

# WATER-RELATED LEISURE ACTIVITIES SAFETY ACT

Act No. 7478, Mar. 31, 2005

Amended by Act No. 8016, Sep. 27, 2006

Act No. 8221, Jan. 3, 2007

Act No. 8344, Apr. 11, 2007

Act No. 8621, Aug. 3, 2007

Act No. 8852, Feb. 29, 2008

Act No. 9068, Mar. 28, 2008

Act No. 9525, Mar. 25, 2009

Act No. 10219, Mar. 31, 2010

Act No. 10799, jun. 15, 2011

Act No. 11690, Mar. 23, 2013

Act No. 11862, jun. 4, 2013

## Article 1 (Purpose)

The purpose of this Act is to secure the safety and order of water-related leisure activities and to promote the sound development of water-related leisure business.

## Article 2 (Definitions)

The definitions of terms used in this Act are as follows:

1. The term "water-related leisure activities" means activities performed for hobbies, recreation, physical exercise or education, etc. using leisure watercrafts on the water;
2. The term "rafting" means water-related activities performed by rowing leisure watercrafts without engine to navigate a valley or river, which are usually done on rough water or white water;
3. The term "leisure watercraft" means a boat or craft used for water-related leisure activities, as prescribed by Presidential Decree;
4. The term "engine-powered leisure watercraft" means a leisure watercraft to which a propelling engine is attached, or to and from which a propelling engine can be attached or detached at any time, as prescribed by Presidential Decree;
5. The term "water-related" means the surface of seawater and inland waters;
6. The term "surface of seawater" means the flow or surface of the sea;
7. The term "surface of inland waters" means the flow or surface of rivers, dams, lakes, marshes, reservoirs, and any other artificially created freshwater or brackish water.

### **Article 3 (Exclusion from Application)**

(1) This Act shall not apply to the following cases: *<Amended by Act No. 10458, Mar. 9, 2011>*

1. To carry out excursion ship business and ferry business under the Excursion Ship and Ferry Business Act and activities on the water in relation thereto;
2. To carry out sports facilities business under the Installation and Utilization of Sports Facilities Act and activities on the water in relation thereto;
3. To carry out business of fishing boats for anglers under the Act on Management and Promotion of Fishing and activities on the water in relation thereto.

(2) Notwithstanding paragraph (1), Articles 12 and 13 shall apply, if other Acts prescribe the operator license under Article 4 as an requirement for qualification. *<Newly Inserted by Act No. 10799, Jun. 15, 2011>*

### **Article 4 (Operator License)**

(1) Each person who controls an engine-powered water leisure craft shall pass a license examination under Article 6 and obtain an operator license for engine-powered water leisure craft (hereinafter referred to as "operator license") from the Minister of Public Safety and Security. *<Amended by Act No. 12844, Nov. 19, 2014>*

(2) The operator license shall be classified as follows:

1. General operator license: Class 1 operator license, class 2 operator license;
2. Yachting license.

(3) In cases of general operator licenses, if a person who already acquired a class 2 operator license acquires a class 1 operator license, the class 2 operator license shall lose its effect. *<Newly Inserted by Act No. 10799, Jun. 15, 2011>*

(4) Necessary matters concerning the standards, procedures and methods, etc. of operator licenses shall be prescribed by Presidential Decree.

### **Article 4-2 (Special Cases concerning Operator License for Foreigners)**

(1) Where a foreigner who intends to do water-related leisure activities participates in an international competition held in Korea and operates water leisure crafts, Articles 4 (1) and 20 shall not apply.

(2) Where a foreigner operates water leisure crafts pursuant to paragraph (1), necessary matters, including the type of water leisure crafts, period and place of operation, kind and size of the international competition, etc., shall be prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

### **Article 5 (Disqualification, etc. from Obtaining Operator License)**

(1) None of the following persons shall obtain an operator license: *<Amended by Act No. 10786, Jun. 7, 2011>*

1. Persons under 14 years of age: Provided, That persons defined in Article 7 (1) 1 shall be excluded herefrom;
2. Psychopaths acknowledged to be incapable of doing water-related leisure activities (referring to psychopaths under subparagraph 1 of Article 3 of the Mental Health Act; the same shall apply hereinafter), as prescribed by Presidential Decree;

3. Narcotics addicts, psychotropic drug addicts or hemp addicts acknowledged to be incapable of doing water-related leisure activities (referring to narcotics, psychotropic drugs or marijuana under subparagraphs 2 through 4 of Article 2 of the Act on the Control of Narcotics, etc.; the same shall apply hereinafter), as prescribed by Presidential Decree;

4. Persons for whom one year has not passed since their operator license was cancelled as prescribed in Article 13 (1);

5. Persons who controlled an engine-powered water leisure craft without obtaining an operator license in violation of the main body of Article 20 and for whom one year (four years for persons who have caused casualties and run without taking necessary measures, such as rescue, etc.) has not passed after such violation.

(2) The heads of agencies having personal information, which are prescribed by Presidential Decree, shall notify the Minister of Public Safety and Security of such personal information as relating to disqualification from obtaining an operator license. <Amended by Act No. 10799, Jun. 15, 2011; Act No. 12844, Nov. 19, 2014>

(3) The details and notification method of personal information to be notified to the Minister of Public Safety and Security as prescribed in paragraph (2) and other matters necessary for notification of personal information shall be prescribed by Presidential Decree. <Amended by Act No. 12844, Nov. 19, 2014>

#### **Article 6 (License Examinations)**

(1) Each person seeking to obtain an operator license shall pass an examination conducted by the Minister of Public Safety and Security (hereinafter referred to as "license examination"). <Amended by Act No. 12844, Nov. 19, 2014>

(2) A license examination shall be conducted as both a written examination and practical skill examination.

(3) Necessary matters concerning the subjects, methods, etc. of a license examination shall be prescribed by Presidential Decree.

#### **Article 7 (Exemption from License Examination)**

(1) The Minister of Public Safety and Security may exempt any of the following persons from all or part of the subjects of license examination: Provided, That when a person falls under subparagraph 6, all of the subjects of license examinations (limited to class 2 operator license and yachting license) shall be exempt: <Amended by Act No. 10799, Jun. 15, 2011; Act No. 12844, Nov. 19, 2014>

1. Any person who is registered as an engine-powered water leisure craft player with a sports organization prescribed by Presidential Decree;

2. Any person who graduated from an academic department relating to engine-powered water leisure crafts prescribed by Presidential Decree established at a school under Article 2 of the Higher Education Act, and who has completed courses of engine-powered water leisure crafts relating to the relevant license;

3. Any person who holds a marine officer's license defined in any of the subparagraphs of Article 4 (2) of the Ship Personnel Act, which is prescribed by Presidential Decree;
  4. Deleted; <by Act No. 10799, Jun. 15, 2011>
  5. Any person who has engaged in education and training for the use, etc. of engine-powered water leisure crafts at the Sea Explorers of Korea under the Act on the Support for Sea Explorers of Korea or a sport organization under subparagraph 11 of Article 2 of the National Sports Promotion Act for at least one year, and who has received a recommendation from the head of such organization;
  6. Any person who has completed education offered by an agency or organization prescribed by Presidential Decree, and who has obtained specified qualification;
  7. Any person who passed a written examination of class 1 operator license and intends to apply for a practical skill examination of class 2 operator license after changing the class of examination.
- (2) Necessary matters concerning the criteria, etc. for exemption from examinations under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 8 (Sanctions against Cheaters)**

- (1) The Minister of Public Safety and Security may suspend or nullify a license examination with regard to persons who cheat on the examination. <Amended by Act No. 12844, Nov. 19, 2014>
- (2) A person who is subject to a disposition of suspension or nullification of the relevant examination under paragraph (1) shall not apply for a license examination for two years from the date of implementation of such examination.

