in any way (Article 21(4) of the Road Traffic Act).

▣ Cases where overtaking is prohibited

- The driver of a motor vehicle shall not overtake another motor vehicle travelling ahead in any of the following situations (Article 22(1) of the Road Traffic Act).
 - In cases where another motor vehicle is travelling on the left-hand side of the motor vehicle travelling ahead.
 - In cases where the motor vehicle travelling ahead is overtaking or intends to overtake another motor vehicle.
- The driver of a motor vehicle shall not overtake in any of the following situations (Article 22(2) of the Road Traffic Act).
 - In cases where a motor vehicle has come to a halt or is slowing down according to the Road Traffic Act or an order given in accordance with the Road Traffic Act.
 - In cases where a motor vehicle is coming to a halt or is slowing down according to a police officer's order.
 - In cases where a motor vehicle is being stopped or slowing down in order to prevent danger.
- The driver of a motor vehicle shall not overtake in any of the following places (Road Traffic Act, Article 22(3)).
 - At road intersections
 - In tunnels

- On bridges
 - On curved sections of a road, the peaks of a ramp, or downhill road, etc. which the commissioner of a local police agency has signaled by means of a safety sign in order to prevent dangerous situations and to secure the safe and natural flow of traffic
- Penal provision (Road Traffic Act, Article 156(1), (3), Enforcement Decree of the Road Traffic Act, Article 93, Attached Table 8, nos. 8, 9, 24 and Enforcement Regulation of the Road Traffic Act, Attached Table 28, nos. 16, 24).

Violation	Penalty (KRW)	Penalty points
Failure to overtake in the correct fashion	Vans: 70,000 Cars: 60,000 Two-wheeled vehicles: 40,000 Bicycles: 30,000	10
Overtaking in times and places where overtaking is prohibited	Vans: 70,000 Cars: 60,000 Two-wheeled vehicles: 40,000 Bicycles: 30,000	15
Obstruction of overtaking vehicle	Vans: 50,000 Cars: 40,000 Two-wheeled vehicle : 30,000 Bicycle : 20,000	

2.1.4. Lights and signals of motor vehicles

▶ Lights of motor vehicles

- Situations in which the lights of a motor vehicle must be turned on
 - The driver of a motor vehicle shall keep its headlights, sidelights, taillights, and other lights turned on in any of the following cases (Article 37(1) of the Road Traffic Act).
 - In cases where the driver stops or parks the motor vehicle due to breakdown or other inevitable reasons when he/she is driving at night, i.e. from sunset to sunrise).
 - In cases where the driver is obliged to stop or park the motor vehicle on a road due to breakdown or other inevitable reasons when it is foggy, raining or

snowing.

- In cases where the driver stops or parks the motor vehicle on a road inside a tunnel due to breakdown or other unavoidable circumstances.

■ Lighting according to the driving situation

- Every driver of a motor vehicle shall turn on the following lights when driving on a road (Article 19 of the Enforcement Decree of the Road Traffic Act).

Situation	Vehicle	Lights to be turned on
While driving	Motor vehicles	Headlights, sidelights, tail lights, license plate lights, and interior illumination as prescribed by the motor vehicle safety standards (interior illumination shall be applicable only to buses and commercial vehicles for passenger transport business as defined in the Passenger Transport Service Act)
	Motor bicycles	Headlights, tail lights
	Towed vehicles	Tail lights, sidelights, license plate lights
	All types of vehicles except motor vehicles and motorbikes	As notified by the commissioner of a local police agency
When stopped or parked	Motor vehicles(except two-wheeled vehicles)	Tail lights and sidelights as defined by the motor vehicle safety standards
	Two-wheeled vehicles(including motorbikes)	Tail lights(including reflex reflector)
	All types of vehicles except motor vehicles and motorbikes	As notified by the commissioner of a local police agency

■ Operation of lights

- Drivers shall abide by the following instructions when turning on or operating lights (Article 37(2) of the Road Traffic Act, Article 20 of the Enforcement Decree of the Road Traffic Act).

- As motor vehicles inevitably proceed in opposite directions to each other at night, drivers shall reduce the brightness of the headlights, lower the direction of the lights, or turn off the lights momentarily. Where road conditions do not cause obstructions to vehicles or trams proceeding in opposite directions to each other, it is not necessary to turn off the lights (Article 20(1)1 of the Enforcement Decree of the Road Traffic Act).· While driving close behind another motor vehicle or a tram at night, the driver shall deflect the beam of his/her lights downwards and shall not manipulate the brightness of the lights so as to ensure that his/her motor vehicle does not impede the vision etc. of the driver of the vehicle or tram travelling ahead (Article 20(1)2 of

the Enforcement Decree of the Road Traffic Act).

- While driving close behind another motor vehicle at night, the driver shall deflect the beam of his/her lights downwards and shall not manipulate the brightness of the lights so as to ensure that his/her motor vehicle does not impede the vision etc. of the driver of the vehicle travelling ahead (Article 20(1)2 of the Enforcement Decree of the Road Traffic Act).
- All drivers of vehicles shall deflect the beam of their headlights downwards when driving through an area with heavy traffic. The same, however, shall not apply to places designated by the commissioner of a local police agency on the grounds that the measure is necessary to secure the safety of traffic and natural flow of traffic (Article 20(2) of the Enforcement Decree of the Road Traffic Act).

■ Penal provision (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Article 93 and Attached Table 8 no.61)

Violation	Penalty (KRW)
Failure to turn on and operate lights (except when it is foggy, raining or snowing)	Vans: 20,000 Cars: 20,000 Two-wheeled vehicles: 10,000 Bicycles: 10,000

▶ Signaling by motor vehicles

■ When and how to signal

- When a driver intends to turn to the right or the left, cross a road, make a U-turn, slow down, stop, reverse, or change course while traveling in the same direction, or enter or leave a roundabout, it is necessary to signal by using the hand, indicator or other lights until the intended maneuver has been completed (see attached Table 2 of 「Enforcement Decree of the Road Traffic Act」 for time and way of signaling) (Article 38 of 「Road Traffic Act」, Article 21 of 「Enforcement Decree of the Road Traffic Act」).

■ Penal provision (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Article 93 and Attached Table 8 no.52)

Violation	Penalty (KRW)
Failure to signal while changing direction or path	Vans: 30,000 Cars: 30,000 Two-wheeled vehicles: 20,000 Bicycles: 10,000

2.1.5. Things to be observed by a driver while driving

▣ Obligation to submit to a clampdown by the police

▣ Obligation to submit to a breath test

- When a police officer sees a considerable reason for concluding that someone is driving a motor vehicle while intoxicated or feels the necessity to secure the safety of traffic and prevent danger, he/she may require the driver to take a breath test. In such cases, the driver shall submit to the test (Article 44(2) of the Road Traffic Act).

※ In cases where a driver refuses the request of a police officer to submit to a breath test, even though he/she has driven while intoxicated or when there is sufficient reason to conclude that he has driven while intoxicated, his license shall be revoked (Enforcement Regulation of the Road Traffic Act, Article 91, Attached table 28(2)2, 3, and (3)2).

※ Any driver who refuses a police officer's request to submit to a breath test while displaying sufficient signs of being drunk shall be punished by imprisonment of not less than 1 year but not more than 5 years, or a fine of not less than KRW 5,000,000 but not more than KRW 20,000,000 (Article 148-2(1)1 of the Road Traffic Act).

※ A person who refuses the aforementioned police officer's breath test and receives a penalty greater than a fine and then violates this again within 10 years from the date when his/her sentence becomes final shall be punished by imprisonment of not less than 1 year but not more than 6 years, or a fine of not less than KRW 5,000,000 but not more than KRW 30,000,000 (Article 148-2(1)1 of the Road Traffic Act).

※ Any driver whose license has been revoked on account of a violation of the obligation to submit to a breath test on more than three occasions cannot reacquire a new license until at least two years have elapsed since the revocation of the driver's previous license (Article 82(2)6(a) of the Road Traffic Act)

- Any driver who refuses to accept the result of a breath test may be tested again by another method such as a blood test upon his/her consent (Article 44(3) of the Road Traffic Act).

▣ Clampdown on poorly repaired vehicles

- When a motor vehicle deemed to have been poorly repaired is being driven, police officers may first stop the motor vehicle and then request the driver of such motor vehicle to produce the motor vehicle registration certificate or driver's license, and check the vehicle (Article 41(1) of the Road Traffic Act).

- When a motor vehicle is found to have been poorly repaired as a result of the check, depending on the extent of its poor maintenance, police officers may allow the driver to drive the motor vehicle after taking the necessary emergency measures or allow the driver to continue driving after determining the section and the traffic route and laying down the conditions needed to prevent danger in consideration of the traffic conditions (Article 41(2) of the Road Traffic Act).

- When the state of maintenance of a motor vehicle is found to be extremely poor and hence the motor vehicle is likely to be a danger to public safety, the Commissioner of the Local Police Agency may keep the registration certificate of the motor vehicle in custody and order the driver to stop driving until the

vehicle has been properly repaired. In such cases, where deemed necessary, the Commissioner may set a maintenance deadline of 10 days and order a suspension of the use of the motor vehicle in question during that period (Article 41(3) of the Road Traffic Act).

※ Any driver who fails to follow, refuses or even obstructs such request, measure or command of a police officer shall be punished by imprisonment of not more than 6 months or a fine of not more than KRW 2,000,000 or penal detention (Article 153(1)2 of the Road Traffic Act).

Prohibition of quarrels or disputes on the road

- It is prohibited to engage in quarrels or disputes while travelling on a public highway.
 - Drivers shall not impede motor vehicles or horse traffic by engaging in a quarrel or dispute, etc. while driving or parking their motor vehicle, etc. on the road (Article 49(1)5 of the Road Traffic Act).
- Penal provision (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 8 no.35, and Enforcement Regulation of the Road Traffic Act, Attached Table 28 no.3 A.28).

Violation	Penalty (KRW)	Penalty points
Quarrel or dispute on the road	Vans: 50,000 Cars: 40,000 Two-wheeled vehicles: 30,000 Bicycles: 20,000	10

Restrictions on noise

- It is prohibited to deliberately generate noise with your motor vehicle that may disturb or harm other people.
 - Drivers shall not generate noise that disturbs or harms other persons by performing one of the following acts without justifiable reason (Article 49(1)8 of the Road Traffic Act).
 - The act of starting or accelerating a motor vehicle abruptly.
 - The act of increasing the motor's revolutions per minute without transmitting the power of the motor to the wheels.
 - The act of repeatedly or continuously sounding the horn.
- Penal provision (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 8 no.36)

Violation	Penalty (KRW)
Causing noise by abrupt starting of motor; abrupt acceleration of motor; continuous idling of motor; or repeated sounding of car horn, etc.	Vans: 50,000 Cars: 40,000 Two-wheeled vehicles: 30,000 Bicycles: 20,000

※ Prohibition of disorderly conduct

- Drivers shall not neglect or ignore disorderly conduct on the part of their passengers in their vehicle while driving.
- Drivers shall not neglect any disorderly conduct, including dancing, which could seriously impede safe travel while driving their vehicle (Article 49(1)9 of the Road Traffic Act).
- Penal provision
 - Penalty points: 40; Penalties (Vans: KRW 100,000; Cars: KRW 90,000; Two-wheeled vehicles: KRW 60,000) (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 7 no.2, and Enforcement Regulation of the Road Traffic Act, Attached Table 28 no.3 A.6)

▶ Prohibition of use of mobile phone while driving

- It is prohibited to use a mobile phone while driving.
 - Drivers are prohibited from using a cellphone (including a car phone) while driving a motor vehicle, etc. (Article 49(1)10 of the Road Traffic Act).
 - However, the use of a cell phone is permitted in the following cases (Article 49(1)10 of the Road Traffic Act, Article 29 of the Enforcement Decree of the Road Traffic Act).
 - In cases where the driver stops his/her vehicle, etc.
 - In cases where an emergency motor vehicle is being driven.
 - In cases where it is necessary to report without delay an accident or certain types of crime.
 - In cases where a driver is using a device which enables the hands-free handling of a cell phone (including a car phone), provided that it does not impede the safe driving of the motor vehicle concerned.
- Penal provision (Road Traffic Act, Article 156(1), Enforcement Decree of the Road Traffic Act, Attached Table 8 no.15, and Enforcement Regulation of the Road Traffic Act, Attached Table 28 no.3 A.17)

Violation	Penalty (KRW)	Penalty points
Use of a mobile phone while driving	Vans: 70,000 Cars: 60,000 Two-wheeled vehicles: 40,000 Bicycles: 30,000	15

▶ Prohibition of watching DMBs, etc. while driving

- It is prohibited to watch DMBs, etc. while driving.
 - Drivers shall not use a device to receive or play images such as broadcasts (including portable devices, hereinafter VDUs (Visual Display Unit)) within their

range of vision while driving (Article 49(1)11 of the Road Traffic Act).

- It is permitted to display images in the following cases (Article 49(1)11 of the Road Traffic Act).
 - In cases where the motor vehicle has stopped.
 - In cases where the VDU of a motor vehicle displays one of the following images:
 - √ Geographic or traffic information images;
 - √ Images informing the driver of an emergency such as a national emergency, disaster, etc.;
 - √ Images that help the driver to see the left and right-hand sides or the front and rear of the motor vehicle, etc. while driving.
- Drivers shall not handle a VDU while driving: Provided, that they may handle a VDU while the motor vehicle, etc., is at a standstill (Article 49(1)11-2 of the Road Traffic Act).
- Penal provision (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 8 nos.15-2, 15-3 and Enforcement Regulation of the Road Traffic Act, Attached Table 28 nos.3 A. 17-2, 17-3)

Violation	Penalty (KRW)	Penalty points
Display of images on a VDU installed in a position which is visible to the driver while driving, handling a VDU while driving	Vans: 70,000 Cars: 60,000 Two-wheeled vehicles: 40,000 Bicycles: 30,000	15

▶ Obligation to stop temporarily to protect the mobility handicapped

- Drivers shall stop their motor vehicle temporarily in order to protect the mobility handicapped.
- Drivers shall stop temporarily in the following cases (Article 49(1)2 of the Road Traffic Act).
 - When a driver recognizes the possibility of a traffic accident involving children, including cases where a child is crossing a road alone, or where a child is sitting, standing or playing on the road.
 - When a blind person holding a white cane or accompanied by a guide dog is crossing the road.
 - When physically disabled persons or senior citizens who are unable to use road-crossing facilities, such as underpasses and overpasses, are crossing the road.
- Penal provision (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 8 no.14)

Violation	Penalty (KRW)
Failure to stop one's motor vehicle temporarily in order to protect the mobility handicapped, children or blind persons	Vans, etc.: 70,000 Cars, etc.: 60,000 Two-wheeled vehicles, etc.: 40,000 Bicycles, etc.: 30,000

▶ Prohibition of dangerous collective conduct

- It is prohibited to harm other persons or cause danger to traffic by means of dangerous collective conduct.
 - The drivers of two or more motor vehicles, etc. shall be prohibited from driving their motor vehicles, etc. in a row or side by side without justifiable grounds, in a manner that endangers other persons or causes danger to other road users (Article 46(1) of the Road Traffic Act).
 - Passengers in a motor vehicle, etc. shall not take the lead in, initiate or encourage any dangerous collective conduct (Article 46(2) of the Road Traffic Act).
- Penal provision
 - The license of a driver who violates the prohibition of dangerous collective conduct may be revoked or suspended for not more than one year (Article 93(1)5 of the Road Traffic Act).
 - Anyone who engages in, initiates or leads dangerous collective conduct shall be punished by imprisonment of not more than 2 years or by a fine of not more than KRW 5,000,000 (Article 150(1) of the Road Traffic Act).

