

CHARTER FISHING BUSINESS ACT

Act No. 5078, Dec. 29, 1995

Amended by Act No. 5153, Aug. 8, 1996

Act No. 5453, Dec. 13, 1997

Act No. 5470, Dec. 17, 1997

Act No. 5810, Feb. 5, 1999

Act No. 6702, May 13, 2002

Act No. 7642, Jul. 29, 2005

Act No. 8852, Feb. 29, 2008

Act No. 10458, Mar. 9, 2011

Act No. 10801, jun. 15, 2011

Article 1 (Purpose)

The purpose of this Act is to provide for matters necessary for the use, safety, etc. of charter fishing boats in order to seek the safety of passengers using charter fishing boats and contribute to the sound development of charter fishing business and increase of the income of fishing households.

Article 2 (Definition)

The terms used in this Act shall be defined as follows: *<Amended by Act No. 7642, Jul. 29, 2005>*

1. The term "charter fishing business" means business to guide those who desire to catch or collect aquatic animals or plants to a fishing area in a river, lake, swamp or the sea by charter fishing boats or enable them to catch or collect aquatic animals and plants on the boat relevant;
2. The term "charter fishing boat" means a fishing vessel registered in accordance with the Fishing Vessels Act and engaged in charter fishing business;
3. The term "charter fishing business operator" means a person who owns or rents a charter fishing boat and who has reported pursuant to Article 4 (1).

Article 3 (Exclusion from Application of Other Acts)

The provisions of the Excursion Ship and Ferry Business Act shall not apply to charter fishing boats under this Act

Article 4 (Report, etc. of Charter Fishing Boat Business)

(1) Any person who intends to conduct a charter fishing business shall report matters concerning the charter fishing boat and matters determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries to the head of the Si, Gun or autonomous Gu (hereinafter referred to as the head of each

Si/Gun") that has jurisdiction over the port of registration of the relevant charter fishing boat by preparing a written report. Where he/she intends to change reported matters, the same shall apply. *<Amended by Act No. 5153, Aug. 8, 1996; Act No. 6702, May. 13, 2002; Act No. 8852, Feb. 29, 2008>*

(2) The head of a Si/Gun shall, when the report referred to in the former part of paragraph (1) satisfies the criteria referred to in paragraph (3), issue a certificate verifying completion of reporting of charter fishing business to the person who reports. *<Newly Inserted by Act No. 6702, May. 13, 2002>*

(3) The criteria for the size, ship's age, etc. of charter fishing boat referred to in paragraph (1) shall be determined by Presidential Decree.

Article 5 (Notification of Reported Matters, etc.)

(1) The head of a Si/Gun who has been reported charter fishing business pursuant to Article 4 (1) shall notify the relevant Special Metropolitan City Mayor. Metropolitan City Mayor or Do Governor (hereinafter referred to as Metropolitan City Mayor/Do Governor") of reported matters, etc., as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) Any Metropolitan City Mayor/Do Governor that is reported pursuant to paragraph (1) shall report it to the Minister of Food, Agriculture, Forestry and Fisheries as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 6 (Validity of Report)

(1) The validity of the report referred to in Article 4 (1) shall be the contract period of the insurance or mutual-aid that is referred to in Article 17 on the condition that it not exceed three years. *<Amended by Act No. 5810, Feb. 5, 1999>*

(2) Deleted. *<by Act No. 5810, Feb. 5, 1999>*

Article 7 (Business Zone)

The business zone of a charter fishing business shall be the waters under the jurisdiction of the Metropolitan City Mayor/Do Governor to which the port of registration of the relevant charter fishing boat belongs to: Provided, That in cases where the Minister of Food, Agriculture, Forestry and Fisheries designates joint business zones as prescribed by Presidential Decree with respect to the waters located between adjoining Special Metropolitan Cities, Metropolitan Cities or Dos, the joint business zones and the waters under the jurisdiction of the relevant Metropolitan City Mayors/Do Governors shall become business zones. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 8 (Criteria for Facilities, etc.)

Every charter fishing business operator shall be furnished with facilities, etc. for the safety of human life as prescribed by Presidential Decree.

