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ELECTRIC TECHNOLOGY MANAGEMENT ACT

[Enforcement Date 24. Jun, 2006.] [Act No.7740, 23. Dec, 2005., Partial
Amendment]

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to upgrade the level of electric technology by promoting the research and development of electric technology and efficiently utilizing and managing it, to secure public safety by aiming at the appropriateness of the installment of electric facilities, and to make a contribution to the development of the national economy.

Article 2 (Definitions)

For the purpose of this Act, the definition of terms shall be as follows: <Amended by Act No. 6673, Mar. 25, 2002; Act No. 7740, Dec. 23, 2005 >

1. The term "electric technology" means technology concerning the plan, investigation, design, construction and supervision of electric facilities as prescribed in subparagraph 14 of Article 2 of the Electric Utility Act (hereinafter referred to as "electric facilities") and the maintenance, repair, operation, management, safety, diagnosis and inspection of the completed electric facilities: Provided, That the facilities built up by construction works as prescribed by the Framework Act on the Construction Industry and an atomic reactor and its related facilities as prescribed by the Atomic Energy Act shall be excluded;
2. The term "electrical engineer" means an acquirer of technical qualifications in the electricity area as prescribed by the National Technical Qualifications Act and a person as prescribed by the Presidential Decree as one who has an established level of academic attainments or career;
3. The term "design" means an act to make out a plan, a blueprint, specifications, a statement of items of the construction cost and a statement of accounts of technical know-how concerning the installation and repair works of electric facilities and documents related to them (hereinafter referred to as "drawing and specification");

4. The term "construction supervision" means that a construction supervision company entrusted with the installation and repair work of electric facilities checks whether they are carried out according to the drawing and specification and other related documents, gives technical directions concerning quality management, construction management and safety management and exercises the authority of an ordering person as proxy according to the related Acts and subordinate statutes; and
5. The term "supervisory official" means a person who is employed in a construction supervision company and conducts the affairs of the construction supervision of electric facilities.

CHAPTER II ADVANCEMENT OF ELECTRIC TECHNOLOGY

Article 3 (Formulation of Basic Plan of Electric Technology Promotion) (1) The Minister of Commerce, Industry and Energy shall formulate a basic plan of electric technology (hereinafter referred to as a "basic plan") in order to promote the research and development of electric technology and efficiently utilize the results.
<Amended by Act No. 5784, Feb. 5, 1999 >

(2) A basic plan shall include matters of the following subparagraphs:

1. The basic goal of the electric technology advancement and its forwarding direction;
2. A policy for the promotion of the development of electric technology and its utilization;
3. Matters concerning the cultivation of electrical engineers and the supply and demand of them;
4. Matters concerning the adoption of new electric technology;
5. Matters concerning the information management and standardzation of electric technology;
6. Matters concerning the guidance and cultivation of an institution or an organization which conducts research on electric technology;
7. Matters concerning the international cooperation of electric technology;

8. Matters concerning the financial support for the advancement of electric technology; and

9. Other matters concerning the advancement of electric technology.

(3) Deleted. <by Act No. 5784, Feb. 5, 1999 >

Article 4 (Cultivation, etc. of Research Institute, etc.) (1) The Minister of Commerce, Industry and Energy shall guide and cultivate an institution or an organization which conducts the research and development of electric technology for the advancement of electric technology. <Amended by Act No. 5784, Feb. 5, 1999 >

(2) The Government may support an institution or an organization as prescribed in paragraph (1) within the range of its budget.

(3) Necessary matters concerning the range of an institution or an organization as prescribed in paragraph (1) and the guidance and cultivation of them shall be determined by the Presidential Decree.

Article 5 (Selection, etc. of Research Project) (1) The Minister of Commerce, Industry and Energy may, if he deems it necessary for the research and development of electric technology, select a research project and designate a person who will conduct research on it. <Amended by Act No. 5784, Feb. 5, 1999 >

(2) Necessary matters concerning the selection of a research project, designation of a person who will conduct the research, and the support of research funds, etc., shall be determined by the Presidential Decree.

Article 6 (Advice on Research and Development of Electric Technology, etc.)

For the research and development and the introduction of new technology, the Minister of Commerce, Industry and Energy may give advice to a person who falls under any of the following subparagraphs to install and operate an auxiliary research institute or make an investment for joint research, information exchange and the development of technology: <Amended by Act No. 5784, Feb. 5, 1999; Act No. 7740, Dec. 23, 2005 >

1. A government investment institution directed and supervised by the Minister of Commerce, Industry and Energy;

2. An organization of electrical engineers as prescribed in Article 18;

3. An organization related to electric technology; and
4. An academic organization related to electricity.

Article 6 - 2 (Designation and Protection of New Electric Technology, etc.) (1) At the request of any person who has domestically developed a new electric technology for the first time or has innovated an electric technology of foreign origin to the point that it is judged domestically new, advanced and applicable on site, the Minister of Commerce, Industry and Energy may designate such electric technology as new electric technology and publish its designation.