#### **Article 9 (Renewal, etc. of Operator License)**

- (1) A person who has obtained an operator license shall have his/her operator license for engine-powered water leisure craft (hereinafter referred to as "license") renewed by the Minister of Public Safety and Security within the renewal period described in any of the following subparagraphs: Provided, That where a person seeking to have his/her license renewed is unable to get such renewal on the grounds prescribed by Presidential Decree, such as military service, etc., he/she may receive such renewal in advance or have it postponed: <Amended by Act No. 10799, Jun. 15, 2011; Act No. 12844, Nov. 19, 2014>
  1. The first renewal period of license shall be no later than six months after the date falling on the seventh year from the date of issuance of such operator license;
  2. The renewal period of license other than that defined in subparagraph 1 shall be no later than six months after the date falling on the seventh year from the date of commencing the renewal period of the immediately previous license.
- (2) Where a license is not renewed pursuant to paragraph (1), the operator license will lose its effect on the next day after the renewal period is over: Provided, That where the license is renewed within one year from the date when the license loses its effect, the license shall become effective again.
- (3) If a license is not renewed within one year from the date when the license loses its effect pursuant to the main sentence of paragraph (2), the operator license will lose its effect.

#### **Article 10 (Water-Related Safety Education)**

(1) A person seeking to obtain an operator license and a person seeking to have his/her operator license renewed shall receive water-related safety education described in each of the following subparagraphs conducted by the Minister of Public Safety and Security (hereinafter referred to as "safety education") after submitting the application for license examination as prescribed in Article 6 and within the renewal period of operator license under Article 9, respectively: Provided, That the effective term of safety education prior to the passage of the first license examination shall be six months, and persons prescribed by Presidential Decree may be exempted from safety education: *<Amended by Act No. 12844, Nov. 19, 2014>*

1. Acts and subordinate statutes concerning water safety;
2. Matters concerning the use and management of water leisure crafts;
3. Other matters necessary for water safety.

(2) The Minister of Public Safety and Security may commission an agency or organization designated by the Minister of Public Safety and Security (hereinafter referred to as "agency commissioned with safety education") to carry out all or some of the business affairs concerning safety education under paragraph (1). *<Amended by Act No. 12844, Nov. 19, 2014>*

(3) Necessary matters concerning the standards for designation and cancellation of designation, etc. of an agency commissioned with safety education shall be prescribed by Presidential Decree.

#### **Article 11 (Issuance of License)**

(1) In any of the following cases, the Minister of Public Safety and Security shall issue a license as prescribed by Ordinance of the Prime Minister: *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

1. Where a license is issued after an applicant has passed a license examination under Article 6 (1), or is reissued;
2. Where an operator license is renewed as prescribed in Article 9.

(2) Where a license has been lost, or has been worn out to become unusable, a new license may be reissued after it is reported to the Minister of Public Safety and Security, as prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(3) An operator license shall become effective from the time it is issued to the principal or his/her agent, as prescribed in paragraph (1).

#### **Article 12 (Duty to Carry and Produce License)**

(1) Each person who controls an engine-powered water leisure craft shall carry a license.

(2) Any controller under paragraph (1) shall produce his/her license when a relevant public official requests him/her to do so during navigation.

#### **Article 13 (Cancellation and Suspension of Operator License)**

(1) Where a person who has obtained an operator license falls under any of the following subparagraphs, the Minister of Public Safety and Security may cancel his/her operator license or suspend the validity thereof for up to one year as prescribed by Ordinance of the Prime Minister: Provided, That where he/she

falls under any one of subparagraphs 1 through 4, his/her operator license shall be cancelled: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

1. Where he/she obtains an operator license by fraudulent or other illegal means;
2. Where he/she controls an engine-powered water leisure craft during the period of suspension of his/her operator license;
3. Where he/she commits a crime using an engine-powered water leisure craft;
4. Where he/she refuses to take a sobriety test by relevant public officials, although he/she controls an engine-powered water leisure craft while intoxicated or there exists a reasonable ground to believe that he/she is in a state of intoxication, in violation of Article 22 (1) or (2);
5. Deleted; <by Act No. 10799, Jun. 15, 2011>
6. Where he/she kills or injures any person or inflicts material damage on another person's property intentionally or by negligence during navigation;
7. Where he/she lends his/her license to another person for navigation;
8. Where he/she controls an engine-powered leisure watercraft amidst an apprehension that he/she might not be able to normally control such watercraft due to the influence of drugs, in violation of Article 23;
9. Where he/she violates this Act or an order issued for the safety and maintenance of order of water-related leisure activities under this Act.

(2) Any person whose operator license has been cancelled as prescribed in paragraph (1) shall return his/her license to the Minister of Public Safety and Security within seven days from the date of cancellation of such operator license. <Amended by Act No. 12844, Nov. 19, 2014>

#### **Article 14 (Vicarious Execution of License Examinations)**

(1) The Minister of Public Safety and Security may authorize an agency or organization designated by the Minister of Public Safety and Security (hereinafter referred to as "vicarious examination agency") to act as his/her agent for the execution of all or some of the business affairs related to license examinations. <Amended by Act No. 12844, Nov. 19, 2014>

(2) Where a vicarious examination agency falls under any of the following subparagraphs, the Minister of Public Safety and Security may cancel the designation or suspend the business thereof for up to six months: Provided, That where it falls under subparagraph 1, he/she shall cancel such designation: <Amended by Act No. 10799, Jun. 15, 2011; Act No. 12844, Nov. 19, 2014>

1. Where it obtains such designation by fraudulent or other illegal means;
2. Where it falls short of the standards for designation under paragraph (5);
- 1-2. Where the head of a test agency, a management director, or an employee has cheated on a license exam (including cases they have ordered or ignored cheating);
3. Where any event impeding this Act or the vicarious performance of duties involving license examinations under this Act takes place.

(3) A vicarious examination agency shall report on duties involving license examinations performed vicariously as prescribed in paragraph (1) to the Minister of Public Safety and Security. *<Amended by Act No. 12844, Nov. 19, 2014>*

(4) The Minister of Public Safety and Security shall confirm the details of vicarious performance of duties reported under paragraph (3), and may take necessary measures if he/she finds any violation of this Act or an order issued under this Act. *<Amended by Act No. 12844, Nov. 19, 2014>*

(5) Matters necessary for the vicarious performance of duties involving license examinations, and the standards for the designation of vicarious examination agencies and cancellation thereof, procedures for suspension, etc. shall be prescribed by Presidential Decree.

#### **Article 15 (Penalty Surcharges)**

(1) Where the Minister of Public Safety and Security has to issue a disposition of suspension of business as prescribed in Article 14 (2) 2 or 3 and such suspension of business is acknowledged to inflict severe inconvenience on the examinees of such vicarious examination agency or to harm public interest, he/she may impose a penalty surcharge of less than ten million won in lieu of the disposition of suspension of business. *<Amended by Act No. 10799, Jun. 15, 2011; Act No. 12844, Nov. 19, 2014>*

(2) The amount of penalty surcharge based on the severity of the offense on which a penalty surcharge is imposed as prescribed in paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

(3) If a vicarious examination agency fails to pay a penalty surcharge under paragraph (1) by its due date, the Minister of Public Safety and Security may collect it in the same manner as delinquent national taxes are collected. *<Amended by Act No. 12844, Nov. 19, 2014>*

#### **Article 16 (Education)**

(1) Any person engaged in duties involving examinations at vicarious examination agencies shall receive education conducted by the Minister of Public Safety and Security. *<Amended by Act No. 12844, Nov. 19, 2014>*

(2) Necessary matters concerning the timing, object, etc. of education under paragraph (1) shall be prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

#### **Article 17 (Wearing Protective Equipment)**

Any person doing water-related leisure activities shall wear equipment necessary for the protection of life, such as life jackets, etc., as prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

#### **Article 18 (Navigation Regulations)**

When a person doing water-related leisure activities navigates and controls a water leisure craft, he/she shall comply with navigation regulations, such as navigation speed and navigation methods, as prescribed by Presidential Decree.