▶ Prohibition of reckless driving

- Prohibited acts
 - The driver of a motor vehicle, etc. shall not commit two or more of the following consecutively or commit any of the following continuously or repetitively, and thus endanger other persons and cause danger to traffic (Article 46-3 of the Road Traffic Act):
 - Violating the signals
 - Driving over the centerline
 - Violating the speed limit
 - Violating the prohibition of crossing, U-turn or backing
 - Not assuring a safe distance, violating the prohibition of lane change, violating the prohibition of sudden braking
 - Violating the prescribed method of overtaking or the prohibition to interrupt overtaking
 - Generating noise without any justifiable reasons
 - Violating the prescribed method of overtaking on expressways

- Violating the prohibition of crossing, U-turn or backing on expressways

■ Traffic safety education

- Any person who subject or to be subject to a disposition taken to suspend the effect of his/ her driver's license on the grounds of reckless driving and for whom the suspension period has yet to elapse must receive special traffic safety education (Article 73(2).2 of the Road Traffic Act).
- The said person may be allowed to postpone such special traffic safety education, where there is an unavoidable circumstance (the latter part of Article 73(2).2 of the Road Traffic Act).

■ Sanctions on violation

- When a person who has obtained a driver's license (excluding any student license) drives recklessly, the Commissioner of a Local Police Agency may revoke the driver's license or suspend the effect thereof within an extent of up to one year (Article 93.(1).5-2 of the Road Traffic Act).
- When a driver of any motor vehicle drives recklessly, he/she shall be punished by imprisonment for not more than one year or by a fine not exceeding five million won (Article 151-2 of the Road Traffic Act).

▶ **Special protection of school buses for children**

■ What is a school bus for children?

- Vehicles that are used for transporting children (refers to persons under than the age of 13) to and from educational establishments among any of the following establishments and vehicles that provide transport services for children with a temporary license in accordance with Article 4(3) of the Passenger Transport Service Act (Article 2(23) of the Road Traffic Act).
 - Kindergartens and Early Childhood Education Promotion Agency provided for in the Early Childhood Education Act, elementary schools, special schools, alternative schools, and foreign schools provided for in the Elementary and Secondary Education Act.
 - Daycare centers provided for in the Infant Care Act.
 - Private teaching institutes and classrooms established pursuant to the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons.
 - Sports facilities established pursuant to the Installation and Utilization of Sports Facilities Act.
 - Welfare facilities for the disabled in accordance with the Child Welfare Act (excluding vocational rehabilitation facilities for the disabled)
 - Youth training facilities in accordance with the 「Youth Activity Promotion Act」
 - Welfare facilities for the disabled in accordance with the 「Welfare for the Disabled Act」 (excluding vocational rehabilitation facilities for the disabled)
 - Public libraries in accordance with the 「Library Act」
 - City/Do Lifelong Education Promotion Agency and Si/Gun/Gu Lifelong Learning Centers under the 「Lifelong Education Act」

- Social welfare facilities and social welfare centers under the 「Social Welfare Business Act」
- School buses for children shall be granted special protection.
 - When any school bus for children stops on the road and operates such devices as warning lamps, indicating that children or infants are boarding or alighting, the driver of any motor vehicle driving in the lane on which the school bus has parked and the driver of any other motor vehicle that is driving in the lane just next to the former lane shall temporarily stop before reaching the school bus, and then drive slowly after ensuring the safety of such a maneuver (Article 51(1) of the Road Traffic Act).
 - In the above case, the driver of any motor vehicle driving in the opposite direction on a road along which no median line is marked or along a two-lane road shall temporarily stop the motor vehicle before reaching the school bus, and then drive slowly after ensuring the safety of such a maneuver (Article 51(2) of the Road Traffic Act).
 - Drivers of any motor vehicle shall be prohibited from overtaking any school bus carrying children and bearing a sign or other indication to the effect that children or infants are aboard (Article 51(3) of the Road Traffic Act).
- Penal provision (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 8 no.38 and Enforcement Regulation of the Road Traffic Act, Attached Table 28 no.3 A. 10-2)

Violation	Penalty (KRW)	Penalty points
Failure to provide school bus for children with special protection	Vans, etc.: 100,000 Cars, etc.: 90,000 Two-wheeled vehicles, etc.: 60,000	30

□ Requirements for drivers of autonomous driving motorvehicles

□ Duty of care of drivers of semi-autonomous driving system

-The driver of a vehicle equipped with an autonomous driving system that doesnot constitutes a fully autonomous driving system prescribed by Ordinance ofthe Ministry of the Interior and Safety shall respond to the request for directdriving of the autonomous driving system without delay and operate the steeringssystem, brake system, and other equipment in person to drive the motor vehicle.(Article 50-2(1) of the Road Traffic Act).

□ Penalties for violations

- Adriver who violates the foregoing shall be punished by a fine not exceeding 200,000won, by misdemeanor imprisonment, or by a minor fine (subparagraph 6-2 of Article156 of the Road Traffic Act).

2.1.6. Driving in specific areas

▶ Prohibition of crossing, U-turns and reversing

- Cases where crossing, U-turns and reversing are prohibited on the road
 - When it is likely to impede the normal traffic flow of pedestrians, other motor vehicles or horses, the drivers of motor vehicles and the riders of horses shall be prohibited from crossing the road, making a U-turn, or reversing (Article 18(1) of the Road Traffic Act).
 - When it is deemed especially necessary to prevent danger and ensure the safe and smooth flow of traffic on the road, the Commissioner of a Local Police Agency may designate any section of a road as a place where it is prohibited for motor vehicles and horses to cross, make a U-turn, or reverse (Article 18(2) of the Road Traffic Act).
 - When the driver of a motor vehicles or the rider of a horse intends to enter a road from a building, parking lot, etc., they shall first stop their motor vehicle or horse, confirm the safety of such action, and proceed slowly (Article 18(3) of the Road Traffic Act).
- Penal provision
 - Violation of the above provisions shall be punished by the following fines (Road Traffic Act, Article 156(1), Enforcement Decree of the Road Traffic Act, Attached table 7, no.7).

Violation	Penalty (KRW)
Failure to observe the prohibition of crossing, U-turn or reverse	Vans, etc.: 70,000 Cars, etc.: 60,000 Two-wheeled vehicles, etc.: 40,000 Bicycles, etc.: 30,000

- ▣ Cases where it is necessary to slow down or stop temporarily
 - Drivers shall slow down or stop their motor vehicle temporarily in accordance with the degree of danger in a dangerous area for the purpose of preventing traffic accidents.
 - Drivers shall slow down or stop their motor vehicle temporarily in the following places (Article 31 of the Road Traffic Act).

Places where it is mandatory to slow down	Places where it is mandatory to stop temporarily
<ul style="list-style-type: none"> - Intersections without traffic control - Near curved sections of road - Near the peak of a slope - Downhill roads - Places designated by means of a safety sign etc. by the commissioner of a local police agency in order to prevent danger and secure a safe and smooth flow of traffic 	<ul style="list-style-type: none"> - Intersections which have a lot of traffic or do not allow confirmation of left and right-hand sides but are not under traffic control - Designated by means of a safety sign etc. by the commissioner of a local police agency in order to prevent danger and secure a safe and smooth flow of traffic

■ Penal provision

- The penalties for violations are as follows (Article 156(4) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 8 nos.50, 51)

Violation	Penalty (KRW)
Failure to slow down or stop temporarily	<p style="text-align: center;">Vans, etc.: 30,000</p> <p style="text-align: center;">Cars, etc.: 30,000</p> <p style="text-align: center;">Two-wheeled vehicles, etc.: 20,000</p> <p style="text-align: center;">Bicycles, etc.: 10,000</p>

▶ Railroad crossing

■ How to cross a railroad crossing

- When intending to cross a railroad crossing, drivers shall temporarily stop in front of the railroad crossing and confirm whether it is safe to cross before crossing (Article 24(1) of the Road Traffic Act).
- Drivers may cross a railroad crossing according to the signals conveyed by the traffic signal without temporarily stopping in front of the railroad crossing (Article 24(1) of the Road Traffic Act).
- The drivers of motor vehicles shall be prohibited from attempting to cross a railroad crossing when the crossing arm is lowered or is about to be lowered or when the alarm signal is sounding (Article 24(2) of the Road Traffic Act).
- When the driver of a motor vehicle is unable to drive a motor vehicle off a railroad crossing due to a mechanical breakdown, etc. while attempting to cross the railroad crossing, he/she shall request without delay that all passengers exit the motor vehicle, and shall immediately notify railroad officials and police officers by using the emergency signal apparatus, etc. and other available means (Article 24(3) of the Road Traffic Act).

■ Penal provision

- Penalties and penalty points for violations of the above provisions are as follows (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 28 no.3 A.10).

Violation	Penalty (KRW)	Penalty points
Failure to obey the provisions on safe crossing of a railroad crossing	Vans, etc.: 70,000 Cars, etc.: 60,000 Two-wheeled vehicles, etc.: 40,000 Bicycles, etc.: 30,000	30

Crossing an intersection

- Drivers shall observe the following guidelines while crossing an intersection:
 - When intending to make a right-hand turn at an intersection, drivers shall take the right-hand lane in advance and slow down on the lane. When crossing an intersection, drivers shall pay attention to pedestrian or bicycles stopping or proceeding according to the road traffic signal (Article 25(1) of the Road Traffic Act).
 - Drivers wishing to turn left at an intersection shall slow down along the centerline in advance and turn left by taking the inner part of the center of the intersection (Article 25(2) of the Road Traffic Act).
 - Where designated by the Commissioner of a Local Policy Agency in consideration of the particular situation of an intersection, it is permitted to use the outer part of the center of the intersection (Article 25(2) of the Road Traffic Act).
 - Where the driver of a motor vehicle sends a signal by using the hand, the direction indicators or lights in order to make a right or left-hand turn, the driver of any motor vehicle following the motor vehicle sending the signal shall not impede its passage (Article 25(4) of the Road Traffic Act).
 - When intending to drive a motor vehicle through an intersection in which traffic is controlled by a road traffic signal, drivers shall not drive their motor vehicle into the intersection if the traffic in front appears to force him/her to be halted inside the intersection (where a stoppage line is marked, the area over the stoppage line) and (if) it is likely to impede other motor vehicles (Article 25(5) of the Road Traffic Act).
 - While entering an intersection where traffic is not controlled but safety signs indicating Stop or Give Way are installed, a driver shall temporarily stop or yield so as not to impede the flow of traffic (Article 25(6) of the Road Traffic Act).
 - Penal provisions
 - Penalties for violations of the above provisions are as follows (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 8 no.25).

Violation	Penalty (KRW)
Failure to observe the provision on crossing an intersection or neglecting a Stop/Yield sign	Vans, etc.: 50,000 Cars, etc.: 40,000 Two-wheeled vehicles, etc.: 30,000 Bicycles, etc. : 20,000

※ Tailgating, cutting in, and violating a stop line in an intersection shall be punished.

- When intending to drive a motor vehicle through an intersection in which traffic is controlled by a signal apparatus, drivers shall drive their motor vehicle into the intersection if the traffic in front of his/her vehicle seems to force him/her to be halted inside the intersection (where a stoppage line is marked, the area over the stoppage line) and (if) it is likely to impede other motor vehicles (Article 25(5) of the Road Traffic Act).
- For the above reason, no driver shall cut in on another motor vehicle that has come to a stop or is slowing down at an intersection (Article 23 and 22(2) of the Road Traffic Act).
- Penal provision (Article 160(3), 23, 56(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 6).

Violation	Penalty (KRW)
Entering an intersection (where a stop line is installed, the part over the line) even if it is likely to impede other vehicles	Vans, etc. : 60,000 Cars, etc.: 50,000 Two-wheeled vehicles, etc.: 40,000
Cutting in on a motor vehicle that has come to a halt or is slowing down at an intersection	Vans, etc. : 40,000 Cars, etc.: 40,000 Two-wheeled vehicles, etc.: 30,000

2.2. Parking and stopping

2.2.1. Ways of parking and stopping, etc.

▣ Ways of parking and stopping, etc.