Article 9 (Inspection, etc. of Charter Fishing Boat)

(1) Any person that intends to conduct charter fishing business by using a fishing vessel which is not subject to the Ship Safety Act shall have the relevant fishing vessel inspected. In such cases, the provisions of the Ship Safety Act, which pertain to regular inspection shall apply mutatis mutandis to the

inspection. <Amended by Act No. 5470, Dec. 17, 1997; Act No. 6702, May. 13, 2002>

(2) The validity and inspection fee of the inspection of charter fishing boats, which is referred to in paragraph (1) shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 8852, Feb. 29, 2008>

Article 10 (Seating Capacity of Charter Fishing Boat)

The seating capacity of a charter fishing boat shall be the maximum seating capacity indicated on a ship inspection certificate under the Ship Safety Act. <Amended by Act No. 5470, Dec. 17, 1997>

Article 11 (Duty of Safe Navigation, etc. of Charter Fishing Business Operator, etc.)

(1) No charter fishing business operator and crew shall either operate a charter fishing boat while addicted to drugs or intoxicated above the limit determined by Presidential Decree, or have charter fishing business operators or crew who are addicted to drugs or intoxicated operate a charter fishing boat. <Amended by Act No. 6702, May. 13, 2002>

(2) Every charter fishing business operator or crew member shall, when necessary for safety navigation or operating a small charter fishing boat determined by Presidential Decree, have passengers wear life jackets. In such cases, when a passenger of a small charter fishing boat refuses to wear a life jacket, he/she may refuse to let the passenger board. <Amended by Act No. 7642, Jul. 29, 2005>

(3) No charter fishing business operator and crew shall take passengers on board a charter fishing boat in excess of the seating capacity thereof. <Amended by Act No. 5810, Feb. 5, 1999>

(4) Every charter fishing business operator shall put up a bulletin board indicating the seating capacity of the relevant charter fishing boat and matters published by the head of each Si/Gun pursuant to Article 14 (2) in a place easily noticeable to passengers, as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 7642, Jul. 29, 2005; Act No. 8852, Feb. 29, 2008>

Article 12 (Measures against Drunk People)

(1) Any public official or police officer conducting a safety inspection pursuant to Article 13 (hereinafter referred to as "public inspector") may, when there is a substantial ground to recognize that a charter fishing business operator or a crew member is under the influence of alcohol, give him/her a sobriety test. In such cases, the charter fishing business operator or crew member shall comply therewith.

(2) With respect to charter fishing business operators or crew members dissatisfied with the result of the sobriety test referred to in paragraph (1), a test may be given again by means of taking blood samples, etc. under the consent of the charter fishing business operators or crew members.

(3) Every public inspector may, when a charter fishing business operator or a crew member is found to be intoxicated above the limit referred to in Article 11 (1) according to the result of the sobriety test referred to in paragraph (1) or (2), impose the relevant charter fishing business operator or crew member with restrictions on operating a fishing vessel, giving directions, boarding a vessel, etc.

Article 12-2 (Report, etc. of Entry to and Departure from Port)

(1) Every charter fishing business operator shall, when intending to enter or depart a port, inlet, etc. (hereinafter referred to as "entry to and departure from a port"), taking passengers on board a ship, report

it to the head of the organ taking charge of the affairs concerning reports on the entry into and departure from a port (hereinafter referred to as "organ receiving reports on entry into and departure from a port") as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 8852, Feb. 29, 2008>

(2) Any charter fishing business operator who intends to report departure from a port pursuant to paragraph (1) shall submit a written report to the head of the organ receiving reports on entry into and departure from a port, attaching thereto a list of passengers to be on board the relevant charter fishing boat (hereinafter referred to as "passengers" list").

(3) Every charter fishing business operator shall keep the copies of passengers' lists in the relevant charter fishing boat.

Article 12-3 (Restrictions on Departure from Port)

(1) The head of each organ receiving reports on entry into and departure from a port may, when deemed necessary for the safety of charter fishing business operators, crew members and passengers in consideration of information on weather and sea conditions, etc., restrict the departure of charter fishing boats from a port.