### **Article 19 (Reporting, etc. on Long-Distance Water-Related Leisure Activities)**

(1) Any person who intends to do water-related leisure activities at a place ten or more nautical miles off the port of departure shall report to a coast guard safety agency or police agency, as prescribed by Ordinance of the Prime Minister: Provided, That this shall not apply to ships which have reported their entry into or exit from ports as prescribed in Article 5 of the Public Order in Open Ports Act or ships which have reported their exit from or entry into ports as prescribed in Article 15 of the Regulations on Ship Safety and Operations. <Amended by Act No. 10799, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(2) If any other person in the same water leisure craft with him/her is deceased, gone missing or seriously wounded, any person doing water-related leisure activities shall report such fact to the heads of related administrative agencies, such as coast guard safety agencies, police agencies, or fire agencies, without delay, as prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(3) The heads of related administrative agencies who receive a report under paragraph (1) shall take measures necessary to save lives and deal with accidents, etc.

### **Article 20 (Prohibition of Unlicensed Navigation)**

No person shall, without obtaining an operator license (including cases where the effectiveness of an operator license is suspended), navigate any engine-powered water leisure craft which is allowed to be controlled with an operator license: Provided, That this shall not apply in any of the following cases: <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

1. Where a person does water-related leisure activities under the supervision of a person with class 1 operator license, as prescribed by Ordinance of the Prime Minister;
2. Where a person takes the same engine-powered water leisure craft with another person having an operator license and controls such watercraft with him/her, as prescribed by Ordinance of the Prime Minister.

### **Article 21 (Prohibition of Water-Related Leisure Activities at Night)**

(1) No person shall do water-related leisure activities between 30 minutes after sunset and 30 minutes before sunrise: Provided, That this shall not apply where a water leisure craft equipped with night navigation equipment is used, as prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(2) Where the head of a coast guard safety station or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu for the head of a Gu; the Governor of Special Self-Governing Province for a Special Self-Governing Province; and the head of an agency in charge of managing the Han River of the Seoul Special Metropolitan City for the Han River of the Seoul Special Metropolitan City; the same shall apply hereafter in this Chapter, Chapters IV, VI, and VII) deems it necessary, he/she may make an adjustment to the time set forth in the main body of paragraph (1) for specific zones, as prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(3) Where the head of a coast guard safety station or the head of a Si/Gun/Gu has made an adjustment to the time set forth in paragraph (2), he/she shall give public notice of such fact in a place readily viewable by persons doing water-related leisure activities. <Amended by Act No. 12844, Nov. 19, 2014>

#### **Article 22 (Prohibition of Navigation while Intoxicated)**

(1) No person doing water-related leisure activities shall navigate any engine-powered water leisure craft while intoxicated.

(2) Where there exists a reasonable ground to believe that any person doing water-related leisure activities has violated paragraph (1), any of the following persons (hereinafter referred to as "relevant public official") may conduct a field sobriety test on such person. In such cases, any person doing water-related leisure activities shall comply with such test:

1. A police officer;
2. A public official in a Si/Gun/Gu, who is engaged in water-related leisure safety business.

(3) When a relevant public official (excluding a police officer in uniform) conducts a field sobriety test on a person doing water-related leisure activities in accordance with paragraph (2), he/she shall carry a certificate indicating his/her authority and show it to such person doing water-related leisure activities.

(4) Where a person doing water-related leisure activities has an objection to the results of a sobriety test conducted under paragraph (2), another test may be conducted by such means as blood sampling, with the consent of such person doing water-related leisure activities.

(5) The standards for intoxication under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 23 (Prohibition of Navigation under Influence of Drugs, etc.)**

No person doing water-related leisure activities shall navigate any engine-powered water leisure craft amidst an apprehension that he/she might not be able to normally control such watercraft due to the influence of narcotics, psychotropic drugs or marijuana under Article 2 of the Act on the Control of Narcotics, etc., of hallucinogens under Article 22 of the Chemicals Control Act, or due to other reasons in addition to cases defined in Article 22. <Amended by Act No. 11862, Jun. 4, 2013>

#### **Article 24 (Prohibition of Exceeding Capacity)**

No controller of a water leisure craft shall navigate such water leisure craft carrying persons in excess of its capacity, as prescribed by Presidential Decree.

#### **Article 25 (Designation, etc. of Prohibited Zones for Water-Related Leisure Activities)**

(1) Where the head of a coast guard safety station or the head of a Si/Gun/Gu deems it necessary for safe water-related leisure activities, he/she may designate zones where water-related leisure activities are prohibited (including zones where water-related leisure activities are prohibited for each water leisure craft). <Amended by Act No. 12844, Nov. 19, 2014>

(2) No person shall engage in water-related leisure activities in prohibited zones designated pursuant to paragraph (1).

#### **Article 26 (Orders for Correction)**

Where the head of a coast guard safety station or the head of a Si/Gun/Gu deems it necessary for safe water-related leisure activities, he/she may issue any of the following orders to persons doing water-related leisure activities: *<Amended by Act No. 12844, Nov. 19, 2014>*

1. Restriction on the number of persons to embark (including cases of being pushed or pulled by a water leisure craft; the same shall apply hereinafter) on a water leisure craft, or replacement of a controller;
2. Temporary suspension of water-related leisure activities;
3. Improvement or replacement of a water leisure craft.

**Article 27 (Temporary Stoppage, Confirmation, etc.)**

(1) Where a relevant public official acknowledges that any person in a water leisure craft has violated this Act or an order issued under this Act, he/she may stop such water leisure craft and confirm such violation, or request such person doing water-related leisure activities to produce a license or ID card.

(2) Where a relevant public official stops a water leisure craft and requests the presentation of a license, etc. as prescribed in paragraph (1), he/she shall carry a certificate indicating his/her authority and show it to interested persons.

**Article 28 (Cooperation of Related Administrative Agencies)**

(1) Where the Minister of Public Safety and Security, the head of a coast guard safety station, or the head of a Si/Gun/Gu deems it necessary for safe water-related leisure activities, he/she may request the heads of related administrative agencies to provide cooperation. In such cases, the heads of related administrative agencies who have received such requests for cooperation shall comply therewith unless there are particular reasons to the contrary. *<Amended by Act No. 12844, Nov. 19, 2014>*

(2) Where the head of a Si/Gun/Gu deems it necessary for the efficient safety management of water-related leisure activities in the inland waters under his/her jurisdiction, he/she may request the Minister of Public Safety and Security or the head of a coast guard safety station to dispatch relevant police officers or to take charge of the business affairs related to the safety management of water-related leisure activities in specific zones. In such cases, the Minister of Public Safety and Security or the head of a coast guard safety station who has received such request shall comply therewith unless there are particular reasons to the contrary. *<Amended by Act No. 12844, Nov. 19, 2014>*

**Article 28-2 (Establishment, etc. of Korea Water-related Leisure Activity Safety Association)**

(1) The Korea Water-related Leisure Activity Safety Association (hereinafter referred to as "Association") shall be established to carry out affairs commissioned by administrative agencies, such as the Minister of Public Safety and Security, including research and development, public relations, training and education on safety management of water-related leisure activities, in order to promote the sound development of the water-related leisure industry and to empower employees of water-related leisure business operators to better conduct safety management. *<Amended by Act No. 12844, Nov. 19, 2014>*

(2) The Association shall be a juristic person.