- ▣ Cases where parking and stopping a motor vehicle is prohibited

- Drivers shall not park or stop their motor vehicles in any of the following places (Article 32 of the Road Traffic Act, Article 10-3(1) of the Enforcement Decree of the Road Traffic Act).
 - Intersections, crosswalks, road crossings, sidewalks of a road divided into a sidewalk, and a roadway (excluding any road parking area that is established across both a roadway and a sidewalk).
 - Places located within 5 meters from the edge of an intersection or the corner of a road.
 - Places located within 10 meters from any side of a safety zone marked on a road.
 - Places located within 10 meters of any pillar, board or line indicating the location of a bus stop, excluding places where a bus driver stops or parks a bus in order for passengers to board or alight at a bus stop located along a service route during service hours.
 - Places located within 10 meters from the edge of a road crossing or crosswalk.
 - Within 5 meters from the following places:
 - √ Where a fire extinguishing water supply system or emergency fire extinguishing equipment is installed under Article 10 of the Framework Act on Fire-Fighting Services
 - √ Fire department connection of firefighting equipment, such as standpipe and hose station (including hose reel standpipe and hose station), sprinkler equipment, water mist, etc., as prescribed by items (c) through (e) of subparagraph 1 in attached Table 1 of the Enforcement Decree of the Act on Installation and Management of Firefighting Systems
 - √ Fire extinguishing water supply equipment, as prescribed by subparagraph 4 in attached Table 1 of the Enforcement Decree of the Act on Installation and Management of Firefighting Systems
 - √ Fire department connection of fire department standpipe, sprinkler system with hose connection or flame proof equipment, as prescribed by items (b), (c) or (f) of subparagraph 5 in attached Table 1 of the Enforcement Decree of the Act on Installation and Management of Firefighting Systems and wireless device connection terminal of wireless communications supplementary equipment as prescribed by item (e) of the same subparagraph.
 - ※ The Special Metropolitan City Mayor, a Metropolitan City Mayor, Jeju Special Self-Governing Province Governor, or the head of a Si/Gun (excluding the head of a Gun of a Metropolitan City) shall set up safety signs at locations falling under the above where such signs are deemed particularly necessary for swift firefighting activities (Article 10-3(2) of the Enforcement Decree of the Road Traffic Act).
 - Places designated and considered necessary by the Commissioner of the District (Si/Do) Police Agency to prevent risks on roads and secure safety and smooth traffic.
 - Children protection zones designated by the Special Metropolitan City Mayor, the Metropolitan City Mayor, the Governor of the Jeju Special Self-Governing Province or the head of a Si/Gun
- Stopping or parking a vehicle in the places listed above is permitted when a

driver obeys a rule or regulation specified under to the Road Traffic Act or the instruction of a police officer and temporarily stops his/her motor vehicle in order to prevent danger (Article 32 of the Road Traffic Act).

- Drivers shall not park their motor vehicles in any of the following places (Article 33 of the Road Traffic Act).

- In tunnels or on bridges.

- Within 5 meters of any of the following places:

- √ Both edges of a road construction site.

- √ Building which has a place of business of publicly-used establishment as prescribed by the Special Act on the Safety Control of Publicly Used Establishments and is designated by the commissioner of district police agency by the request of the chief of a fire station

- Places designated by the Commissioner of a Local Police Agency as necessary places for preventing danger and securing a safe and smooth flow of traffic.

- Ways of stopping or parking a motor vehicle on a road or on-road parking lot

- When stopping or parking a motor vehicle on a road or on-road parking lot, the driver shall observe the following provisions (Article 34 of the Road Traffic Act, Article 11 of the Enforcement Decree of the Road Traffic Act).

- Drivers shall stop their vehicle at the right-hand edge of the road when intending to stop on a road. The vehicle shall be positioned at least 50 centimeters away from the right-hand edge of the road, if there is no separation between the roadway and the sidewalk.

- Drivers of passenger vehicles who stop their vehicle at a designated stop or any similar place in order to load or unload passengers shall depart from the stopping place immediately after the passengers have got on or off, without obstructing other vehicles or preventing them from stopping.

- Drivers who wish to park their vehicle on the road shall obey the rules concerning the place, time, and manner of parking as prescribed by the Commissioner of a Local Police Agency.

- Procedure for imposing fines for violations of the provisions concerning the stopping/ parking of a vehicle

- In the event that a mayor or governor etc. of a metropolitan city (excluding the governors of metropolitan cities)] or the governor of Jeju Special Self-Governing Province imposes a fine for a violation of the provision on stopping or parking a vehicle, they shall notify in advance the payee of the fine (including an employer according to Article 11(2) of the Act on Regulation of Violation of Public Order) in the form of a written document stating the name and address of the person, the grounds for the fine, the amount of the fine, the applicable law, the name and address of the administrative agency responsible for imposing the fine, the fact that the person can submit his/her objection to such fine, and the payment deadline (Act on the Regulation of Violations of Public Order, Article 16(1), Enforcement Decree of the Act on the Regulation of Violations of Public Order, Article 3(1)).

- In cases where a motor vehicle is proven to have violated the regulations on stopping and parking by photo, videotape or other VDU, and in any of the

following cases, the fine shall be imposed on an employer, etc. (Road Traffic Act, Article 160(3)).

- Where a fine cannot be issued since the identity of the driver who has violated the provisions cannot be confirmed.
- Where notification of the imposition of a fine is impossible.

Penalty (KRW)	Fine (KRW)
<p>A violation of the prohibition on stopping or parking(excluding a violation of the prohibition on stopping or parking where a safety sign under Article 10-3(2) of the Enforcement Decree of the Road Traffic Act is installed); 50,000 won for buses, etc.; 40,000 won for automobiles, etc.; 30,000 won for two-wheeled vehicles, etc.; and 20,000 won for bicycles, etc.</p>	<p>(1) Stopping or parking in violation of Article 32 to 34 (excluding subparagraph 6) of the Road Traffic Act: KRW 50,000 (KRW 60,000) for buses, etc. and KRW 40,000 (KRW 50,000) for automobiles, etc.</p> <p>(2) Stopping or parking in violation of Article 32, subparagraph 6 of the Road Traffic Act</p> <p>- Stopping or parking where a safety sign under Article 10-3(2) of the Enforcement Decree of the Road Traffic Act is installed: KRW 90,000 (KRW 100,000) for buses, etc. and KRW 80,000 (KRW 90,000)</p> <p>- Stopping or parking at other places: KRW 50,000 (KRW 60,000) for buses, etc. and KRW 40,000 (KRW 50,000)</p> <p>※ The amounts in the parentheses apply to a violation that lasts for 2 hours or longer.</p>

■ Procedure for towing, impounding, and retrieving a motor vehicle having violated the provisions on stopping or parking

- A police officer or public official appointed by the mayor of a metropolitan city, or the governor of Jeju Special Self-Governing Province, or a governor[hereafter "mayor, etc."(including governors)] may command the driver of or the person responsible for a vehicle which is likely to endanger or obstruct the traffic to re-park their vehicle or to drive the vehicle to another place (Article 35(1) of the Road Traffic Act).
- In cases where the driver of or the person responsible for a vehicle is not present on the spot, the police officer or public official may re-park the vehicle themselves or take the necessary measures in order to prevent danger and ensure a smooth flow of traffic; and, in compelling circumstances, they may also have the vehicle moved to a place designated by the relevant police station,

chief of police or mayor (Article 35(2) of the Road Traffic Act).

- A notice(Enforcement Regulation of the Road Traffic Act, Addenda 9) of penalty or fine shall be conspicuously attached to the windscreen of the vehicle to be towed away, or left in the spot previously occupied by vehicles that are towed away (Article 13(1) of the Enforcement Decree of the Road Traffic Act).
- A notice stating the grounds for the towing away of a vehicle and its place of impoundment shall be left at the spot previously occupied by the towed-away vehicle to inform the user(owner or a person entrusted by the owner for maintenance of the vehicle) or driver of the whereabouts of a vehicle in custody (Article 13(2) of the Enforcement Decree of the Road Traffic Act, Article 22(2) of the Enforcement Regulation of the Road Traffic Act).
- In cases where a vehicle is not retrieved within 24 hours of being towed away and impounded, a takeover notice (Enforcement Regulation of the Road Traffic Act, Addenda 10 formula) containing the following contents shall be sent to the user or driver of the vehicle by registered mail (Article 13(3) of the Enforcement Decree of the Road Traffic Act, Article 22(3), (4) of the Enforcement Regulation of the Road Traffic Act).
 - Registration number, model, and type of vehicle.
 - Place of violation.
 - Date and location of impoundment.
 - Notice that the vehicle may be sold or scrapped if there is no request for its return or retrieval within 1 month from the day of notification.
- In cases where it is not possible to determine the name and address of the user or driver, a notice shall be posted on the bulletin board of the police station for 14 days from the first day of the vehicle's impoundment. If the name and address of the user or driver remain unknown after the notice period, another notice shall be posted in a daily newspaper (Article 35(4) of the Road Traffic Act, Article 13(4), 34(1) of the Enforcement Decree of the Road Traffic Act).
- In cases where all necessary measures or notices for the return of a vehicle have been carried out, and the user or driver of the vehicle does not request its return within 1 month from the day of notification or take the appropriate action, the vehicle shall be sold or scrapped (Article 35(5) of the Road Traffic Act).
 - In this case, the user, driver or other related person recorded in the vehicle logbook shall be notified of the fact that the vehicle will be sold or scrapped (Article 14(1) of the Enforcement Decree of the Road Traffic Act).
- Anyone who wishes to retrieve his/her impounded vehicle shall pay not only the expense of towing away and impounding the vehicle and the notification thereof, but also the applicable fine or penalty. The payee shall receive a receipt upon payment thereof (Enforcement Regulation of the Road Traffic Act, Addenda 10) and retrieve the vehicle (Article 15(1) of the Enforcement Decree of the Road Traffic Act).

▶ Actions to be taken upon vacating the driver's seat

- Upon vacating the driver's seat, drivers shall take the necessary actions to keep their vehicle at a safe standstill.

- Drivers shall stop the engine of their vehicle and check the brakes thoroughly before vacating the driver's seat in order to maintain the motor vehicle in a safely parked state, and shall take the measures necessary to prevent any other person from driving the motor vehicle without the driver's consent (Article 49(1)6 of the Road Traffic Act).
- Penal provisions (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached table 8 no.53)

Violation	Penalty (KRW)
Neglect of the safety provisions to be observed upon vacating the driver's seat	Vans, etc.: 30,000 Cars, etc.: 30,000 Two-wheeled vehicles, etc.: 20,000 Bicycles, etc.: 10,000

▶ **Safety obligation when getting in or out of a vehicle**

- Drivers shall take the necessary actions to ensure the safety of their passengers when getting in or out of a vehicle.
- Drivers shall not open the doors of their motor vehicle or get out of their motor vehicle without first confirming the safety of their passengers, and shall take the necessary measures to prevent their passengers from endangering other traffic (Article 49(1)7 of the Road Traffic Act).
- Penal provision (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 8 no.54)

Violation	Penalty (KRW)
Neglect of the provisions to be observed concerning the safety of passengers, etc.	Vans, etc.: 30,000 Cars, etc.: 30,000 Two-wheeled vehicles, etc.: 20,000 Bicycles, etc.: 10,000

2.3. Driving on expressways or motorways

2.3.1. Rules to be observed on expressways and motorways

▶ **Special provisions for expressways and motorways**

- Driving on expressways
- As expressways or motorways (hereinafter referred to as 'expressways, etc.') where motor vehicles, etc. travel at high speed have a higher probability of accident and the scale of damage is greater than on other roads, the manner of driving a motor vehicle on an expressways, etc. is stipulated separately in Chapter 5 of

the Road Traffic Act (from Article 57 to 67).

- Any matters not stipulated in Chapter 5 of the Road Traffic Act shall conform with the rules on driving on a general road (Article 57 of the Road Traffic Act).

▣ Standards of classification of vehicles travelling on each lane of an expressway

▣ Standards of classification of vehicles traveling on each lane of an expressway

- Standards of classification of vehicles traveling on each lane (excluding exclusive lanes) of an expressway are as follows (Article 60 of the Road Traffic Act, Enforcement Regulation of the Road Traffic Act, Article 39 and Attached Table 9).

Road		Lane	Permitted type of motor vehicles
Expressway	Two-lane road	1	All vehicles intending to overtake other vehicles: Provided, That, in cases where increased traffic or other road conditions forces vehicles to pass at a speed below 80 kilometers per hour, any vehicle may travel on the first lane even if it does not intend to overtake other vehicles.
		2	Any vehicle
	Six-lane road or more	1	Automobiles intending to overtake other vehicles and micro, small, and medium buses intending to overtake other vehicles: Provided, That, in cases where increased traffic or other road conditions forces vehicles to pass at a speed below 80 kilometers per hour, any vehicle may travel on the first lane even if it does not intend to overtake other vehicles.
		Left lane	Automobiles and micro, small, and medium buses
		Right lane	Large automobiles, trucks, special vehicles, and construction machinery

▣ Penal provision

- Penalties and penalty points (Road Traffic Act, Article 156(3), Enforcement Decree of the Road Traffic Act, Attached Table 8 no.39, and Enforcement Regulation of the Road Traffic Act, Attached Table 28 no.3 A.21)

Violation	Penalty (KRW)	Penalty points
Failure to travel in a designated lane	Vans, etc.: 50,000	10
	Cars, etc.: 40,000	

▣ Prohibition of traveling along the hard shoulder; method of overtaking

▣ Violation of the prohibition of driving along the hard shoulder of an expressway

- Drivers of motor vehicles shall drive in accordance with the above standards

except in an inevitable situation such as breakdown, and shall travel along the sides of the road (referred to as the 'hard shoulder' under to the Road Traffic Act) (Article 60(1) of the Road Traffic Act).

- However, in any of the following cases, traveling along the hard shoulder is allowed. (Article 60(1) (proviso) of the Road Traffic Act)
 - Where a person drives an emergency motor vehicle or a motor vehicle that performs works, such as repair and maintenance of expressway;
 - Where a person drives a motor vehicle on the roadside according to the signals or instructions of signal apparatus or a police officer, etc. during a traffic jam

■ Penal provision

- Penalties and penalty points (Article 156(3) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 8 no.19 and Enforcement Regulation of the Road Traffic Act, Attached Table 28 A. 11)

Violation	Penalty (KRW)	Penalty points
Prohibition of driving along the hard shoulder of an expressway or motorway	Vans, etc.: 70,000 Cars, etc.: 60,000	30

■ Violation of rules on overtaking

- When intending to overtake another motor vehicle on an expressway, drivers shall safely drive their motor vehicle along the next lane on the left-hand side of the designated lane, using direction indicators, lights, and horn if necessary (Article 60(2) of the Road Traffic Act, Enforcement Regulation of the Road Traffic Act, Article 39(1) and Attached Table 9 note 2).

■ Penal provision

- Penalties (Article 156(3) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 7 no.7 and Enforcement Regulation of the Road Traffic Act, Attached Table 28 A. 24)

Violation	Penalty (KRW)	Penalty points
Failure to observe the rules on overtaking on an expressway or motorway	Vans, etc.: 70,000 Cars, etc.: 60,000	10

▶ Bus-only lane on an expressway

■ Provision of bus-only lanes on expressways

- The Commissioner of the National Police Agency may designate a bus-only lane on an expressway in order to ensure the smooth flow of traffic (Article 61(1) of the Road Traffic Act).