(2) Matters necessary for criteria for restrictions on departure from a port, which are referred to in paragraph (1), etc. shall be determined by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 7642, Jul. 29, 2005; Act No. 8852, Feb. 29, 2008>

Article 13 (Safety Inspection)

(1) The head of each Si/Gun shall, for the safe navigation of charter fishing boats and prevention of danger, have relevant public officials conduct a safety inspection with respect to safety facilities for human life, etc. or ask questions to relevant persons or notify as prescribed by Presidential Decree. <Amended by Act No. 6702, May. 13, 2002>

(2) Any relevant public official that conducts a safety inspection pursuant to paragraph (1) shall carry along a certificate showing his/her authority and present it to related persons.

Article 14 (Measures for Safe Navigation, etc.)

(1) The head of each Si/Gun may, when deemed particularly necessary for the safe navigation of charter fishing boats, prevention of danger and others, such as the maintenance of the order of charter fishing business, order the matters in each of the following subparagraphs to charter fishing business operators, listening to the opinions of the heads of competent police offices or heads of maritime police offices: <Amended by Act No. 5810, Feb. 5, 1999; Act No. 6702, May. 13, 2002>

1. Increase of number and replacement of crew members;
2. Limitation of business hours or frequency of shipping services;
3. Limitation of business zones or temporary suspension of business;
4. Other matters deemed necessary for the safety of passengers of charter fishing boats.

(2) The head of each Si/Gun shall determine and publish matters to be observed by passengers of charter fishing boats for the safe navigation of charter fishing boats, prevention of water pollution, protection of

fishery resources, etc. <Amended by Act No. 7642, Jul. 29, 2005>

(3) The head of each Si/Gun shall set up a bulletin board indicating the matters to be observed by charter fishing business operators or crew members in a place easily noticeable to charter fishing business operators or crew members inside the port. In such cases, matters in each of the following subparagraphs shall be included therein: <Newly Inserted by Act No. 7642, Jul. 29, 2005>

1. Details of the measures for safe navigation, etc., which are referred to in paragraph (1);
2. Matters to be observed by charter fishing business operators or crew members, etc., which are referred to in Articles 8, 11, 12-2 and 15 (1);
3. Criteria for the restrictions on departure from ports, which are referred to in Article 12-3 (2);
4. Matters prohibited by other Acts, such as dumping oil, night soil and waste in rivers, lakes, swamps or the sea.

Article 15 (Notification of Occurrence of Accidents)

(1) Every charter fishing business operator or crew member shall, when falling under any of the following subparagraphs, promptly notify the head of adjoining Si/Gun or to the head of a maritime police office of such fact: <Amended by Act No. 6702, May. 13, 2002>

1. Where a passenger is dead or missing;
2. Where a collision, stranding or an accident which may impact or is relevant to impact the safe navigation of a charter fishing boat occurs.

(2) The head of any Si/Gun or the head of any maritime police office notified pursuant to paragraph (1) shall promptly notify the competent Metropolitan City Mayor/Do Governor and Commissioner of the Korea Coast Guard thereof and take necessary measures for the resolution of an accident, such as lifesaving activities.

Article 16 (Cooperation of Relevant Organs)

When necessary for the safe navigation of charter fishing boats and prevention of danger, the head of each Si/Gun may request relevant administrative organs to render cooperation. In this case, the heads of the relevant administrative organs that receive the request for cooperation shall comply therewith, unless they have any cause that makes them unable to do so. <Amended by Act No. 6702, May. 13, 2002>

Article 17 (Subscription to Insurance, etc.)

Every charter fishing business operator shall subscribe to an insurance or mutual aid for the compensation of damage to passengers and crew of the charter fishing boat as prescribed by Presidential Decree.