(3) The Association shall conduct the following projects: *<Amended by Act No. 12844, Nov. 19, 2014>*

1. Research on the promotion of water-related leisure safety and water-related leisure industry;
2. Research on the development of the management system for operator licensing examination and the water leisure craft registration system;
3. Vicarious execution of operator licensing examinations, and of registration, safety inspections and safety examinations for water leisure craft;
4. Rescue training, water safety education for water-related leisure business operators and users of water leisure craft, etc. and development of related equipment and education materials;
5. Affairs commissioned by the State or local governments under this Act or other Acts and subordinate statutes;
6. Other affairs deemed important by the Minister of Public Safety and Security.

(4) If deemed necessary, the Minister of Public Safety and Security shall provide financial support to the Association, within budgetary limits, to help it efficiently conduct the projects under paragraph (3).

*<Amended by Act No. 12844, Nov. 19, 2014>*

(5) Necessary matters for the articles of association, affairs and supervision of the Association as well as eligibility of its members shall be prescribed by Presidential Decree.

(6) Except as provided for in this Act, the provisions concerning the juristic persons under the Civil Act shall apply mutatis mutandis to the Association.

#### **Article 29 (Operation of Water-Related Leisure Activity Safety Council)**

(1) In order to establish a cooperative mechanism for the efficient safety management of water-related leisure activities, the Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayors/Do Governors") may constitute and operate a safety council for water-related leisure activities which comprises of the representatives of related administrative agencies having jurisdiction over the relevant areas and the representatives of organizations, etc.

(2) Matters necessary for the constitution and operation of safety councils for water-related leisure activities under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 29-2 (Establishment, etc. of Safety Management Plans)**

(1) Mayors/Do Governors or the head of a coast guard safety station shall formulate and implement an annual plan for water-related leisure safety management. *<Amended by Act No. 12844, Nov. 19, 2014>*

(2) The Minister of Public Safety and Security may determine guidelines for the establishment of safety management plans under paragraph (1), and provide guidance and supervision necessary for the implementation thereof. *<Amended by Act No. 12844, Nov. 19, 2014>*

#### **Article 30 (Registration)**

(1) The owner (hereinafter referred to as "owner") of an engine-powered water leisure craft (excluding ships registered under Article 8 of the Ship Act; hereafter the same shall apply in this Article) shall file an application for registration with the head of a Si/Gun/Gu (referring to the head of an autonomous Gu for the head of a Gu; and the Governor of a Special Self-Governing Province for a Special Self-Governing

Province; hereafter in this Chapter the same shall apply) having jurisdiction over his/her domicile, within one month from the date he/she owns the engine-powered water leisure craft. <Amended by Act No. 10799, Jun. 15, 2011>

(2) In any of the following cases, the head of a Si/Gun/Gu may reject an application for registration filed:

1. Where fraudulent entries are found in the application for registration;
2. Where the structure and mechanism of a water leisure craft fail to meet the standards for new inspection under Article 37 (1).

(3) The engine-powered water leisure craft subject to registration under paragraph (1) shall be any of the following among those which a person uses or intends to use for water-related leisure activities: <Newly Inserted by Act No. 10799, Jun. 15, 2011>

1. Water bikes;
2. Inboard or outboard motor boats, which are prescribed by Presidential Decree;
3. Rubber boats prescribed by Presidential Decree, excluding those inflatable and movable after being folded;
4. Yachts with gross tonnage of less than 20 tons, which are prescribed by Presidential Decree.

(4) Matters necessary for registration under paragraph (1), such as the requirements and procedures therefor, etc. shall be prescribed by Presidential Decree. <Amended by Act No. 10799, Jun. 15, 2011>

#### **Article 31 (Registers, etc.)**

(1) When the head of a Si/Gun/Gu receives an application for registration as prescribed in Article 30 (1), he/she shall register it in the register of water leisure crafts (hereinafter referred to as "register") and issue a certificate of registration of water leisure craft (hereinafter referred to as "registration certificate") and registration number plate to the applicant.

(2) A person who intends to peruse a register of water leisure craft or obtain a copy of the register issued shall file an application for perusal or issuance to the head of a Si/Gun/Gu. <Newly Inserted by Act No. 10799, Jun. 15, 2011>

(3) Where the head of a Si/Gun/Gu allows an applicant to peruse a register or issues the copy of the register to the applicant upon application under paragraph (2), he/she may not state part of contents in order to prevent private information leak, as prescribed by Ordinance of the Prime Minister. <Newly Inserted by Act No. 10799, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(4) Where an owner of water leisure craft files an application for re-issuance of the registration certificate or registration number plate to the head of a Si/Gun/Gu, he/she shall re-issue it. <Newly Inserted by Act No. 10799, Jun. 15, 2011>

(5) Necessary matters concerning the grounds and procedures, etc. for re-issuance under paragraph (4) shall be prescribed by Ordinance of the Prime Minister. <Newly Inserted by Act No. 10799, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

#### **Article 32 (Registration of Alteration, etc.)**

Where any registered matter of a water leisure craft (excluding registration of cancellation as defined in Article 33) is altered, its owner or occupant shall apply for a registration of alteration, as prescribed by Presidential Decree.

### **Article 33 (Registration of Cancellation)**

(1) Where a registered water leisure craft falls under any of the following subparagraphs, the owner shall return its registration certificate and apply for cancellation of registration to the head of a Si/Gun/Gu, as prescribed by Ordinance of the Prime Minister: <Amended by Act No. 10799, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

1. Where the water leisure craft is destroyed or loses its original functions due to accidents on the water, etc.;
2. Where the existence of the water leisure craft is unclear for three months;
3. Where the water leisure craft is excluded from the object to be registered due to change of structures and mechanisms of such water leisure craft under Article 36;
4. Where the water leisure craft is exported.

(2) Where an owner fails to apply for cancellation of registration as prescribed in paragraph (1), the head of a competent Si/Gun/Gu shall give a preemptory notice to the owner to apply for cancellation of registration of the relevant water leisure craft within the prescribed period not exceeding one month, and where such application for cancellation of registration is not made within such period, he/she may cancel registration of such water leisure craft ex officio.

### **Article 33-2 (Effect of Change of Ownership of Motor Boats)**

Any change of acquisition or loss of ownership of a motor boat (hereinafter referred to as "motor boat") subject to mortgage under subparagraph 2 (c) of Article 3 of the Act on Mortgage on Automobiles and other Specific Movables shall become effective by registration in the relevant register. <Amended by Act No. 9525, Mar. 25, 2009>

### **Article 33-3 (Registration of Seizure)**

Where the head of a Si/Gun/Gu is commissioned by a court to register seizure as prescribed by the Civil Execution Act, or commissioned by an administrative agency to register seizure as prescribed by the National Tax Collection Act or the Framework Act on Local Taxes, he/she shall register seizure in the register of the relevant motor boat, as prescribed by Presidential Decree, and notify the owner of such motor boat thereof. <Amended by Act No. 10219, Mar. 31, 2010>

### **Article 34 (Purchase of Insurance Policy)**

The owner of a water leisure craft shall purchase, within one month from the date he/she owns the water leisure craft, an insurance policy or participate in mutual aid to compensate victims (referring to persons who have the right to be paid damages where such victims are deceased) where other persons are deceased or injured due to the navigation of the water leisure craft, as prescribed by Presidential Decree. <Amended by Act No. 10799, Jun. 15, 2011>