- Vehicle-exclusive lanes on expressways may only be used by the designated vehicles (Article 61(2), 15(3) of the Road Traffic Act).
- Driving in a bus-only lane on an expressway
 - The bus-only lanes of expressways shall only be used by cars or vans with 9 or more seats (car or van with less than 12 seats shall have more than 6 passengers) (Enforcement Decree of the Road Traffic Act, Attached Table 1).
- Penal provision
 - Penalties and penalty points (Article 156(1), 61(2) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 8 no.20 and Enforcement Regulation of the Road Traffic Act, Attached Table 28 no.3 A. 12)

Violation	Penalty (KRW)	Penalty points
Driving on a bus-only lane on an expressway	Vans, etc.: 70,000 (100,000) Cars, etc.: 60,000 (90,000)	30

- Vehicles other than designated vehicles are permitted to use bus-only lanes in the following cases (Article 61(2), 15(3) of the Road Traffic Act and Article 10 of the Enforcement Decree of the Road Traffic Act).
 - In cases where an emergency vehicle is obliged to use a bus-only lane to deal with an emergency situation.
 - In cases where a taxi is obliged to use a bus-only lane temporarily to allow its passenger(s) to get in or off to the extent that it does not impede designated vehicles. The taxi driver shall exit the lane as soon as the passenger(s) have finished getting in or out of the taxi.
 - In cases where an inevitable situation such as damage to or construction of a road leaves no other option than to use the bus-only lane.

▶ **Prohibition of crossing, etc.**

- It is strictly prohibited to cross, make a U-turn on, or reverse on an expressway.
 - Drivers shall not cross, make a U-turn on, or drive in reverse on an expressway. However, when an emergency vehicle or a road maintenance vehicle is required to prevent or remove a danger or to take emergency measures in the event of an traffic accident, such vehicles may cross, make a U-turn or reverse on an exclusive lane (Article 62 of the Road Traffic Act).
- Penal provision
 - Penalties (Article 156(1) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 8 no.40)

Violation	Penalty (KRW)
Crossing, making a U-turn, or reversing on an expressway	Van, etc.: 50,000 Car, etc.: 40,000

▣ Prohibition of driving, stopping or parking on an expressway

▣ Prohibition of driving or crossing on an expressway

- Pedestrians, horse riders, and the drivers of vehicles other than motor vehicles (only emergency vehicles when it comes to two-wheeled vehicles) shall not travel on or cross an expressway (Article 63 of the Road Traffic Act).

※ Any person who travels or crosses an expressway in violation of the prohibition of travelling on an expressway, etc. shall be punished by a fine of not more than 300,000 won or detention (Article 154(6) of the Road Traffic Act).

▣ Prohibition of stopping or parking a motor vehicle on an expressway

- Drivers of motor vehicles shall not park or stop their motor vehicle on any expressway, etc. except in the following cases (Article 64 of the Road Traffic Act).

- In cases where a driver temporarily stops or parks a motor vehicle in compliance with the provisions of the relevant Acts, subordinate statutes, or instructions given by police officers (excluding any autonomous police officer) or in order to prevent danger.
- In cases where a driver stops or parks a motor vehicle in a place where safety signs are erected in order to permit motor vehicles to stop or park, or in a depot.
- In cases where a driver stops or parks a motor vehicle on the verge of a road (including the roadside) due to breakdown or other inevitable reasons.
- In cases where a driver stops a motor vehicle to pay a toll at a tollgate.
- In cases where the manager of a road stops or parks a motor vehicle in order to repair, maintain or patrol the expressway, etc.
- When a fire engine stops or parks on highways, etc. to perform fire-fighting activities, fire-fighting support activities and life safety activities such as fire-fighting, life-saving, and first aid
- When a fire engine stops or parks on highways, etc. to perform firefighting activities, firefighting support activities, and life safety activities such as fire fighting, lifesaving, and first aid
- When emergency vehicles other than police emergency vehicles and fire trucks are stopped or parked to achieve the purpose of use
- When an emergency vehicle other than police emergency vehicle or fire engine stops or parks to achieve its purpose of use
- In cases where a police emergency motor vehicle stops or parks another motor vehicle in order to investigate a crime, regulate the traffic, or perform other police duties.
- Where a fire engine stops or parks in order to conduct fire extinguishment and fire-fighting activities, such as lifesaving and first-aid services, fire-fighting support activities, and life safety activities on an expressway;
- Where any emergency motor vehicle, other than a police emergency motor vehicle or fire engine, stops or parks in order to accomplish its purpose of use
- In cases where a driver temporarily stops or parks a motor vehicle on an

expressway, etc. because it is impossible to drive the motor vehicle any further due to traffic congestion or other inevitable reasons.

■ Penal provision

- Penalties (Road Traffic Act, Article 154(6), Enforcement Decree of the Road Traffic Act, Attached Table 8 no.41)

Violation	Penalty (KRW)
Stopping or parking on an expressway or motorway	Van, etc.: 50,000
	Car, etc.: 40,000

▶ Priority when entering an expressway

■ When entering an expressway, a motor vehicle shall not impede the circulation of other vehicles.

- When intending to drive a motor vehicle onto an expressway, the driver of a motor vehicle(excluding emergency vehicles) shall not impede the flow of traffic on the expressway (Article 65(1) of the Road Traffic Act).
- When an emergency vehicle is entering an expressway, motor vehicles traveling on the expressway shall not impede the emergency vehicle's access to the expressway (Article 65(2) of the Road Traffic Act).

■ Penal provision

- Penalties (Article 156(3) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Attached Table 8 no.42)

Violation	Penalty (KRW)
Failure to observe priority when entering an expressway	Van, etc.: 50,000
	Car, etc.: 40,000

▶ Obligation to take (safety) measures in the event of breakdown, etc.

■ The following measures shall be taken in the event of the breakdown of a motor vehicle on an expressway

- In the event that a motor vehicle is no longer able to travel on an expressway due to breakdown or other inevitable reasons, etc., the driver shall display a sign (hereinafter referred to as a "vehicle breakdown sign") and then take the necessary measures to relocate the motor vehicle to a safe place off the expressway, etc. (Article 66 of the Road Traffic Act).
- The drivers of motor vehicles shall always carry a breakdown sign in order to ensure the safe and smooth flow of traffic on an expressways, etc. When a driver finds it difficult to drive his/her motor vehicle due to breakdown or for other inevitable reasons, the driver shall pull the vehicle over to the right-hand side of the road and shall position the breakdown sign at the location where the drivers of motor vehicles approaching from the rear can see it(Article 67 (2) of the 「Road Traffic Act」 and Article 40(3) of the 「Enforcement Regulation of the Road Traffic Act」).
- At night the driver shall also position a red flashing signal that is visible at

500 meters, an electric lantern or a signal light at the location where the drivers of motor vehicles approaching from the rear can see it (Article 40 (1)-2 and (3) of the 「Enforcement Regulation of the Road Traffic Act」).

■ Penal provision

- Penalties (Article 156(3) of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Article 99(1) and Attached Table 8 no.43)

Violation	Penalty (KRW)
Neglecting to take security measures in the event of a breakdown on an expressway or motorway	Vans, etc.: 50,000 Cars, etc.: 40,000

▶ **Obligation to fasten one's seatbelt on an expressway, etc.**

■ Obligation to fasten one's seatbelt

- Each driver of any motor vehicle (excluding any two-wheeled vehicle) shall fasten the seat belt thereof while driving the motor vehicle and require all the passengers seated in the motor vehicle to fasten their seatbelts (in cases of an infant, this refers to the seat belt after an infant safety harness is mounted) (main text of Article 50(1) of the Road Safety Act)

■ Exceptions to the obligation to fasten seatbelts

- The following cases are recognized as exceptions to the mandatory obligation to fasten one's seatbelt (Proviso to Article 50(1) of the Road Traffic Act, Article 31 of the Enforcement Regulation of the Road Traffic Act).
 - In cases where a person who does not seem to be fit to wear a seatbelt on account of injury, disease, disability or pregnancy drives or boards a motor vehicle.
 - In cases where a person reverses a motor vehicle.
 - In cases where a person who does not seem to be fit to wear a seatbelt on account of his/her physical condition such as height or weight drives or boards a motor vehicle.
 - In cases where an emergency vehicle is used for its original purpose.
 - In cases where a person drives or boards a motor vehicle which is being guarded or led by a police car.
 - In cases where a person drives or boards a vehicle used for a referendum or an election campaign or for administrative works related to a referendum or an election campaign in accordance with the National Referendum Act and the Public Official Election Act.
 - In cases where a person drives or boards a motor vehicle in order to do a specific type of work requiring frequent and repeated getting in and out the vehicle, such as the collection and/or delivery of mail and the collection of waste.
 - In cases where the driver of a transportation vehicle is unable to force an intoxicated or drugged passenger to fasten his/her seat belt, as provided under

the Passenger Transport Service Act.

■ Penal provision

- Penalties and fines for negligence((Article 160(2)2 of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Article 88(4) and Attached Table 6 no.9, Table 8 no.56).

Violation	Penalty (KRW)
Neglecting the obligation to fasten seatbelts while driving	Vans, etc.: 30,000
	Cars, etc.: 30,000

Violation	Fine for negligence (KRW)
A driver who fails to require all the passengers seated in the motor vehicle to fasten their seat belts	If other passengers are aged less than 13, 60,000
	If other passengers are aged 13 or older: 30,000

2.3.2. Restrictions on driving a low-speed electric motor vehicle

▶ Driving a low-speed electric motor vehicle

■ Cases where driving a low-speed electric motor is permitted

- A low-speed electric motor vehicle is defined as an electric motor vehicle whose maximum speed does not exceed 60km/h and whose total weight does not exceed 1,361kg (Article 35(2) in the Motor Vehicle Management Act, Article 57(2) of the Enforcement Regulation of the Motor Vehicle Management Act).
- A low-speed electric motor vehicle shall not be operated on a road other than a permitted area. In the event of an inspection or test, such motor vehicle may be operated with the permission of the head of a Si/Gun/Gu (City/County/Borough) (Article 35-3(2) of the Motor Vehicle Management Act).
- The head of a Si/Gun/Gu may, in person or upon the request of a person who intends to operate a low-speed electric motor vehicle, designate an area for the operation of a low-speed electric motor vehicle (hereinafter referred to as "operational area"), or modify or revoke such designation from among roads where the permissible maximum speed is 60km/h following consultation with the relevant chief of police in light of traffic safety and flow (Article 35-3(1) of the Motor Vehicle Management Act).

■ Permit to operate a low-speed electric motor vehicle

- Any individual who wishes to obtain a permit to operate a low-speed electric motor vehicle shall submit an application (attached Form 34-9 of 「Enforcement Rule of the Motor Vehicle Management Act」) for such a permit, stating the purpose, region, and period of operation to the appointer, that is, the mayor, county governor, or head of a gu (Article 57-4(1) of 「Enforcement Rule of the Motor Vehicle Management Act」).
- The mayor, county governor, or head of a gu who has received the application for a

permit to operate a low-speed electric motor vehicle shall issue the relevant permit (attached From 34-10 of 「Enforcement Rule of the Motor Vehicle Management Act」) to the applicant, provided that the purpose of operation falls under one of the following cases (Article 57-4(2) of 「Enforcement Rule of the Motor Vehicle Management Act」).

- Registration of change, registration of transfer, and registration of cancellation (Article 11, 12 and 13 of the Motor Vehicle Management Act).
 - Examination and maintenance of the vehicle (Article 37, 38 of the Motor Vehicle Management Act).
 - Vehicle inspection (Article 43 of the Motor Vehicle Management Act).
 - Matters recognized as necessary by the appointer at any cost for the operation of a low-speed electric motor vehicle, such as the trading or scrapping of the vehicle.
- The operational permit for a low-speed electric motor vehicle shall be adhered to a conspicuous point of the windshield (Article 57-4(3) of the Enforcement Regulation of the Motor Vehicle Management Act).
- Penal provision
- The operation of a low-speed electric motor vehicle outside its designated operation zone shall be punished by a fine for negligence of KRW 100,000 (Article 84(4)15-3 of the Motor Vehicle Management Act, Article 20 and Attached Table 2, Subparagraph 2(d) of the Enforcement Decree of the Motor Vehicle Management Act

3. Violation of Traffic Rules

3.1. Punishment, Penalty, Fine for Negligence

3.1.1. Punishment

▶ Punishment of drivers of motor vehicles, etc.

■ Punishment of traffic offenders

- Any person who violates a traffic rule while using a road shall be punished by imprisonment, penalty or detention. In some cases, a penalty or a fine and detention may be imposed together(Article 148~158 of the Road Traffic Act).
- In cases where the representative of a corporation, the agent of a person or a corporation, a user or an employee violates a law concerning the job of the corporation or person, not only the offender but also the corporation or the person shall be punished with a corresponding penalty or fine (Article 159 of the Road Traffic Act).
 - In cases where the corporation or person concerned is proven to have exercised due caution and supervision, they shall not be punished by a penalty or a fine (Article 159 of the Road Traffic Act).

▶ Subjects and details of punishment

■ Imprisonment of not more than 5 years or a penalty not more than KRW 15,000,000

- Any person who causes a traffic accident involving human death or injury and who does not stop immediately to take the necessary measures including the provision of assistance to casualties (excluding persons who fail to provide personal information to a victim pursuant to Article 54(1)2 of the Road Traffic Act, where it is evident that only a motor vehicle in the state of stoppage or parking is damaged) (Article 148 of the Road Traffic Act).
- Any person who increases the danger of accident on a road by operating a signal without permission or by removing, moving or damaging a traffic safety facility (Article 149(2) of the Road Traffic Act).

■ Imprisonment of not less than 2 year and not more than 5 years or a penalty of not less than KRW 1,0000,000 and not more than KRW 20,000,000

- Any person who violates the prohibition of driving while intoxicated more than once (Article 148-2(1) of the Road Traffic Act).

※ Any person who is found to have driven while intoxicated shall be punished according to the following classification (Article 148-2(3) of the Road Traffic Act).