Article 18 Deleted. <by Act No. 5810, Feb. 5, 1999>

Article 19 (Re-Delivery of Certificate of Completion of Report)

When a charter fishing business operator loses a certificate verifying completion of reporting, or a certificate of completion of report becomes unusable due to wear and tear, apply for re-issuance of a certificate verifying completion of reporting to the head of the relevant Si/Gun as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. <Amended by Act No. 5153, Aug. 8, 1996; Act No. 6702, May. 13, 2002; Act No. 8852, Feb. 29, 2008>

Article 20 (Administrative Dispositions)

(1) The head of each Si/Gun may, when a charter fishing business operator falls under any of the following subparagraphs, order the closure of the business, or suspension of the business for a period not longer than three months: Provided, That in cases falling under subparagraph 1, he/she shall order the closure of the business: *<Amended by Act No. 6702, May. 13, 2002>*

1. Where the charter fishing business operator makes a report by false or other unjust means;
2. Where the charter fishing business operator fails to take necessary protective measures for a victim of an accident without any justifiable ground or fails to compensate for damage;
3. Where the charter fishing business operator violates this Act or orders under this Act.

(2) No person subject to an order to close business pursuant to paragraph (1) shall report charter fishing business unless one year elapses since the business is closed.

(3) The detailed standards for the administrative disposition under paragraph (1) shall be prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. *<Amended by Act No. 5153, Aug. 8, 1996; Act No. 8852, Feb. 29, 2008>*

Article 21 (Hearings)

The head of each Si/Gun shall, when intending to order the closure of business pursuant to Article 20 (1), hold a hearing. *<Amended by Act No. 6702, May. 13, 2002>*

Article 21-2 (Fees)

Any person that reports charter fishing business referred to in the former part of Article 4 (1) pay fees as prescribed by Municipal Ordinance of the relevant Si/Gun or autonomous Gu.

Article 21-3 (Report of Closure of Business)

Any person who intends to report the closure of charter fishing business shall report such fact to the head of the relevant Si/Gun as prescribed by Ordinance of the Ministry for Food, Agriculture, Forestry and Fisheries. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 21-4 (Direction)

The Minister of Food, Agriculture, Forestry and Fisheries or every Metropolitan City Mayor/Do Governor may direct the head of a Si/Gun in connection with administrative affairs concerning charter fishing business. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 22 (Penal Provisions)

Any of the following persons shall be punished by a fine not exceeding one million won: *<Amended by Act No. 6702, May. 13, 2002; Act No. 8852, Feb. 29, 2008; Act No. 10801, Jun. 15, 2011>*

1. A person who conducts a charter fishing business without reporting, in violation of the former part of Article 4 (1);
2. A person who fails to be furnished with facilities, etc. for the safety of human life, in violation of Article 8;
3. A person who fails to have a charter fishing boat inspected, in violation of Article 9 (1);

4. A person who operates a charter fishing boat under the influence of alcohol or let a person under the influence of alcohol operate a charter fishing boat in a place not subject to the provisions of the Maritime Safety Act, such as river, lake, swamp, etc., in violation of Article 11 (1);
5. A person who takes passengers on board a fishing vessel not subject to the provisions of the Ship Safety Act, in violation of Article 11 (3);
6. A person who refuses to take a sobriety test in a place not subject to the provisions of the Maritime Safety Act, such as river, lake, swamp, etc., in violation of the latter part of Article 12 (1);
7. A person who violates the measures for restricting operating a vessel, taking a vessel, etc. as referred to in Article 12 (3) in a place not subject to the provisions of the Maritime Safety Act, such as river, lake, swamp, etc.;
8. A person who enters or departs from a port without fulfilling the duty to report entry and departure from a port under Article 12-2 (1);
9. A person who violates the measures for restrictions on departure from a port under Article 12-3;
10. A person who refuses, evades or interferes with a safety inspection referred to in Article 13 (1);
11. A person who violates an order referred to in Article 14 (1);
12. A person who fails to notify the occurrence of an accident, in violation of Article 15 (1);
13. A person who continues to conduct a charter fishing business after the charter fishing business is closed or suspended pursuant to Article 20 (1).

Article 23 (Fines for Negligence)

(1) Any of the following persons shall be punished by a fine for negligence not exceeding 500,000 won;
<Amended by Act No. 6702, May 13, 2002>

1. A person who fails to report a change, in violation of the latter part of Article 4 (1);
2. A person who fails to subscribe to an insurance or mutual aid, in violation of Article 17;
3. A person who closes a charter fishing business without reporting, in violation of Article 21-3.