### **Article 35 (Attachment of Registration Number Plates)**

The owner of a water leisure craft shall attach a registration number plate to a readily visible place in the water leisure craft, as prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

### **Article 36 (Change of Structures and Mechanisms of Water Leisure Crafts)**

(1) Where the owner of a water leisure craft intends to change the structures or mechanisms which affect the buoyancy prescribed by Ordinance of the Prime Minister, such owner shall file an application for registration of alteration to the head of a Si/Gun/Gu after passing an occasional inspection of water leisure crafts under Article 37 (1) 3. *<Amended by Act No. 10799, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(2) Where an occasional inspection under paragraph (1) coincides with a regular inspection, the occasional inspection may be replaced by the regular inspection, as prescribed by Ordinance of the Prime Minister. *<Newly Inserted by Act No. 10799, Jun. 15, 2011; amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

### **Article 37 (Safety Inspections)**

(1) Any person who intends to use an engine-powered water leisure crafts subject to registration under Article 30 (3) for water-related leisure activities shall receive the following inspections conducted by the Minister of Public Safety and Security, according to procedures, methods, and preparation for safety inspections prescribed by Ordinance of the Prime Minister: *<Amended by Act No. 10799, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

1. New inspection: Inspection to be made where registration under Article 30 is intended;
2. Regular inspection: Inspection to be made regularly every five years after registration;
3. Occasional inspection: Inspection to be made where the structure or mechanism of a water leisure craft has been modified.

(2) Any person who carries on water-related leisure business under Article 39 (hereinafter referred to as "water-related leisure business operator") shall receive a safety inspection (hereinafter referred to as "safety inspection") of engine-powered water leisure crafts subject to registration from the Minister of Public Safety and Security if his/her business territory is seawater, and from the Mayors/Do Governors having jurisdiction over the relevant area if his/her business area is inland waters, respectively. *<Amended by Act No. 10799, Jun. 15, 2011; Act No. 12844, Nov. 19, 2014>*

(3) Engine-powered water leisure crafts subject to inspection under paragraphs (1) and (2) used in water-related leisure business shall receive an inspection every year, and other water leisure crafts shall receive an inspection every five years.

(4) No owner shall use any water leisure craft that has failed an inspection under the subparagraphs of paragraph (1) for water-related leisure activities: Provided, That this shall not apply in cases prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(5) A person who intends to have a certificate of safety inspection of engine-powered water leisure crafts issued or re-issued shall file an application with the Minister of Public Safety and Security, Mayors/Do Governors or vicarious inspector under Article 38 (1) (hereinafter referred to as "the Minister of Public Safety and Security, etc." in this Article). <Newly Inserted by Act No. 10799, Jun. 15, 2011; Act No. 12844, Nov. 19, 2014>

(6) Upon application under paragraph (5), the Minister of Public Safety and Security, etc. shall issue or re-issue a certificate of safety inspection, as prescribed by Ordinance of the Prime Minister. <Newly Inserted by Act No. 10799, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

### **Article 38 (Vicarious Execution, etc. of Safety Inspections)**

(1) The Minister of Public Safety and Security or the Mayors/Do Governors may authorize an agency or organization (hereinafter referred to as "vicarious inspector") designated by the Minister of Public Safety and Security or the Mayors/Do Governors to vicariously execute all or part of the business affairs relating to safety inspections of water leisure crafts. <Amended by Act No. 12844, Nov. 19, 2014>

(2) Where a vicarious inspector falls under any of the following subparagraphs, the Minister of Public Safety and Security or the Mayors/Do Governors may cancel its designation or order suspension of all or part of its business for up to six months: Provided, That where a vicarious inspector falls under subparagraph 1, its designation shall be cancelled: <Amended by Act No. 12844, Nov. 19, 2014>

1. Where its designation is made by fraudulent or other illegal means;
2. Where it ceases to meet the standards under paragraph (5);
3. Where it violates this Act, or orders or conditions for designation under this Act;
4. Where it receives illegal money and valuables in connection with its business or commits any other dishonest act.

(3) Vicarious inspectors shall report on their duties performed as proxy under paragraph (1) to the Minister of Public Safety and Security or the Mayors/Do Governors. <Amended by Act No. 12844, Nov. 19, 2014>

(4) The Minister of Public Safety and Security or the Mayors/Do Governors shall confirm the matters reported by vicarious inspectors as prescribed in paragraph (3), and may take necessary measures if they find any violation of this Act or an order under this Act. <Amended by Act No. 12844, Nov. 19, 2014>

(5) Necessary matters concerning the mandatory number of inspectors of water leisure crafts to be employed by vicarious inspectors, standards for inspection facilities, equipment, etc., and procedures for designation, supervision of vicarious inspectors, etc. pursuant to paragraph (1) shall be prescribed by Presidential Decree.

### **Article 39 (Registration, etc. of Water-Related Leisure Business)**

(1) Each water-related leisure business operator who intends to carry on business of renting water leisure crafts or transporting persons doing water-related leisure activities in water leisure crafts (hereinafter referred to as "water-related leisure business") shall register matters concerning permission for occupancy or use of rivers or other public waters with the persons classified as follows. In such cases, registration standards may be loosened for a water-related leisure business operator who intends to carry on business

of renting water leisure crafts, as prescribed by Ordinance of the Prime Minister: <Amended by Act No. 10799, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

1. Where the business area is seawater: The head of a coast guard safety station having jurisdiction over the relevant area;
  2. Where the business area is inland waters: The Mayors/Do Governors having jurisdiction over the relevant area;
  3. Where the business area is stretching over jurisdictional areas of two or more heads of a coast guard safety stations or the heads of Sis/Guns/Gus: The head of a coast guard station or the head of a Si/Gun/Gu having jurisdiction over the place where water leisure crafts used in water-related leisure business are moored most often.
- (2) Each water-related leisure business operator who has completed registration under paragraph (1), where any registered matter is altered, shall make a registration of alteration, as prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>
- (3) The head of a coast guard safety station or the head of a Si/Gun/Gu who has received an application for registration or alteration registration filed as prescribed in paragraph (1) or (2) shall consult with the heads of other coast guard safety stations or the heads of other Sis/Guns/Gus having jurisdiction over the relevant business area prior to the registration. <Amended by Act No. 12844, Nov. 19, 2014>
- (4) Necessary matters for safety management of water-related leisure business, including the standards, procedures, and adjustment of business territory for registration under paragraph (1) shall be prescribed by Ordinance of the Prime Minister. <Amended by Act No. 10799, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

#### **Article 39-2 (Reporting, etc. on Water-Related Leisure Training Business)**

- (1) Notwithstanding Article 39 (1), where a water-related leisure business operator intends to conduct training business using water leisure crafts prescribed by Ordinance of the Prime Minister for a person who intends to engage in water leisure activities, the water-related leisure business operator shall report to the head of a Si/Gun/Gu having jurisdiction over his/her domicile. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>
- (2) Necessary matters regarding standards and procedures, etc. of reporting under paragraph (1) shall be prescribed by Ordinance of the Prime Minister. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

#### **Article 40 (Grounds for Disqualification from Obtaining Registration of Water-Related Leisure Business)**

None of the following persons shall make a registration of water-related leisure business:

1. A minor, incompetent or quasi-incompetent;
2. A person in whose case two years have not elapsed since the completion or exemption of his/her imprisonment without labor or a heavier punishment as sentenced by a court;

3. A person who is under a suspension of imprisonment without prison labor or a heavier punishment as sentenced by a court;
4. A person in whose case two years have not elapsed since his/her registration was cancelled under Article 51.