Blood alcohol content	Punishment
≥ 0.2 percent	2 year \leq imprisonment \leq 5 years, or KRW 10 million \leq penalty \leq KRW 20 million
≥ 0.08 percent, < 0.2 percent	1 year \leq imprisonment \leq 2 year, or KRW 5 million \leq penalty \leq KRW 10 million
≥ 0.05 percent, < 0.1 percent	Imprisonment for not more than 1 year or penalty not more than KRW 5 million

- Imprisonment of not less than 1 year and not more than 5 years or a penalty of not less than KRW 5,000,000 and not more than KRW 20,000,000
 - Any person who refuses the request of a police officer to take a breath test, while giving the strong impression that he/she is drunk (Article 148-2(2)2 of the Road Traffic Act).
- Imprisonment of not more than 3 years or a penalty of not more than KRW 10 million
 - Any person who drives a motor vehicle in such a state that he/she is unable to drive normally due to the effects of drugs (Article 148-2(3) of the Road Traffic Act)
- ※ Any person who drives a motor vehicle, etc. in such a state that he/she is unable to drive normally due to the effects of alcohol or drugs and who causes the death or injury of another person shall be punished as follows (Article 5-11 of the Act on the Aggravated Punishment of Specific Crimes).
 - In cases where the driver causes injury to another person: imprisonment not less than 1 year and not more than 15 years or a penalty of not less than KRW 10 million and not more than KRW 30 million
 - In cases where the driver causes the death of another person: penal servitude of an indefinite period or of three years or more
- Imprisonment of not more than 3 years or a penalty of not more than KRW 7 million
 - Any person who operates a signal without permission or removes, moves, or damages a traffic safety facility (Article 149(1) of the Road Traffic Act).
- Imprisonment of not more than 2 years or a penalty of not more than KRW 5 million
 - Any persons who commit or lead dangerous collective conduct involving the drivers of two or more motor vehicles, etc. who drive their motor vehicles, etc. in a row or side by side without justifiable grounds, in a manner that endangers other persons and causes danger to traffic (Article 150(1) of the Road Traffic Act).
- Detention for not more than 2 years or a penalty of not more than KRW 5 million
 - In cases where the driver of a motor vehicle damages the building or goods of another person due to disregard or gross negligence (Article 151 of the Road Traffic Act).
- Imprisonment for not more than one year or a fine not exceeding five million won
 - A person who violently drives a motor vehicle, etc. in violation of Article 46-3

of the 「Road Traffic Act」 (Article 151-2, Item 1 of the Road Traffic Act)

- A person who has driven a car, etc. three or more times at a speed exceeding 100 km/h per hour than the maximum speed (Article 151-2, Item 2 of the Road Traffic Act)
- Imprisonment of not more than 1 year or a penalty of not more than KRW 3 million
- Any person who drives a motor vehicle without having obtained a driver's license (excluding a motorcycle driver's license) (including cases where the driver's license has been suspended) or an international driver's license (including cases where the driving of any motor vehicle is prohibited and the effective period has expired) (Article 152(1) of the Road Traffic Act).
- Any employer, etc. who is found to have compelled or caused a person without a driver's license (including any person whose driver's license has been suspended) to drive a motor vehicle (Article 152(2) of the Road Traffic Act).
- Any person who has obtains a driver's license or a certificate of a driver's license or any certificate in lieu of a driver's license by fraudulent or illegal means (Article 152(3) of the Road Traffic Act).
- Any person who illegally disposes of an object(s) on a road, thereby endangering or impeding the flow of traffic (Article 152(4) of the Road Traffic Act).
- Imprisonment of not more than 6 months or a penalty of not more than KRW 2 million or detention
- Any person who is found to have caused or compelled another person to drive a motor vehicle that has not been properly maintained in accordance with the Motor Vehicle Management Act or the Construction Machinery Management Act or its order, or who has driven such a motor vehicle (Article 153(1)1 of the Road Traffic Act)
- Any person who has disobeyed, refused or even impeded a police officer's request, measure or order in accordance with Article 41 of the Road Traffic Act (Checks of vehicles in poor repair), Article 47 of the Road Traffic Act (Police officer's measures for unlicensed driving or driving under the influence of alcohol or drugs) or Article 58 of the Road Traffic Act (Police officer's measures against danger on expressway) (Article 153(1)2 of the Road Traffic Act).
- Any person who manufactures, imports, sells, or installs a device designed to interfere with the functions of traffic regulation equipment for the purpose of avoiding traffic regulation (Article 153(1)3 of the Road Traffic Act).
- Any person who drives a motor vehicle installed with a device designed to interfere with the functions of traffic regulation equipment (Article 153(1)4 of the Road Traffic Act).
- Any person who impedes the act of making a report or taking measures in the event of a traffic accident (Article 153(1)5 of the Road Traffic Act).
- Any person who has installed traffic safety facilities or other artificial structures similar thereto without permission (Article 153(1)6 of the Road Traffic Act)
- Any person who drives a motor vehicle in violation of the necessary conditions for a driver's license, which delimit the structure of a motor vehicle (Mom and Baby) (Article 153(1)7 of the Express Road Traffic Act).
- A fine not exceeding one million won or penal detention

- A person who drove on an expressway, an exclusive road for motor vehicles or a road with a median by deliberately violating the provisions of Article 13.(3) of the Road Traffic Act (Article 153.(2), Item 1 of the Road Traffic Act)
- A person who drives a car, etc. at a speed exceeding 100 km/h than the maximum speed (Article 153 (2), Item 2 of the Road Traffic Act)
- Penalty of not more than KRW 300,000 or detention
- Any person who uses paintings, signs, etc. similar to those used by vehicles for traffic control or criminal investigation purposes or by other emergency vehicles on his/her motor vehicle, or who drives a motor vehicle equipped with such paintwork, markings, etc. (Article 154(1) of the Road Traffic Act)
- Any person who drives a motorcycle without obtaining a motorcycle license (including when the license is suspended) or without obtaining an international driver's license that indicates applicability to motorcycle driving (including when driving motorcycle is prohibited and when the license has expired) (Article 154-2 (Subparagraph 2) of the Road Traffic Act).
- Any person who drives a motor vehicle in such a state that he/she is unlikely to be able to drive normally or safely due to the influence of overwork or disease (Article 154(3) of the Road Traffic Act).
- An operator who operated a school bus for children without carrying a guardian (Article 154, subparagraph 3-2 of the Road Traffic Act)
- Drivers who have not confirmed whether a child or infant has alighted (Article 154, subparagraph 3-3 of the Road Traffic Act)
- Drivers who have not activated the child disembarkation check device. However, except for cases in which the device cannot be operated by temporarily removing the device for inspection or repair (Article 154, subparagraph 3-4 of the Road Traffic Act).
- A person who affixes a guardian's ride sign on a child's school bus running without carrying a guardian (Article 154, subparagraph 3-5 of the Road Traffic Act)
- Any person who fails to make a report or to take the necessary measures in the event of a traffic accident (Article 154(4) of the Road Traffic Act).
- Any employer who is found to have compelled or caused another person who has not obtained a motorcycle license (including when the license is suspended) or obtained an international driver's license that indicates applicability to motorcycle driving (including when driving motorcycle is prohibited and when the license has expired), to drive a motorcycle (Article 154-5 of the Road Traffic Act).
- Any person who has walked or crossed an expressway, etc. as a pedestrian or as a rider of a horse or a driver of a vehicle other than a motor vehicle (as regards two-wheeled vehicles, only emergency vehicles are included) (Article 154(6) of the Road Traffic Act).
- Any person who violates a corrective order given by the head of a police station after installing a traffic safety facility or such structure without permission, left an object impeding the traffic on the road, installed a structure which could impede the traffic, or carried out such construction work (Article 154(8) of the Road Traffic Act).

- A person who has driven a car, etc. at a speed exceeding 80 kilometers per hour than the maximum speed (Article 154 subparagraph 9 of the Road Traffic Act)
- Penalty of not more than KRW 200,000 or detention
- Any person who fails to comply with the request of a police officer to produce his/her driver's license or to make a statement so as to identify the driver (Article 155 of the Road Traffic Act).

3.1.2. Penalties

▶ Violation and amount of penalty

- What is a penalty?
 - A 'penalty' is an amount of money that a violator of the road traffic regulations is legally required to pay in compliance with the notification disposition according to Article 163 of the Road Traffic Act to the National Treasury or the Depository of Jeju Special Self-Governing Province (Article 162(3) of the Road Traffic Act).
 - 'Violation of the regulations of the Road Traffic Act' refers mainly to minor violations of the traffic regulations. A driver who is found to have committed a violation shall be punished by a penalty imposed according to the type of motor vehicle (Article 162 of the Road Traffic Act, Enforcement Decree of the Road Traffic Act, Article 93 and Attached Table 8).
 - 'Violation of the regulations' refers to a violation falling under Article 156 or 157 of the Road Traffic Act, the scope and penalty of which are stipulated in Attached Tables 8 and 9 of the Enforcement Decree of the Road Traffic Act (Article 162(1) of the Road Traffic Act, Article 93(1) of the Enforcement Decree of the Road Traffic Act).

▶ Payment notification and proceedings for summary judgment

- A person subject to penalty payment notification and summary judgment
 - Following a violation of the regulations, a penalty payment notification is issued. Persons with ① an uncertain name or address, ② who are likely to abscond or ③ who refuse to receive the notification shall be brought for summary judgment (Article 163(1), 165(1)1 of the Road Traffic Act).
 - ※ A summary judgment, which consists in making an adjudication through prompt and adequate proceedings for criminal acts for which the evidence is obvious enough and the degree of criminality is minor, is a summary trial charged by the judge of the district court, branch court, or Si/Gun court at the demand of a chief of police with a view to imposing a period of detention, or a penalty or fine for negligence not exceeding KRW 200,000 (Articles 1 and 2 of the Act on the Proceedings for Summary Judgments).
 - A defendant can apply for a regular trial with regard to a summary judgment. The summary judgment shall be invalidated in cases where there is a judgment by regular trial (Article 14(1), 15 of the Act on the Proceedings for Summary Judgments).
 - The summary judgment shall have the same force as the final and conclusive

judgment in the event of a lapse of the application period for a regular trial, renunciation of the right to apply for a regular trial, or dropping of the application for a regular trial (Article 16 of the Act on the Proceedings for Summary Judgments).

■ Payment of penalty

- Any person who receives a penalty payment notification shall pay to the national treasury account at any bank, or at any branch office or agency of such bank, or at any post office or any financial company, etc. or its branch office designated by the Governor of the Jeju Special Self-Governing Province, within 10 days of the date on which he/she receives a penalty payment notification. In the event of being unable to pay the penalty within the period due to natural disaster or other inevitable reasons, he/she shall pay the penalty within 5 days of the day on which such inevitable reasons cease to exist (Article 164(1) of the Road Traffic Act).

- Any person who fails to pay the penalty within the deadline shall pay 1.2 times the notified penalty within 20 days of the day after the day on which the payment period expires (Article 164(2) of the Road Traffic Act).

■ Claim for summary judgment against persons who fail to implement the notification disposition, etc.

- Summary judgment is requested when a penalty is not paid within the payment period according to its notification disposition. In the event that 1.5 times the penalty is paid before the sentence of the summary judgment, the request is withdrawn (Article 165(1)2, (2) of the Road Traffic Act).

- Any person who fails to turn up for a summary judgment until 60 days have passed from the due date of appearance or payment shall receive 40 penalty points on their driver's license (Article 93 of the Road Traffic Act, Enforcement Regulation of the Road Traffic Act, Attached Table 28 no.3 A. 7).

- If a person who has become the object of a suspension disposition due to a failure to appear for a summary judgment until 60 days have elapsed from the deadline for payment of a penalty, or who is under suspension disposition, pays the notified penalty plus 1.5 times the notified penalty and submits the documentary evidence, he/she shall be exempt from a suspension disposition and/or the execution of the remaining period (Enforcement Regulation of the Road Traffic Act, Attached Table 28 no.3 note 2).

· If a person's suspension disposition is caused by the sum total of penalty points imposed on account of other violations, execution shall not be exempted for the suspension disposition period caused by the other violations (Enforcement Regulation of the Road Traffic Act, Attached table 28 no.3 note 2).

▶ Effect of double jeopardy of the payment of penalty pursuant

■ Effect of double jeopardy of the payment of penalty pursuant

- Any person who has paid a penalty shall not be punished for the same violation again (Article 164(3) of the Road Traffic Act).

3.1.3. Fines for negligence

▶ Persons Subject to Fines for Negligence

- Imposition of fines for negligence or violation of the traffic regulations
 - A fine for negligence is a monetary punishment that is imposed for certain traffic offenses but which, unlike a fine, does not have the characteristics of punishment. Fines for negligence are imposed not only on traffic offenders but also on the owners of automobiles that violate specific traffic regulations and other such parties in cases where the identity of the violators is unknown (Article 160(3)1 of the Road Traffic Act).
 - When the commissioner of a provincial police agency, the Governor of Jeju Special Self-Governing Province, or a Mayor, etc. intends to impose a fine for negligence under Articles 160 and 161 of the Road Traffic Act, he/she shall record it in the regulation book (Enforcement Regulation of the Road Traffic Act, Addenda 156) (It shall be prepared and managed in such a way that it is possible to handle it electronically unless any extraordinary circumstance exists to the contrary) and in the register of persons subject to the imposition of a fine for negligence (Article 161 of the Road Traffic Act, Article 88(1) of the Enforcement Decree of the Road Traffic Act, Article 145 of the Enforcement Regulation of the Road Traffic Act).
- Raising an objection within 60 days
 - If the driver or employer of a motor vehicle is issued a notice for payment of a fine for negligence, he/she must raise an objection either orally or in written form, or pay the fine for negligence within 60 days of receiving such notice at an institution entrusted with receiving such payments. In the event that the person concerned fails to raise an objection or pay the additional charges within 60 days, he/she may be issued a disposition on default (Article 20(1) of the Act on the Regulation of Violations of Public Order).

▶ Payment of fines for negligence

- Payment of fines for negligence
 - If a party fails to pay a fine for negligence within the deadline for the payment thereof, the administrative agency concerned shall collect additional dues from the party at the rate of 5/100 of the amount in default from the day following the deadline for payment (Article 24(1) of the Act on the Regulation of Violations of Public Order).
 - If a fine for negligence in arrears is not paid, other additional dues (hereinafter referred to as "increased additional dues") shall be collected at the rate of 12/1,000 of the amount in default per month after the deadline for payment thereof, in addition to the additional dues as provided for in paragraph (1). In such cases, the period for which the increased additional dues are collected shall not exceed 60 months (Article 24(2) of the Act on the Regulation of Violations of Public Order).

▶ Fine for negligence for drivers who violate the traffic regulations

- Imposition of fines for negligence
 - A fine for negligence not exceeding KRW 200,000 shall be imposed on drivers in the following cases (Article 160(2) of the Road Traffic Act).
 - In cases where a driver fails to exercise due caution in order to avoid harming other persons by splashing them with water by driving through a puddle (Article

49(1)1 of the Road Traffic Act).