(2) Any of the following persons shall be punished by a fine for negligence not exceeding 100,000 won;
<Amended by Act No. 7642, Jul. 29, 2005>

1. A person who fails to have passengers wear life jackets, in violation of Article 11 (2);
2. A person who fails to put up a bulletin board indicating the seating capacity of a charter fishing boat or published matters, in violation of Article 11 (4).

(3) The fines for negligence referred to in paragraphs (1) and (2) shall be imposed and collected by the head of the competent Si/Gun, as prescribed by Presidential Decree. <Amended by Act No. 6702, May 13, 2002>

(4) Any person dissatisfied with a disposition imposing a fine for negligence referred to in paragraphs (1) and (2) shall raise an objection with the head of the competent Si/Gun within 30 days from the date on which he/she is notified of such disposition. <Amended by Act No. 6702, May 13, 2002>

(5) When a person subject to the disposition of a fine for negligence pursuant to paragraphs (1) and (2) raises an objection pursuant to paragraph (4), the head of the relevant Si/Gun shall notify the competent

court of such fact without delay, and the competent court that receives such notice shall render a judgment on the fine for negligence pursuant to the Non-Contentious Case Litigation Procedure Act. <Amended by Act No. 6702, May 13, 2002>

(6) When no objection is raised and the relevant fine for negligence is not paid within the period referred to in paragraph (4), the fine for negligence shall be collected in the same manner as delinquent local taxes are collected.

Article 24 Deleted. <by Act No. 6702, May 13, 2002>

ADDENDUM

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

ADDENDA <Act No. 5153, Aug. 8, 1996>

Article 1 (Enforcement Date)

This Act shall enter into force when the Presidential Decree on the organization of the Ministry of Maritime Affairs and Fisheries and Korea Coast Guard under the amended provisions of Article 41 enters into force 30 days after its promulgation.

Article 2 through 4 Omitted.

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

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDA <Act No. 5470, Dec. 17, 1997>

Article 1 (Enforcement Date)

This Act shall enter into force six months after its promulgation. (Proviso Omitted)

Articles 2 through 12 Omitted.

ADDENDA <Act No. 5810, Feb. 5, 1999>

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

(2) (Transitional Measures for Validity of Report of Charter Fishing Boat Business) With respect to any person who had reported charter fishing business pursuant to previous provisions as at the time this Act enters into force and whose contract period of the insurance or mutual aid that they subscribed pursuant to Article 17 terminates prior to the last day of the year to which the enforcement date of this Act belongs, the validity of their reports shall be governed by the previous provisions, notwithstanding the amended provisions of Article 6 (1).

ADDENDA <Act No. 6702, May 13, 2002>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures for Report, etc. of Charter Fishing Boat Business)

The reports and reports for change made by those who intended to conduct charter fishing business to the relevant Metropolitan City Mayors/Do Governors pursuant to the previous provisions of Article 4 as at the time this Act enters into force shall be considered to have been made to the head of the relevant Si/Gun pursuant to the amended provisions of Article 4.

Article 3 (Transitional Measures for Measures for Safe Navigation, etc.)

The orders that Metropolitan City Mayors/Do Governors gave to charter fishing business operators pursuant to the previous provisions of Article 4 as at the time this Act enters into force shall be considered to have been given by the head of a Si/Gun pursuant to the amended provisions of Article 14.

Article 4 (Transitional Measures for Administrative Dispositions)

Administrative dispositions imposed on charter fishing business operators by Metropolitan City Mayors/Do Governors pursuant to the previous provisions of Article 20 as at the time this Act enters into force shall be considered to have been imposed by the head of a Si/Gun pursuant to the amended provisions of Article 20.

Article 5 (Transitional Measures for Penal Provisions and Fines for Negligence)

The application of penal provisions and fines for negligence against the acts conducted before this Act enters into force shall be governed by previous provisions.

ADDENDUM <Act No. 7642, Jul. 29, 2005>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 11 (4) and 23 (2) 2 shall enter into force one year after its promulgation.

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

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 10801, Jun. 15, 2011>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.