#### **Article 41 (Succession to Rights and Obligations)**

Any person falling under any of the following subparagraphs shall succeed to the rights and obligations of a water-related leisure business operator following the registration of water-related leisure business:

1. If a water-related leisure business operator is deceased, his/her inheritor;
2. If a water-related leisure business operator transfers his/her business, the transferee;
3. If a water-related leisure business operator which is a juridical person is merged, a juridical person surviving the merger or newly established by the merger.

#### **Article 42 (Reporting on Suspension or Closure of Business)**

(1) Where a water-related leisure business operator intends to suspend or close his/her business during the registered business period, he/she shall report it to the registration agency, as prescribed by Ordinance of the Prime Minister. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(2) The head of a coast guard safety station or the head of a Si/Gun/Gu who has received a report of suspension or closure of business as prescribed in paragraph (1) shall notify the tax office having jurisdiction over the location of the water-related leisure business of such business suspension or closure. *<Amended by Act No. 12844, Nov. 19, 2014>*

#### **Article 43 (Usage Fees)**

Where a water-related leisure business operator has determined usage fees, such as passenger fares, rental fees, etc., he/she shall report thereon to the heads of coast guard safety stations or the heads of Sis/Guns/Gus, as prescribed by Ordinance of the Prime Minister, and shall post it on a readily visible place within the place of business. The same shall also apply to any modification to reported matters. *<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

#### **Article 44 (Purchase of Insurance Policy, etc.)**

Each water-related leisure business operator shall purchase an insurance policy or participate in mutual aid to compensate for damages incurred to its employees and users, as prescribed by Presidential Decree.

#### **Article 45 (Safety Examinations)**

(1) In order to ensure the safety of water-related leisure activities, the heads of coast guard safety stations or the heads of Sis/Guns/Gus shall have relevant public officials conduct safety examinations of water leisure crafts and water-related leisure facilities, such as wharves, etc. *<Amended by Act No. 12844, Nov. 19, 2014>*

(2) The heads of coast guard safety stations or the heads of Sis/Guns/Gus may order repairing or reinstatement as a result of safety examinations under paragraph (1), as prescribed by Ordinance of the Prime Minister. In such cases, they may order suspension of use of the relevant water leisure craft for a prescribed period necessary for such repairing or reinstatement as well. *<Amended by Act No. 11690, Mar. 23,*

2013; Act No. 12844, Nov. 19, 2014>

(3) Each public official who conducts an examination as prescribed in paragraph (1) shall carry a certificate indicating his/her authority and produce it to interested parties.

(4) Necessary matters concerning safety examinations and subject items, etc. under paragraph (1) shall be prescribed by Presidential Decree.

#### **Article 46 (Certification, etc. of Exemplary Water Leisure Craft Workplaces)**

(1) The Minister of Public Safety and Security may, after consultation with the Minister of Trade, Industry and Energy, award certifications with workplaces that manufacture or repair water leisure crafts, etc. as exemplary manufacturing workplace or exemplary repairing workplace (hereinafter referred to as "exemplary workplaces") according to the standards prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>

(2) With regard to the water leisure crafts manufactured or repaired by exemplary workplaces, new inspections or regular inspections may be omitted, as prescribed by Presidential Decree.

(3) The Minister of Public Safety and Security shall guide and supervise the operation and management of workplaces certified as exemplary workplaces under paragraph (1). <Amended by Act No. 12844, Nov. 19, 2014>

(4) Where any workplace certified as an exemplary workplace under paragraph (1) falls under any of the following subparagraphs, the Minister of Public Safety and Security may cancel such certification or suspend the effect thereof for up to six months: Provided, That he/she shall cancel such certification where it falls under any of paragraphs 1 through 3: <Amended by Act No. 12844, Nov. 19, 2014>

1. Where it obtains certification of exemplary workplace by fraudulent or other illegal means;
2. Where a juridical person that has obtained certification is dissolved;
3. Where a person who has obtained certification of exemplary workplace closes his/her business;
4. Where it has made no performance for one year or longer without justifiable reasons;
5. Where the relevant workplace ceases to meet the standards for certification under paragraph (1);
6. Where it manufactures or repairs water leisure crafts in a faulty manner.

(5) Matters necessary for the objects of certification of exemplary workplaces, the standards and procedures therefor, and the cancellation thereof, etc. under paragraphs (1) through (4) shall be prescribed by Presidential Decree.

#### **Article 47 (Type Approval, Testing, etc.)**

(1) Any person who intends to manufacture or import water leisure crafts may obtain type approval from the Minister of Public Safety and Security. <Amended by Act No. 12844, Nov. 19, 2014>

(2) Any person who intends to obtain type approval under paragraph (1) shall take a type approval test by a test institution designated by the Minister of Public Safety and Security: Provided, That this shall not apply where any ground prescribed by Presidential Decree is applicable to such person. <Amended by Act No. 12844, Nov. 19, 2014>

(3) When a person who has obtained type approval under paragraph (1) manufactures or imports the relevant water leisure craft and passes a test conducted by the Minister of Public Safety and Security, a new inspection under Article 37 (1) shall be omitted with regard to such water leisure craft. *<Amended by Act No. 12844, Nov. 19, 2014>*

(4) The Minister of Public Safety and Security may authorize an agency or organization designated by the Minister of Public Safety and Security (hereinafter referred to as "vicarious testing agency") to vicariously execute all or part of the business affairs relating to the testing of water leisure crafts under paragraph (3). *<Amended by Act No. 12844, Nov. 19, 2014>*

(5) Where a person who has obtained type approval under paragraph (1) falls under any of the following subparagraphs, the Minister of Public Safety and Security may cancel such type approval or suspend its effectiveness for up to six months: Provided, That where he/she falls under subparagraph 1, he/she shall cancel such type approval: *<Amended by Act No. 12844, Nov. 19, 2014>*

1. Where he/she obtains such type approval by fraudulent or other illegal means;
2. Where he/she passes a test by fraudulent or other illegal means;
3. Where he/she has made no performance for two years or longer without justifiable reasons.

(6) Necessary matters concerning the standards for designation of type approval test agencies, the procedures and standards for designation of vicarious testing agencies, type approvals, type approval tests, testing, and cancellation of type approvals, etc. under paragraphs (1) through (5) shall be prescribed by Presidential Decree.

#### **Article 48 (Measures to Be Taken by Business Operators, such as Safety Examination)**

(1) In order to ensure the safety of water-related leisure activities, water-related leisure business operators and their employees shall take the following measures: *<Amended by Act No. 12844, Nov. 19, 2014>*

1. Safety examinations of water leisure crafts and water-related leisure facilities;
2. Confirmation of weather and water conditions of the business area;
3. In cases of occurrence of an accident in the business area, relief activities and notification to the related administrative agencies, such as coast guard safety agencies, police agencies and fire agencies;
4. Ensuring users wear safety equipment and providing users with safety education prior to embarkation;
5. Placing rescue workers or rafting guides within the place of business.

(2) No water-related leisure business operators and their employees shall commit an act defined in any of the following subparagraphs:

1. Embarking persons below 14 years of age (limited to the minors who are not accompanied by guardians), intoxicated persons or mentally ill persons on water leisure crafts, or lending water leisure crafts to such persons;
2. Embarking persons on water leisure crafts in excess of the capacity;
3. Selling or treating alcoholic beverages in water leisure crafts or allowing users of water leisure crafts to bring alcohol in water leisure crafts;

4. Engaging in business outside of the business area;
  5. Engaging in business during the hours other than those set for water-related leisure activities under Article 21;
  6. Bringing dangerous articles, such as explosives, inflammables, etc. in water leisure crafts on which users are boarding, or transporting such dangerous articles by such water leisure crafts;
  7. Using water leisure crafts which have not received safety inspections under Article 37 and safety examinations under Article 45 for business.
- (3) The qualifications and placement standards, etc. for rescue workers and rafting guides under paragraph (1) 5 shall be prescribed by Presidential Decree.