- In cases where the driver of a motor vehicle neglects to ensure that the windshield and the windows to the left and right of the driver's seat satisfy the following criteria on the transmissivity of visible rays (Article 28 of the Enforcement Decree of the Road Traffic Act) such that the vehicle in question impedes road traffic safety (Article 49(1)3 of the Road Traffic Act).

√ Windshield: Below 70 percent

√ Windows to the left and right side of the driver's seat: 40 percent

- A driver who fails to ensure that his/her passengers fasten their seatbelt.
- A driver who fails to ensure that his/her passengers wear life protection outfit.
- A manager of a school bus who fails to attach a report certificate in the bus.
- A driver who fails to ensure that children or infants fasten their seatbelt upon boarding the bus (Article 53(2) of the Road Traffic Act).
- A person who has not completed the mandatory safety education for school buses for children (Article 53-3(1) of the Road Traffic Act).
- In cases where a manager of a school bus for children compels or causes a person who has not completed the mandatory safety education to drive or accompany a school bus for children (Article 53-3(3) of the Road Traffic Act).
- Operators of school buses for children who have not submitted safe driving records (Article 53 (7) of the Road Traffic Act)
- A driver who violates the duty of always keeping in his/her vehicle a warning sign indicating vehicle breakdown on an expressway.
- A person who has not received education regarding the safe operation, etc. of emergency motor vehicles (Article 73(4) of 「Road Traffic Act」)
- A person who fails to renew his/her driver's license during the renewal period.
- A person who has not taken the regular or non-scheduled aptitude test (Article 87(2) and Article 88(1) of 「Road Traffic Act」)
- The guardian of a child who allows the child to operate a personal mobility device (Article 11(4) of 「Road Traffic Act」)
- A person who has not completed the mandatory safety education for autonomous vehicle

▣ Fines for negligence for employers whose motor vehicle violates the traffic regulations

▣ Imposition of fines for negligence

- Any person who employs a driver or manages a driver or a motor vehicle, or a user thereof (including those who rent a vehicle for a transport service under the Passenger Transport Service Act and those who lend a motor vehicle under the Specialized Credit Finance Business Act, hereinafter referred to as 'employer, etc.')
- shall always remind the driver(s) of the Road Traffic Act and its regulations and supervise the drivers' compliance with it. (Article 56(1) of the Road Traffic Act).

- In cases where a motor vehicle is proven by a photograph, videotape or other form of visual record to have committed one of the following violations, but where the identity of the driver responsible for the violation cannot be confirmed, making it impossible to issue notification in compliance with Article 143(1) of the Road Traffic Act (this case corresponds with only items ③, ⑤, ⑥ below), or making it impossible to issue a notification disposition of a fine for negligence in accordance with Article 163 of the Road Traffic Act, the employer, etc. shall be punished by a fine for negligence of not more than KRW 200,000 (Article 160(3) of the Road Traffic Act).

- ① Violation of the obligation to obey a traffic signal or an order (Road Traffic Act, Article 5)
- ② Violation of the obligation to travel along the right-hand side of the center (i.e. the center line when properly marked) of a road (which refers to a roadway, where a road is divided into a roadway and sidewalk) (Article 13(3) of the Road Traffic Act).
- ③ Violation of the obligation to observe the exclusive-lane system on an expressway or a motorway (Article 15(3) and 61(2) of the Road Traffic Act).
- ④ Violation of the duty to observe a speed limit (Article 17(3) of the Road Traffic Act).
- ⑤ Violation of the duty to give way to an emergency vehicle (Article 29(4), (5) of the Road Traffic Act).
- ⑥ Violation of the prohibition of stopping or parking (Article 32, 33, 34 of the Road Traffic Act).
- ⑦ Violation of the prohibition of travelling along the shoulder (Article 60(1) of the Road Traffic Act).

※ The standards for imposing administrative fines for violations are available in the [Attached Table 6 of the Enforcement Decree of the Road Traffic Act](#) while the standards for imposing administrative violations in a protection zone for children are available in Attached Table 7 of the Enforcement Decree of the Road Traffic Act.

■ Cases where the owner of a vehicle is exempt from a fine for negligence (Article 160(4) of the Road Traffic Act).

- Fines for negligence can be exempted in the following cases (Article 160(4) of the Road Traffic Act).

- In cases where the motor vehicle has been stolen or other inevitable reasons.
- In cases where the driver has been punished for the corresponding violation in accordance with Article 156 of the Road Traffic Act (including cases in which the driver has been notified of a fine for negligence in accordance with Article 163 of the Road Traffic Act).
- In cases where the identity of the perpetrator of a violation is clarified as a result of raising an objection in accordance with Article 20(1) of Act on the Regulation of Violations of Public Order.
- In cases where the motor vehicle concerned is obviously the only vehicle to have been rented out by a car rental company in compliance with the Passenger

Transport Service Act or by a facility rental company in compliance with the Specialized Credit Finance Business Act.

▣ Mitigation of Fines for Negligence

- ▣ Drivers eligible for mitigation of fines for negligence
 - Administrative agencies may reduce a fine for negligence within the scope of 50/100 if the person upon whom a fine for negligence has been imposed falls under any of the following as a result of an advance notice and the submission of an opinion. Nevertheless, this shall not apply to those who are in arrears on previous fines for negligence (Article 2-2(1) of the Enforcement Decree of the Act on the Regulation of Violations of Public Order).
 - Recipients of forms of assistance under Article 2 of the National Basic Living Security Act.
 - Persons eligible for protection under Article 5 of the Single-Parent Family Support Act.
 - People with serious disabilities among persons with disabilities under Article 2 of the Welfare of Disabled Persons Act
 - Persons deemed to have suffered a physical disability falling under Classes 1 to 3 under Article 6-4 of the Act on the Honorable Treatment and Support of Persons, etc. Having Rendered Distinguished Services to the State.
 - Minors
- ▣ Mitigation of fines for negligence of voluntary payment
 - An administrative agency may reduce a fine for negligence within the scope of 20/100, if the party concerned intends to voluntarily pay the fine for negligence within the period (of more than 10 days) for submitting an opinion, which is given along with advance notice (Article 18(1) of the Act on the Regulation of Violations of Public Order, Article 5 of the Enforcement Decree of the Act on the Regulation of Violations of Public Order).
 - When the party concerned pays a fine for negligence that has been reduced pursuant to the above provision within the designated period, the procedures for the imposition and collection of the fine for negligence with respect to the violation of public order shall be completed (Article 18(2) of the Act on the Regulation of Violations of Public Order).
 - ※ Usually, the ‘advance notice’ of a fine for negligence and the ‘notice of payment of mitigated fine for negligence’ are sent together, or a guide states the bank account designated by the administrative agency. Anyone who intends to pay the fine for negligence voluntarily shall either pay the fine by the ‘notice of payment of mitigated fine for negligence’ ‘within the period for submitting an opinion’ or deposit the reduced fine in the designated account.
- ▣ Relation between mitigation by voluntary payment and mitigation of fines for negligence stipulated by individual acts
 - Recipients of National Basic Living Security, persons eligible for protection under the Single-Parent Family Support Act, Classes 1 to 3 of disabled persons, meritorious persons (with a physical disability falling under Classes 1 to 3) or minors shall be eligible only for mitigation by voluntary payment, even though they have plural grounds for mitigation. (Article 2-2(2) of the Enforcement

Decree of the Act on the Regulation of Violations of Public Order). Therefore, mitigation by voluntary payment shall not be duplicated by other grounds for mitigation.

4. In the Event of a Traffic Accident

4.1. Measures to be taken in the event of a traffic accident

4.1.1. Measures to be taken

▶ Measures to be taken when a traffic accident occurs

▫ What is a traffic accident?

- A 'traffic accident' is a situation in which a person is killed or injured or goods are harmed by road traffic, such as the driving, etc. of a motor vehicle (hereinafter referred to as a "traffic accident") (Article 54(1) of the Road Traffic Act).
- ※ A precedent led to the decision that there are no grounds for limiting 'traffic accidents' to traffic accidents on roads as specified by the Road Traffic Act. Consequently, every accident caused by 'the traffic of motor vehicles' shall fall under the Act on Special Cases Concerning the Settlement of Traffic Accidents irrespective of the location of the accident (Supreme Court 1987.11.10. judgment 871727).



▶ Measures for helping road traffic accident casualties

▫ Duty to provide aid and relief to road traffic accident casualties

- In the event of a road traffic accident, drivers and/or other passengers (hereinafter referred to as 'driver, etc.')
- shall stop the motor vehicle immediately and take all necessary measures including the provision of aid and relief to any casualties (Article 54(1) of the Road Traffic Act).



▫ Penal provisions

- Any person who fails to take the required action in the event of a traffic accident shall be punished by imprisonment of not more than 5 years or a penalty of not more than KRW 15,000,000 (Article 148 of the Road Traffic Act).
- Any person who impedes the measures being taken in a road traffic accident shall be punished by imprisonment of not more than 6 months or a penalty pf not more than KRW 2,000,000 or penal detention (Article 153(1)5 of the Road Traffic Act).

▶ Aggravated punishment for getaway

- Aggravated punishment for the driver of a getaway vehicle
 - In cases where a driver who commits a crime due to occupational or gross negligence (Article 268 of the Criminal Act) while driving a motor vehicle or a motor bicycle under Article 2 of the Road Traffic Act, or construction machinery other than that set forth in the proviso of Article 26(1) of the Construction Machinery Management Act (hereinafter referred to as the "accident-causing-driver") flees the scene of the accident without taking necessary measures including the provision of aid or relief to any casualties in compliance with Article 54(1) of the Road Traffic Act, he/she shall be charged aggravated punishment in accordance with the following classification (Article 5-3 of the Act on Aggravated Punishment of Specific Crimes).

Violation	Condition of Casualty	Punishment
Fleeing the scene of an accident	Death	Imprisonment for life or not less than five years
	Injury	Imprisonment for a limited term of not less than one year, or a fine of not less than KRW 5 million but not more than KRW 30 million.
Fleeing the scene of an accident after removing the casualty from the scene and abandoning him/her	Death	Capital punishment, imprisonment for life or imprisonment of not less than five years
	Injury	Imprisonment for a limited term of not less than three years.

▶ Measures for preventing further traffic accidents

- Warning sign of motor vehicle breakdown
 - In the event of a breakdown, drivers are legally required to turn on their vehicle's emergency lights and place a warning triangle at the location where the drivers of motor vehicles approaching from the rear can see it (Article 40 of the 「Enforcement Regulation of the Road Traffic Act」).



▶ Preservation of accident scene and securing of witness statement

- Preservation of accident scene and securing of witness statement
 - Securing the statement of a witness (or witnesses) to an accident is of paramount importance, since legal cases involving violations of traffic signals, accidents at a crosswalk, etc. have often undergone a change of statement due to a witness statement.



- Even if a perpetrator recognizes his/her fault or negligence at the scene of an accident, he/she may change a previous statement or modify and embellish the statement to his/her advantage. Such cases are very common. Therefore, receiving the confirmation of a statement is recommended to prevent the person concerned from altering the wording of his/her statement at a later date.
- It often happens that a perpetrator who has driven in a state of intoxication later denies the fact of his/her intoxication despite having agreed to settle the case. It is difficult to prove intoxication unless the level of alcohol in the driver's body is measured or his/her blood is collected. It is recommended to receive the perpetrator's confirmation of quantity, time, and the fact of drinking etc. in case the victim do not file a police report for the accident.
- It is also important to take notes on the identity of the perpetrator, the assailant's vehicle, and whether he/she is insured or not.

4.1.2. Report and investigation of traffic accidents

▣ Reporting a traffic accident

- ▣ Who has the obligation to file a report and when?
 - When police officers are present at the scene of an accident, the driver, etc. of the motor vehicle shall report without delay the pertinent facts to the police officers; whereas when police officers are not present at the accident scene, the driver, etc. shall report the matters to the nearest police station (including an area patrol unit, a police substation or a police detachment) (Article 54(2) of the Road Traffic Act).
 - The above provision shall not apply in cases where only the driving motor vehicle is evidently damaged and where necessary measures are taken to prevent any danger and ensure the smooth flow of road traffic (Article 54(2) of the Road Traffic Act).

▣ Matters to be reported

- The location of the accident, the number of casualties and the extent of their injuries, items damaged and the extent of such damage, and any measures, etc. taken shall be reported (Article 54(2) of the Road Traffic Act).

▣ Penal provisions

- Any person who neglects the duty to report shall be punished by a fine of not more than KRW 300,000 or a period of detention (Article 154(4) of the Road Traffic Act).
- Any person who impedes the reporting of a traffic accident shall be punished by imprisonment of not more than 6 months, a fine of not more than KRW 2,000,000 or a period of detention (Article 153(1)5 of the Road Traffic Act).

▣ Investigation of police officers

- Matters for police officers' investigation on traffic accident
 - In the event of a road traffic accident, national police officers shall investigate the following matters (Article 32 of the Enforcement Decree of the Road Traffic Act).
 1. The date, time, and location of the traffic accident.
 2. The damage caused by the traffic accident.
 3. The persons involved in the traffic accident, the vehicle registration number(s) and whether the motor vehicle(s) involved is(are) insured.
 4. Whether the driver's driving license is valid, whether the driver has been driving the motor vehicle under the influence of alcohol or drugs, and any necessary measures taken, such as the provision of aid or relief to the injured, etc.
 5. Whether the driver has committed an error.
 6. The conditions at the scene of the traffic accident.
 7. Other necessary matters in connection with the causes of the traffic accident, such as defects with a motor vehicle, a tram, or a traffic safety system, etc., and also matters concerning the collection of evidence, etc., such as a driving data recorder installed in accordance with Article 55 of the Road Traffic Act.
 - In cases where, as a result of the investigation of the above items 1 to 4, it is found that the traffic accident does not involve any casualties and cannot be the object of prosecution in accordance with Article 3(2) or 4(1) of the Act on Special Cases Concerning the Settlement of Traffic Accidents, the investigation of the above items 5 to 7 may be skipped (Article 32 of the Enforcement Decree of the Road Traffic Act).