**Article 49 (Restriction on Business)**

In any of the following cases, the heads of coast guard safety stations or the heads of Sis/Guns/Gus may order restriction on business areas or business hours, or temporary suspension of business to water-related leisure business operators: *<Amended by Act No. 12844, Nov. 19, 2014>*

1. Where weather and water conditions worsen;
2. Where water accidents occur;
3. Where it is otherwise deemed to be necessary for the safety of water-related leisure activities.

**Article 50 (Submission of Data, etc.)**

Where the heads of coast guard safety stations or the heads of Sis/Guns/Gus deem it necessary for the safety of water-related leisure activities, they may request water-related leisure business operators to submit relevant documents or data. *<Amended by Act No. 12844, Nov. 19, 2014>*

**Article 51 (Cancellation of Registration, etc. of Water-Related Leisure Business)**

Where any water-related leisure business operator falls under any of the following subparagraphs, the heads of coast guard safety stations or the heads of Sis/Guns/Gus may cancel their registration of water-related leisure business or order suspension of all or part of his/her business for up to three months, as prescribed by Ordinance of the Prime Minister: Provided, That where any water-related leisure business operator falls under subparagraph 1, 2, or 2-2, they shall cancel their registration of water-related leisure business: *<Amended by Act No. 10799, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

1. Where it makes a registration by fraudulent or other illegal means;
2. Where it falls under any of the subparagraphs of Article 40;
- 2-2. Where it continues to do business after the permission period of occupancy or use of public waters is over;
3. Where it or its employees cause casualties intentionally or by negligence;
4. Where it uses water leisure crafts which are not in compliance with Articles 30, 32, 33, and 35 through 37 for water-related leisure business;
5. Where it fails to make a registration of alteration as prescribed in Article 39 (2);
6. Where it violates Articles 43 through 45, 48 and 49 or orders thereunder.

## **Article 52 (Fees)**

(1) Any person falling under any of the following subparagraphs shall pay fees to the Minister of Public Safety and Security or the heads of Sis/Guns/Gus, as prescribed by Ordinance of the Prime Minister:

*<Amended by Act No. 10799, Jun. 15, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

1. A person who takes a license examination as prescribed in Article 6 (1);
2. A person who intends to receive safety education as prescribed in Article 10 (1);
3. A person who intends to apply for the issuance, re-issuance or renewal of his/her licence as prescribed in Article 11;
4. A person who intends to apply for the registration, registration of alteration, registration of cancellation, etc. of a water leisure craft as prescribed in Articles 30, 32 and 33;
5. A person who intends to receive a registration number plate as prescribed in Article 31 (1);
- 5-2. A person who files an application for the issuance of the copy of the register as prescribed in Article 31 (2);
- 5-3. A person who files an application for the re-issuance of a registration certificate and registration number plate as prescribed in Article 31 (4);
6. A person who intends to receive an inspection of water leisure crafts as prescribed in Article 37 (1);
7. A person who intends to apply for the registration, registration of alteration, suspension or closure of water-related leisure business as prescribed in Articles 39 and 42;
8. A person who intends to obtain certification of exemplary workplace as prescribed in Article 46 (1);
9. A person who applies for type approval or testing as prescribed in Article 47 (2) and (3).

(2) In any of the following cases, fees determined by agencies commissioned with safety education, vicarious examination agencies, vicarious inspectors or vicarious testing agencies, shall be paid to the relevant vicarious agencies, etc.: *<Amended by Act No. 10799, Jun. 15, 2011>*

1. Where safety education is conducted upon commission as prescribed in Article 10 (2);
2. Where vicarious examination agencies perform duties involving license examinations as proxy, as prescribed in Article 14 (1);
- 2-2. Where the certificate of safety inspection of an engine-powered water leisure craft is re-issued as prescribed in Article 37 (6);
3. Where vicarious inspectors perform the business of inspecting leisure watercrafts as proxy, as prescribed in Article 38 (1);
4. Where vicarious testing agencies perform the business of testing leisure watercrafts as proxy, as prescribed in Article 47 (4).

(3) Where agencies commissioned with safety education, vicarious examination agencies, vicarious inspectors or vicarious testing agencies intend to determine or change fees as prescribed in paragraph (2), they shall obtain approval from the Minister of Public Safety and Security. *<Amended by Act No. 12844, Nov. 19, 2014>*

(4) Where vicarious examination agencies, vicarious inspectors or vicarious testing agencies collect fees as prescribed in paragraph (2), such fees shall be appropriated as revenues of such agencies commissioned with safety education, vicarious examination agencies, vicarious inspectors or vicarious testing agencies.

#### **Article 53 (Hearings)**

If the heads of coast guard safety stations or the heads of Sis/Guns/Gus intend to issue a disposition of penalty surcharge to a vicarious examination agency, to cancel any certification of exemplary workplace of leisure watercraft, to cancel any designation of vicarious testing agency, or to cancel any registration of water-related leisure business as prescribed in Articles 15, 46, 47 and 51, they shall hold a hearing.

*<Amended by Act No. 12844, Nov. 19, 2014>*

#### **Article 54 (Delegation of Authority)**

The Minister of Public Safety and Security may delegate a part of his/her authority under this Act to the head of the relevant agency as prescribed by Presidential Decree. *<Amended by Act No. 12844, Nov. 19, 2014>*

#### **Article 55 (Legal Fiction of Public Officials in Applying Penal Provisions)**

The executives and employees of agencies commissioned with safety education, vicarious examination agencies, vicarious inspectors and vicarious testing agencies shall be regarded as public officials for the purposes of penal provisions under Articles 129 through 132 of the Criminal Act.

#### **Article 56 (Penal Provisions)**

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than one year or by a fine not exceeding five million won:

1. A person who carries on water-related leisure business without making a registration, in violation of Article 39 (1);
2. A water-related leisure business operator who carries on business after the cancellation of registration of its water-related leisure business or during the period of business suspension prescribed in Article 51.

#### **Article 57 (Penal Provisions)**

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than one year or by a fine not exceeding three million won:

1. A person who controls any power-powered water leisure craft without obtaining an operator license, in violation of the main sentence of Article 20;
2. A person who controls any engine-powered water leisure craft while intoxicated, in violation of Article 22 (1);
3. A person who refuses to take a sobriety test by relevant public officials under Article 22 (2), although there exists a reasonable ground to believe that he/she is in a state of intoxication.

#### **Article 58 (Penal Provisions)**

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than six months or by a fine not exceeding one million won:

1. A person who controls an engine-powered leisure watercraft amidst an apprehension that he/she might not normally control such engine-powered water leisure craft due to the influence of drugs, etc. in violation of Article 23;
2. A person who carries on water-related leisure business without making a registration of alteration under Article 39 (2);
3. A water-related leisure business operator who violates an order for repairing or reinstatement under Article 45 (2);
4. A water-related leisure business operator who fails to take measures necessary for safe navigation or commits a prohibited act, in violation of Article 48;
5. A water-related leisure business operator who violates an order for restriction on business areas or business hours, or an order for temporary suspension of business under Article 49.

### **Article 59 (Fines for Negligence)**

(1) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding one million won:

1. A person engaging in duties involving examinations who fails to receive education, in violation of Article 16 (1);
2. A person who fails to wear protective equipment, in violation of Article 17;
3. A person who fails to comply with navigation regulations, in violation of Article 18;
4. A person who fails to make a report, in violation of Article 19 (1) or (2);
5. A person who does water-related leisure activities during the hours other than those set for water-related leisure activities under Article 21 (1) and (2);
6. A person who controls a water leisure craft carrying persons in excess of the capacity, in violation of Article 24;
7. A person who does water-related leisure activities in an area where water-related leisure activities are prohibited, in violation of Article 25 (2);
8. A person who uses a water leisure craft for water-related leisure activities without making a registration, in violation of Article 30 (1);
9. A person who fails to obtain approval for modification of structures and mechanisms, in violation of Article 36;
10. A water-related leisure business operator who fails to receive a safety inspection of water leisure crafts, in violation of Article 37 (2);
11. A water-related leisure business operator who receives money and valuables other than the usage fees that are reported under Article 43, or fails to post a notice of reported matters;
12. A water-related leisure business operator who fails to submit documents or data under Article 50, or submits fraudulent documents or data.

(2) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding 500,000 won:

1. A person who fails to return his/her license, in violation of Article 13 (2);
  2. A person who fails to comply with an order for correction under Article 26;
  3. A person who rejects an order for temporary suspension or an order to produce a license or ID card as prescribed in Article 27;
  4. A person who fails to make a registration of alteration of a water leisure craft, in violation of Article 32;
  5. A person who receives a preemptory notice of registration of cancellation of a water leisure craft under Article 33 (2), but fails to implement such registration within the prescribed period;
  6. A person who fails to purchase an insurance policy, in violation of Article 34;
  7. A person who fails to attach a registration number plate, in violation of Article 35;
  8. A person who fails to receive inspections of personal water leisure crafts, in violation of Article 37 (1).
- (3) Fines for negligence under paragraphs (1) and (2) shall be imposed and collected by the Minister of Public Safety and Security, the heads of coast guard safety stations, the heads of Sis/Guns/Gus (referring to the heads of agencies in charge of the management of the Han River of the Seoul Special Metropolitan City, for the Han River of the Seoul Special Metropolitan City; hereafter referred to as "imposing authority" in this Article), as prescribed by Presidential Decree. *<Amended by Act No. 12844, Nov. 19, 2014>*
- (4) Any person who is dissatisfied with the disposition of a fine for negligence under paragraph (3) may raise an objection to the relevant imposing authority within 30 days from the date of receiving such disposition.
- (5) Where any person subjected to the disposition of a fine for negligence under paragraph (3) raises an objection under paragraph (4), the relevant imposing authority shall notify the relevant court of such fact without delay and the court so notified shall submit the case to a trial for a fine for negligence under the Non-Contentious Case Litigation Procedure Act.
- (6) If neither an objection is raised within the period under paragraph (4) nor is a fine for negligence paid, it shall be collected in the same manner as delinquent national or local taxes are collected.

## ADDENDA

### **Article 1 (Enforcement Date)**

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

### **Article 2 (Special Cases concerning Registration of Water Leisure Crafts)**

Notwithstanding the amended provisions of Article 30, water leisure crafts which are being used for water-related leisure activities at the time this Act enters into force shall be registered within one year after this Act enters into force.

### **Article 3 (Special Cases concerning Inspection of Water Leisure Crafts)**

Notwithstanding the amended provisions of Article 37, water leisure crafts which are being used for water-related leisure activities at the time this Act enters into force shall receive inspections within one

year after this Act enters into force.

**Article 4 (Transitional Measures concerning Driving License)**

Any person who has obtained a license under the previous provisions at the time this Act enters into force shall be deemed to have obtained a license and received safety education under the amended provisions of Articles 4 and 10.

**Article 5 (Transitional Measures concerning Designation of Vicarious Examination Agencies)**

Any agency vicariously performing duties involving license examinations, which has been designated under the previous provisions at the time this Act enters into force, shall be deemed to have been designated under the amended provisions of Article 14.

**Article 6 (Transitional Measures concerning Water-Related Leisure Business)**

Any water-related leisure business which has been registered under the previous provisions at the time this Act enters into force shall be deemed to have been registered under the amended provisions of Article 39 of this Act.

**Article 7 (Transitional Measures concerning Penal Provisions)**

The application of penal provisions to acts committed before this Act enters into force shall be made pursuant to the previous provisions.

**Article 8 (General Transitional Measures)**

Any order, measure or disposition issued or taken under the previous provisions at the time this Act enters into force, which is not contradictory to this Act, shall be deemed to have been issued or taken under this Act.

ADDENDUM <Act No. 8016, Sep. 27, 2006>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 5 shall enter into force six months after this Act enters into force.

ADDENDA <Act No. 8221, Jan. 3, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 16 Omitted.**

ADDENDA <Act No. 8344, Apr. 11, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 9 Omitted.**

ADDENDA <Act No. 8621, Aug. 3, 2007>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 4 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 9068, Mar. 28, 2008>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of the proviso to Article 9 other than each subparagraph, Article 13 (1) 5 through 9, Article 22 (2) through (4), Article 33-2, Article 33-3, subparagraphs 4 through 6 of Article 51 and Article 59 (2) shall enter into force on July 1, 2008.

(2) (Transitional Measures concerning Administrative Dispositions) The previous provisions shall apply to administrative dispositions imposed on acts done before this Act enters into force.

(3) (Transitional Measures concerning Penal Provisions, etc.) The previous provisions shall apply to penal provisions and fines for negligence for acts done before this Act enters into force.

ADDENDA <Act No. 9525, Mar. 25, 2009>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 10219, Mar. 31, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2011.

**Articles 2 through 11 Omitted.**

ADDENDA <Act No. 10458, Mar. 9, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force 18 months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 11 Omitted.**

ADDENDA <Act No. 10786, Jun. 7, 2011>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 10799, Jun. 15, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 4-2, 7 (1), 30 (1), (3) and (4), 31 (3), (4) and (5), 33 (1), 34, 36, 37 (1), (5) and (6), 39 (1) and (4), 39-2, and 52 (1) and (2) shall enter into force six months after the date of its promulgation.

**Article 2 (Applicability to Renewal of Operator License)**

The amended provisions of Article 9 shall also apply to the renewal, etc. of operator license acquired before this Act enters into force.

**Article 3 (Applicability to Change of Structures and Mechanisms of Water Leisure Crafts)**

The amended provisions of Article 36 shall apply to a water leisure craft of which structure and mechanism is altered for the first time on or after this Act enters into force.

**Article 4 (Transitional Measures concerning Water Leisure Crafts Which Had Received Inspections under Other Act)**

Where a ship which has been registered under Article 8 of the Ship Act and has received an inspection under the Ship Safety Act at the time this Act enters into force is registered as a water leisure craft according to the amended provisions of Article 30, it shall be deemed that the ship has received a new inspection under Article 37 (1) 1.

**Article 5 (Transitional Measures concerning Water Leisure Training Business)**

Any water leisure training business registered under the previous provisions at the time this Act enters into force shall be deemed to have reported under the amended provisions of Article 39-2.

**Article 6 Omitted.**

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

**Article 1 (Enforcement Date)**

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

(2) Omitted.

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 11862, Jun. 4, 2013>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2015.

**Articles 2 through 12 Omitted.**

ADDENDA <Act No. 12844, Nov. 19, 2014>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided,

That among the Acts amended pursuant to Article 6 of Addenda, the amended parts that have been promulgated but their enforcement dates have yet to arrive shall enter into force on their respective enforcement dates.

**Articles 2 through 7 Omitted.**