※ Filing an objection to an investigation of a traffic accident

- It is possible to file an objection to an unfair investigation (biased treatment, repressive investigation, deferred treatment) on the civil petitions which each police station is handling or has handled.
 - Concerning the alleged cause of a traffic accident as decided by the investigation.
 - Concerning the investigations of accusations, appeals, or petition cases.
 - Concerning traffic accidents, according to the received order of petitions, reinvestigation of the scene shall be carried out with the documents of the primary investigation and any new evidences.
 - Concerning investigations, an objective investigation shall be conducted to determine whether the initial investigation of a given case contained any elements of unfairness. In the event that the initial investigation is judged to have been unfair, or any illegal acts on the part of the relevant police officer are discovered, appropriate steps such as disciplinary action shall be taken, and a corrective investigation may be suggested to the primary investigation agency.
 - The room of the audit inspection officer or the report center for the civil petitioner on investigation or traffic accidents in each local police agency.

▣ Confirmation of traffic accidents

- ▣ Application for confirmation of a traffic accident
 - A perpetrator, casualty or agent who wishes to confirm the occurrence of a traffic accident shall submit to the chief of a police station an application for confirmation of a traffic accident (Enforcement Regulation of the Road Traffic Act, Attached Form 144-6) (in cases where an agent submits an application, the power of attorney of the applicant and a copy of the identification) and present his or her identification (main text of Article 129-3(1) of the Enforcement Regulation of the Road Traffic Act).
 - Provided, That, upon the applicant's request, the identity of the applicant may be verified by electronically comparing his or her fingerprints in lieu of presenting the identification (proviso of Article 129-3(1) of the Enforcement Regulation of the Road Traffic Act).

4.2. Responsibility and compensation for traffic accidents

4.2.1. Legal obligation to insure a motor vehicle

▣ Legal obligation to insure a motor vehicle

- ▣ Legal obligation to obtain liability insurance for compensation of human damage
 - The owner of a motor vehicle shall join a liability insurance or mutual aid cooperative, which in turn assumes responsibility for damages pertaining to death or injury (in the case of death, one who has a right to compensation) within a given financial limit (in the case of death, 150 million won) (Article 5(1) of the Guarantee of Automobile Accident Compensation Act, Article 3 of the Enforcement Decree of the Guarantee of Automobile Accident Compensation Act).
 - Passengertransport service providers, motor vehicle rental business operators, truckingtransport business operators, construction machinery rental business operators, and last mile delivery service operators shall join another insurance or mutual aid cooperative that assumes responsibility for every amount of damages exceeding the limit of compensation liability and which is not less than KRW 100 million per one person (Article 5 (3) of the Guarantee of Automobile Accident Compensation Act).
- ▣ Legal obligation to insure a motor vehicle for compensation for material damage
 - In addition to subscribing to liability insurance or a mutual aid cooperative, the owner of a motor vehicle shall subscribe to another insurance or mutual aid cooperative which assumes responsibility for damages caused by an accident with a liability limit of KRW 10 million per one case, for cases where the driving of a motor vehicle destroys or impairs another person's property (Article 5(2) of the Guarantee of Automobile Accident Compensation Act).

▣ Sanctions against violations of the legal obligation to purchase an insurance policy

- ▣ Order to submit documents
 - Governor of Special Self-Governing Province, Special Self-Governing Mayor, and the

head of a Si/Gun/Gu (Refers to the mayor of the autonomous district. Hereinafter referred to as "the head of a Si/Gun/Gu") order a motor vehicle owner who has failed to purchase a mandatory insurance policy to purchase a mandatory insurance policy and present the x-documents verifying such purchase, fixing a deadline of 10 to 15 days (Article 6(3) of the Guarantee of Automobile Accident Compensation Act).

■ Retention of a registration number plate in custody

- The head of a Si/Gun/Gu may keep in custody the registration number plate of a motor vehicle which is not covered by mandatory insurance (Article 6(4) of the Guarantee of Automobile Accident Compensation Act).
- A motor vehicle without a registration number plate affixed or sealed shall not be driven under any circumstances. Violation of this provision shall be punished by a fine for negligence of not exceeding KRW 2,500,000 on the number of violation basis (Article 10(4) and Subparagraph 1 of Article 84(2) of 「Motor Vehicle Management Act」, and Article 20 and Item F of Subparagraph 2 of attached Table 2 of 「Enforcement Decree of the Motor Vehicle Management Act」).

■ Prohibition of operation

- A motor vehicle which is not covered by mandatory insurance shall not be operated on a road (Article 8 of the Guarantee of Automobile Accident Compensation Act).
- The owner of a motorvehicle who operates his/her vehicle without being covered by mandatoryinsurance shall be punished by imprisonment of not more than 1 year or apenalty of not more than 10 million won (Article 8 and subparagraph2 of article 46(3) of the Guaranteeof Automobile Accident Compensation Act).

■ Imposition of fines for negligence

- The fines imposed for failure to insure a motor vehicle are presented in the following table (Article 5 of the Guarantee of Automobile Accident Compensation Act, Enforcement Decree of the Guarantee of Automobile Accident Compensation Act, Article 36 and Attached Table 5).

Classification	Type of motor vehicle	Content
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Failure to purchase mandatory insurance according to Article 5(1) of the Guarantee of Automobile Accident Compensation Act (bodily injury liability)	Two-wheeled motor vehicles	Uninsured period of not more than 10 days: KRW 6,000 Uninsured period exceeding 10 days: KRW 6,000 plus KRW 1,200 per one day from 11thday(The sum total of the fine for negligence shall not exceed KRW200,000 per one vehicle.)
	Private motor vehicles	Uninsured period of not more than 10 days: KRW 10,000 Uninsured period exceeding 10 days: KRW 10,000 plus KRW 4,000 per one day from 11thday(The sum total of the fine for negligence shall not exceed KRW600,000 per one vehicle.)
	Motor vehicles used for business purposes	Uninsured period of not more than 10 days: KRW 30,000 Uninsured period exceeding 10 days: KRW 30,000 plus KRW 8,000 per one day from 11thday(The sum total of the fine for negligence shall not exceed KRW1,000,000 per one vehicle.)

<p>Failure to purchase mandatory insurance according to Article 5(2) of the Guarantee of Automobile Accident Compensation Act (property damage liability)</p>	<p>Two-wheeled motor vehicles</p>	<p>Uninsured period of not more than 10 days: KRW 3,000</p> <p>Uninsured period exceeding 10 days: KRW 3,000 plus KRW 600 per one day from 11thday (The sum total of the fine for negligence shall not exceed KRW100,000 per one vehicle.)</p>
	<p>Private motor vehicles</p>	<p>Uninsured period of not more than 10 days: KRW 5,000</p> <p>Uninsured period exceeding 10 days: KRW 5,000 plus KRW 2,000 per one day from 11thday (The sum total of the fine for negligence shall not exceed KRW300,000 per one vehicle.)</p>
	<p>Motor vehicles used for business purposes</p>	<p>Uninsured period of not more than 10 days: KRW 5,000</p> <p>Uninsured period exceeding 10 days: KRW 5,000 plus KRW 2,000 per one day from 11thday(The sum total of the fine for negligence shall not exceed KRW300,000 per one vehicle.)</p>
<p>Failure to purchase mandatory insurance according to Article 5(3) of the Guarantee of Automobile Accident Compensation Act (mandatory for motor vehicles used for business)</p>	<p>Business motor vehicles under Article 5(3) of the Guarantee of Automobile Accident Compensation Act</p>	<p>Uninsured period of not more than 10 days: KRW 30,000</p> <p>Uninsured period exceeding 10 days: KRW 30,000 plus KRW 8,000 per one day from 11thday(The sum total of the fine for negligence shall not exceed KRW1,000,000 per one vehicle.)</p>

4.2.2. Criminal punishment for a traffic accident

▶ Criminal punishment for a traffic accident

■ Punishment for a traffic accident

- Imprisonment or the imposition of a fine on the perpetrator of a traffic accident or a violator of the traffic regulations are criminal punishments. Acts stipulating such punishments include the Road Traffic Act, Criminal Act, Act on Special Cases Concerning the Settlement of Traffic Accidents, Act on Aggravated Punishment, Etc. of Specific Crimes, etc.
- In cases where the driver of a motor vehicle damages a **building or goods** belonging to another person due to negligent disregard or gross negligence, he/she shall be punished by a term of imprisonment of not more than 2 years or by a fine not exceeding KRW 5 million (Road Traffic Act, Article 151).
- Where a driver of a motor vehicle (including a motorcycle) commits a crime provided for in Article 3(1) of the Act on Special Cases concerning the Settlement of Traffic Accidents against a child (referring to a person who is under 13 years of age) in violation of Article 12(1) of the Road Traffic Act in a protection area for children under Article 12(3) of the same Act shall be punished aggravatingly as follows (Article 5-13 of the Act on Aggravated Punishment, Etc. of Specific Crimes).
 - A driver of a motor vehicle, etc. who commits such crime, as set forth in Article 3-1 of the Act on Special Cases concerning the Settlement of Traffic Accidents, to a child (younger than 13 years old) in a child protection zone under Article 12(3) of the Road Traffic Act by violating Article 12(1) of the said Act shall be charged aggravated punishment in accordance with each subparagraph below (Article 5-13 of the Act on the Aggravated Punishment of Specific Crimes).
 - Where the crime causes the death of a child, the driver shall be punished by imprisonment with labor for an indefinite term or not less than 3 years;
 - Where the crime causes injuries to a child, the driver shall be punished by imprisonment with labor for not less than 1 year but not more than 15 years or by a fine of not less than KRW 5 million but not more than KRW 30 million.

■ Special cases of punishment according to The Act on Special Cases Concerning the Settlement of Traffic Accidents

- To facilitate the prompt recovery of damages, The Act on Special Cases Concerning the Settlement of Traffic Accidents stipulates special cases including criminal punishments for a driver who causes a traffic accident by occupational or gross negligence (Act on Special Cases Concerning the Settlement of Traffic Accidents, Article 1).
- ※ The term "traffic accident" refers to the death or injury of a human being or damage to a property resulting from vehicular traffic (Article 2(2) of the Act on Special Cases Concerning the Settlement of Traffic Accidents).

■ Prosecution

- A driver who commits a crime by inflicting bodily injury due to occupational or gross negligence relating to traffic accidents as provided under Article 268 of the Criminal Act or a crime as provided under Article 151 of the Road Traffic Act shall not be prosecuted against the express will of the victim (Article 3(2) of the Act on Special Cases Concerning the Settlement of Traffic Accidents).
- In cases where a driver of a vehicle who commits a crime of inflicting bodily injury due to occupational or gross negligence relating to the traffic accidents

mentioned above, leaves the scene of an accident without taking the required measures including those necessary to provide aid or relief to a victim as provided under Article 54(1) of the Road Traffic Act, or leaves the scene of an accident after moving the victim from the site of the accident and abandoning the victim, or in cases where a driver of a vehicle commits the aforesaid crimes and refuses to take a sobriety test in violation of Article 44(2) of the Road Traffic Act (excluding cases where a driver of a vehicle requests or agrees to a blood sample test), and in cases where a driver of a vehicle commits such crime caused by an act falling under any of the following cases, prosecution against the will of the victim shall be allowed (Article 3(2) of the Act on Special Cases Concerning the Settlement of Traffic Accidents).

1. In cases involving the violation of road traffic signals by a vehicle as provided under Article 5 of the Road Traffic Act, the violation of signals made by a traffic police officer, or other directions of safety signals requiring the prohibition or temporary suspension of traffic;
2. In cases involving the crossing of a median line of a road in violation of the provisions under Article 13(3) of the Road Traffic Act, or involving the crossing of, making a U-turn or driving in reverse on a road in violation of the provisions under Article 62 of the same Act;
3. In cases involving the operation of a vehicle in excess of the speed limit by 20 kilometers per hour or more as provided under Article 17 (1) or (2) of the Road Traffic Act;
4. In cases involving the operation of a vehicle in violation of the methods, time of prohibition and location of prohibition of passing, or prohibition of intruding, as provided under Articles 21(1), 22, and 23, or the operation of a vehicle in violation of the method of passing another vehicle on highways under 60(2) of the Road Traffic Act;
5. In cases involving the operation of a vehicle in violation of the method of passing a railway crossing as provided under Article 24 of the Road Traffic Act;
6. In cases involving the operation of a vehicle by neglecting to observe the duty of protecting pedestrians on a crosswalk as provided under Article 27(1) of the Road Traffic Act;
7. In cases where a driver operates a vehicle without holding a driver's license or a construction machinery operator's license or without holding an international driver's license in violation of the provisions of Article 43(1) of the Road Traffic Act, Article 26 of the Construction Machinery Management Act or Article 96 of the Road Traffic Act. In such cases, the fact of suspension of a person's driver's license or construction machinery operator's license, or the fact of prohibition of operation of a vehicle shall be considered as that person's not having obtained a driver's license or a construction machinery operator's license or not holding an international driver's license;
8. In cases where a driver operates a vehicle while under the influence of alcohol in violation of the provisions of Article 44(1) of the Road Traffic Act or while normal operation is deemed difficult due to the influence of drugs in violation of the provisions of Article 45 of the Road Traffic Act;
9. In cases where a driver operates a vehicle in violation of the pavements as provided under Article 13(1) of the Road Traffic Act or in violation of the method of crossing pavements as provided under Article 13(2) of the same Act;

10. In cases where a driver operates a vehicle in violation of the obligation to prevent passengers from falling out of the vehicle as provided under Article 39(3) of the Road Traffic Act;
11. In cases where a driver is responsible for causing bodily harm to children in violation of the obligation to operate a vehicle by complying with the measures provided under paragraph (1) of Article 12 of the Road Traffic Act or in violation of the duty to pay attention to the safety of children within protective areas for children as provided under Article 12(3) of the same Act.
12. When a driver does not take any necessary measures in order to prevent loaded freight from falling off while driving the motor vehicle in violation of Article 39 (4) of the 「Road Traffic Act」;

※ The eleven aforementioned cases of traffic accidents caused by gross negligence shall be referred to as ‘eleven types of traffic accident caused by gross negligence.’

▶ Where a driver is covered by insurance or a mutual aid cooperative which compensates all medical expenses and damages

▫ Exemption from prosecution after a traffic accident

- In cases where a vehicle which has caused a traffic accident is covered by insurance or mutual aid in accordance with Articles 4 and 126 through 128 of the Insurance Business Act, Articles 60 and 61 of the Passenger Transport Service Act, or Article 51 of the Trucking Transport Business Act, a driver who commits a crime as provided under Article 3(2) shall not be prosecuted (Article 3(2), 4(1) of the Act on Special Cases Concerning the Settlement of Traffic Accidents).
- In one of the following cases, however, the driver shall be prosecuted (Article 4(1) of the Act on Special Cases Concerning the Settlement of Traffic Accidents).
 - In the above cases 1 to 11(Article 3(2) of the Act on Special Cases Concerning the Settlement of Traffic Accidents)
 - In cases where there occurs a life-threatening situation caused by bodily injury to the victim, disability, or an incurable or intractable condition.
 - In cases where the obligation of an insurance company, a mutual aid association or a mutual aid manager to pay insurance money or a deducted amount no longer exists because an insurance contract or a mutual aid contract has become void or been terminated early, or because the contract concerned includes an exemption clause, or for other reasons.
- The term "insurance or mutual aid" shall refer to insurance or mutual aid for which the insurance company mentioned in the Insurance Business Act, or to a mutual aid association or a mutual aid manager as specified in the Passenger Transport Service Act or the Trucking Transport Business Act, according to a clause of insurance authorized or a clause of mutual aid approved, notwithstanding whether or not an agreement of compensation for damages exists between the insured or the partner of a mutual aid association and the victim, in substitution of the insured or the partner of a mutual aid association, pays the total amount of ordinary expenses for the following medical fees of the victim and the standard amount of payment determined in a clause of insurance or mutual aid for other damages in advance, and ultimately compensates the total amount of the compensation for damages by a final and conclusive judgment and other titles

of debt corresponding to such judgment, due to a traffic accident involving the insured or a partner of a mutual aid association (Article 4(2) of the Act on Special Cases Concerning the Settlement of Traffic Accidents, Article 2(1) of the Enforcement Decree of the Act on Special Cases Concerning the Settlement of Traffic Accidents).

1. Doctor's fees.
2. The charges for a general hospital room; or, in the event of a stay at a more expensive room, the charge for that room.
3. All expenses for treatment, administration, and operation, etc.
4. Expenses for necessary prosthetic and other devices such as false fingers, false teeth, glasses, and hearing aid, etc.
5. Expenses for escort, transfer, discharge, and outpatient treatment.
6. Other expenses for meals, care workers, etc. stipulated in the clauses of the insurance or mutual aid agreement.

4.2.3. Compensation for damages caused by a traffic accident

▣ Compensation for damages

- Compensation for damages caused by driving a motor vehicle
 - In cases where a driver causes bodily harm or damages another person's property while driving, the damages shall be compensated (Article 750 of the Guarantee of Automobile Accident Compensation Act, Article 3 and Civil Act).
- Compensation for damages in accordance with the Act on the Guarantee of Automobile Accident Compensation
 - The purpose of the Act on the Guarantee of Automobile Accident Compensation is to establish a system by which compensation for the death or injury of any person and the destruction or damage of any property, when caused by the operation of an automobile, is guaranteed in order to protect victims and to promote the sound development of transportation by automobiles. It is a special act of the Civil Act.
 - Except as otherwise prescribed by Article 3 of the Act on the Guarantee of Automobile Accident Compensation, the provisions of the Civil Act shall apply to liability for damages caused by persons who operate an automobile for their personal use (Article 4 of the Act on the Guarantee of Automobile Accident Compensation).
- Liability of the owner of a motor vehicle for compensation for damages
 - In cases where a driver causes bodily harm or damages another person's property while driving, the damages shall be compensated (Article 3 of the Guarantee of Automobile Accident Compensation Act).
 - The liability for damages shall not apply in the following cases (Article 3 of the Act on the Guarantee of Automobile Accident Compensation).
 - In cases involving the death or injury of a person other than a passenger, when it has been proven that
 - √ the person responsible for operating the automobile and the driver thereof were

not negligent in its operation;

√ a victim or a third party, other than the person operating the automobile and the driver thereof, committed an intentional or negligent act;

√ there was no defect in the structure or no problems with the functions of the automobile.

· In cases involving the death or injury of a passenger, when the passenger has died or been injured as a result of his/her intentional or suicidal act.

■ Compensation for damages according to the Civil Act

- Except as otherwise prescribed by Article 3 of the Act on the Guarantee of Automobile Accident Compensation, the provisions of the Civil Act shall apply to the liability for damages caused by a person(s) who operates an automobile for personal use. The Civil Act here refers to the provisions on illegal action (from Article 750 to 766).

- Therefore, the provisions of the Civil Act shall also apply to the requirements, scope and method of compensation for damages, comparative negligence, obligor's subrogation, scope of compensation claimant, inheritance of the right to claim, statutory agent, extinction of the right to claim, offset of profits and losses, claim of mitigation, collective illegal conduct, user's liability, and so forth.

- Any person who causes losses to or inflicts injuries on another person by an unlawful act, willfully or negligently, shall be bound to pay compensation for any damages arising therefrom (Article 750 of the Civil Act).

▶ **Guarantee of Automobile Accident Compensation**

■ Government's compensation for casualties

- In the event of any of the following situations, the Government shall, upon the claim of a victim, pay damages to the victim to the extent of the amount coverable by liability insurance (Article 30(1) of the Act on the Guarantee of Automobile Accident Compensation).

· Where a victim has died or been injured due to an accident caused by the operation of an automobile whose owner remains unidentified

· Where a person other than a policyholder, etc. has been liable to compensate damages under Article 3 of the insurance policy (Act on the Guarantee of Automobile Accident Compensation. This shall not apply to any accident caused by the operation of the automobiles specified below (Article 5(4) of the Act on the Guarantee of Automobile Accident Compensation and Article 5 of the Enforcement Decree of the Act on the Guarantee of Automobile Accident Compensation).

√ Motor vehicles belonging to the UN army stationed in South Korea.

√ Motor vehicles belonging to the US army stationed in South Korea.

√ Motor vehicles possessed by foreigners who do not belong to the above two groups, as designated by the Minister of Land, Infrastructure and Transport.

√ Tow trucks or automobiles designed to travel on roads.

√ Motors vehicle which are only used in places other than roads according to their function and purpose (in accordance with Article 2(1) of the Road Traffic Act).

· If a person dies or sustains injury due to an object falling from a motor vehicle

whose owner is unknown

- The government may investigate an accident under its own authority and without the request of the victim, and compensate his/her damages within the limit of liability insurance (Article 30(1) of the Act on the Guarantee of Automobile Accident Compensation).

※ Support for Victims of Traffic Accidents

- The Government may render aid to the children and other dependent family members of a person killed due to the operation of an automobile or of a person who has been left disabled with serious sequelae (i.e. consequences of injury) in order to resolve certain hardships, such as in cases where the victim has been obliged to give up his/her studies, etc. owing to economic difficulties, and to help a person with serious sequelae to recover (Article 30(2) of the Act on the Guarantee of Automobile Accident Compensation).

- Persons eligible for support

√ The government may support those who meet all of the following requirements and are selected under Article 23(2) of the Enforcement Decree of the Act on the Guarantee of Automobile Accident Compensation (Article 21(1) (main text) thereof).

- Accident victims with serious sequelae, or the surviving children and dependent family members of the deceased or the aforesaid victims
- Their living conditions fall under the standard set by the Minister of Land, Infrastructure and Transport in consideration of the standard median income according to the National Basic Living Security Act, and thus they may have difficulty in continuing to make a living, study or take rehabilitation treatment (only applicable to accident victims with serious sequelae),

- Standard of support (Article 22(1) of the Enforcement Decree of the Act on the Guarantee of Automobile Accident Compensation)

1. Persons disabled with serious sequelae:

A. Support for the costs of using a medical institution according to the Medical Service Act or a rehabilitation institution according to the Act on the Welfare of Persons with Disabilities or other expenses required for convalescence.

B. Provision of a Scholarship for continuous learning.

2. Children:

A. Loan of money for living expenses.

B. Provision of a Scholarship for continuous learning.

C. Provision of support funds (hereinafter referred to as 'self-reliance support') in accordance with the amount of money which the guardian of the children (the person with parental rights, patron, person who protects, cares for and educates or has the responsibility for such actions, or the person who actually protects and supervises the children in a working or employing relationship) has saved under the name of the children.

3. Dependent family members: provision of support in consideration of the level

of living of senior parents, etc.

4. Support program for mental health treatment including psychotherapy for persons falling under items 1 to 3

• Amount of support

The amount of support shall be determined by the Minister of Land, Infrastructure and Transport who calculates within 1/2 of the standard amount in consideration of government financial resources (Enforcement Decree of the Act on the Guarantee of Automobile Accident Compensation, Article 22(2) and Attached Table 4).

Target of support	Classification of support	Standard amount
1. Persons disabled with serious sequelae	A. Rehabilitation support	KRW 200,000 per month
	B. Scholarship	KRW 300,000 per quarter
2. Children	A. Interest-free loan of money for living expenses	KRW 250,000 per month
	B. Scholarship	KRW 300,000 per quarter
	C. Support for self-reliance	KRW 60,000 per month
3. Dependent family	Support	KRW 200,000 per month

※ The Korea Transportation Safety Authority is an authorized agency for supporting the compensation of damages caused by traffic accidents (Article 35(3) of the Enforcement Decree of the Act on the Guarantee of Automobile Accident Compensation).

※ The website of the Korea Transportation Safety Authority (www.kotsa.or.kr) presents the contents of the support program in detail.

▶ **Victim's claim for compensation for damages**

■ Claims for insurance, etc.

- In cases where liability for damage has been incurred by a policyholder, etc. the relevant victim may file a claim for insurance payouts with the insurer, etc. so that such payouts are directly paid to him/her. In such cases, the victim may request that the insurer, etc. pay the amount equivalent to medical fees covered by car insurance directly to the medical institution that has provided him/her with medical treatment (Article 10(1) of the Act on the Guarantee of Automobile Accident Compensation).

- In cases where an insurer, etc. is informed of the occurrence of a motor vehicle accident through a claim for damage filed by either a policyholder, etc. or a victim of such motor vehicle accident under the latter part of Article 10(1), or by other means, the insurer, etc. shall, without delay, notify the medical

institution treating the patient for injuries sustained as a result of such motor vehicle accident as to whether the medical fees covered by motor vehicle insurance will be paid for that treatment and as to the upper limit on such payment (Article 12(1) of the Act on the Guarantee of Automobile Accident Compensation).

- In cases where a policyholder, etc. has paid damages to the relevant victim before the insurer, etc. pays an insurance payout, etc., the policyholder, etc. may request the insurer, etc. to reimburse the sum that he/she has paid to the victim to the upper limit on insurance payouts, etc. (Article 10(2) of the Act on the Guarantee of Automobile Accident Compensation).

■ Advance payment to victim

- In cases where a policyholder, etc. has caused the death of or injury to another person due to the operation of a motor vehicle, the relevant victim may request his/her insurer, etc. to pay the total amount of medical fees covered by motor vehicle insurance, as prescribed by Article 7 of the Presidential Decree, and to pay for the insurance, etc. the amount prescribed in the following way as advance payments of the insurance payouts provided under Article 10(Article 11(1) of the Act on the Guarantee of Automobile Accident Compensation).

- For one victim, 50/100 of damages within the amount prescribed by the following classification (Article 10 of the Enforcement Decree of the Act on the Guarantee of Automobile Accident Compensation).

- √ Death: KRW 150 million

- √ Injury: limit amount for each injury specified in Attached Table 1 of the Enforcement Decree of the Act on the Guarantee of Automobile Accident Compensation

- √ Sequelae: limit amount for each physical disability specified in Attached Table 2 of the Enforcement Decree of the Act on the Guarantee of Automobile Accident Compensation

▶ Compensation procedure for damages caused by traffic accidents

※ Documents to be submitted when claiming for insurance (Enforcement Decree of the Act on the Guarantee of Automobile Accident Compensation, Article 7(1), (2), and Enforcement Regulation of the Act on the Guarantee of Automobile Accident Compensation, Article 5)

- Claim for insurance (① name and address of the claimant, ② relationship between the claimant and the deceased, ③ name and address of the victim and the perpetrator ④ date, location and summary of the accident, ⑤ model and registration number of the motor vehicle concerned, ⑥ name and address of the insured, ⑦ claimed money and grounds for its calculation)
- Medical certificate or death certificate.
- Documentary evidence (which prove items ②, ③, ④).
- Bill of statement and present value assessment of future medical costs (doctor's statement of opinion) for medical treatment issued by a medical institution, specifying the unit, quantity, amount, etc. of the medical expenses.

※ Documents to be submitted when filing a claim for compensation under the automobile accident compensation program (Article 20(1), 2 of the Enforcement Decree of the Act on the Guarantee of Automobile Accident Compensation)

- Claim for insurance (① name and address of the claimant, ② relationship between the claimant and the deceased (only in cases where the victim has died as a result of an accident), ③ name and address of the victim and the perpetrator (excluding cases where the victim has died or been injured due to an accident that occurred during the operation of a motor vehicle, the owner of which is unidentified, or where the victim has died or been injured due to an object dropped from a motor vehicle in operation, the owner of which is unidentified), ④ date, location and summary of the accident, ⑤ model and registration number(excluding cases where the identity of the owner of the motor vehicle remains unknown) of the motor vehicle concerned, ⑥ name and address of the insured, ⑦ claimed money).
- Medical certificate or death certificate.
- Documentary evidence which can prove items ②,③,④ (the document proving ④ shall contain the confirmation sign of the chief of the police station responsible for supervising the scene of the accident).

※ Claim for state compensation for damages sustained by motor vehicles, etc. due to the poor management of roads

- Confirmation of road management agencies
 - Road management agencies shall be classified as follows (Article 20(1) of the Road Act).
 - √ National highways (including branch lines): The Minister of Land, Transport and Maritime Affairs
 - √ State-funded local highways: The Special Self-Governing City Mayor, Province(do) Governors or the Governor of a Special Self-Governing Province (the competent mayor in cases involving sections of road located in a Special Metropolitan City or a Metropolitan City).
 - √ Other roads: The administrative agency responsible for approving the routes in question.
- Claims for state compensation
 - In cases where a person is damaged by the unlawful actions of a public official or the defective construction or management of a road, a river or any other public structure, the person concerned should file a claim for compensation to the State or to the local government (State Compensation Act, Articles 2 and 5).
- Filing an application for compensation to a local district council
 - A person who desires to receive compensation shall file an application for compensation with the District Council having jurisdiction over the area in which the person's domicile or seat is located, or where the cause for such claim for compensation has occurred (Article 12(1) of the State Compensation Act).

- A District Council consists of a headquarters council (Ministry of Justice) and local district councils (14 in the country).