(2) The Minister of Commerce, Industry and Energy may protect the new electric technology that is designated and published under paragraph (1) (hereinafter referred to as "new electric technology") by helping any person who has developed or innovated the new electric technology receive royalties therefor, encouraging any ordering person to perform a construction work on a trial basis in which the performance of equipment, etc. related to the new electric technology and the method, etc. of performing such construction work using the new electric technology are tested and urging a preferential application of the new electric technology that turns out to be excellent as a result of the construction work performed on a trial basis.

(3) Necessary matters concerning the method of evaluation and procedure for designation for an electric technology that needs to be designated as a new electric technology, details of how to protect, royalties, protection period and ways to encourage wide use of new electric technology, etc. shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 6673, Mar. 25, 2002]

Article 6 - 3 (Cancellation of Designation of New Electric Technology) (1) In case that any new electric technology falls under each of the following subparagraphs, the Minister of Commerce, Industry and Energy shall cancel the designation thereof:

1. Where the new electric technology is found to have been designated in a false and unlawful manner; and
2. Where the new electric technology is found to be so grossly defective that it may not be applied to electric facilities.

(2) The Minister of Commerce, Industry and Energy shall, when he cancels the designation of any new electric technology in accordance with paragraph (1), publish the cancellation thereof and serve notice thereof to the person concerned.

[This Article Newly Inserted by Act No. 6673, Mar. 25, 2002]

Article 7 (Management, etc. of Electrical Engineers Manpower) (1) The Minister of Commerce, Industry and Energy may formulate and carry out a policy concerning the management and training, etc. of electrical engineers and supervisory officials for the efficient utilization of electrical engineer manpower and the betterment of technological ability, if it is necessary. <Amended by Act No. 5784, Feb. 5, 1999 >
(2) and (3) Deleted. <by Act No. 5784, Feb. 5, 1999 >
(4) Necessary matters concerning the management of electrical engineers and supervisory officials shall be determined by the Presidential Decree. <Amended by Act No. 5784, Feb. 5, 1999 >

Article 8 (Prohibition on Lending Certificate of Electrical Engineer)

Any electrical engineer shall be prohibited from allowing any other person to use his name to perform any electric technical services or lending his certificate of electrical engineer that is issued by the Minister of Commerce, Industry and Energy.

[This Article Newly Inserted by Act No. 6673, Mar. 25, 2002]

CHAPTER III DESIGN AND SUPERVISION OF ELECTRIC FACILITIES

Article 9 (Standards of Electric Technology) (1) The standards of electric technology (hereinafter referred to as "standards of technology") necessary for the design, supervision, test, inspection, and management of electric facilities shall be determined by the Ordinance of the Ministry of Commerce, Industry and Energy. <Amended by Act No. 5784, Feb. 5, 1999 >
(2) Deleted. <by Act No. 5784, Feb. 5, 1999 >

Article 10 (Observance of Standards of Technology) (1) A person who makes drawing and specification under Article 11 (1) and (2) shall make them in conformity with the standards of technology. <Amended by Act No. 6673, Mar. 25, 2002 >

(2) A supervisory official shall supervise the installation of electric facilities whether they are installed according to the drawing and specification and the standards of technology. <Amended by Act No. 6673, Mar. 25, 2002 >

Article 11 (Making Out, etc. Drawing and Specification of Electric Facilities) (1) The drawing and specification of electric facilities shall be made out by a technician in the electricity area as prescribed by the National Technical Qualifications Act: Provided, That this shall not apply to the standard drawing and specification as prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy and the drawing and specification to which a new method of construction or a special method of construction is applied. <Amended by Act No. 5784, Feb. 5, 1999; Act No. 7740, Dec. 23, 2005 >

(2) With regard to the drawings and specifications for the electric facilities of electric installations for general use as provided for in subparagraph 16 of Article 2 of the Electric Utility Act and for the electric facilities necessary to carry out repair works which are not accompanied by an increase of capacity among the electric installations for private use as prescribed in subparagraph 17 of Article 2 of the same Act, notwithstanding the provisions of paragraph (1), a person who has obtained a designer licence under the conditions as prescribed by the Presidential Decree as an acquirer of technical qualifications as prescribed by the National Technical Qualifications Act, may make them out. <Amended by Act No. 5784, Feb. 5, 1999; Act No. 6673, Mar. 25, 2002; Act No. 7740, Dec. 23, 2005 >

(3) A technician in the electricity area, a designer and design businessman (referring to a person who has made the registration for the design business under Article 14 (1); hereinafter the same shall apply) who has made out the drawing and specification for electric facilities as prescribed in paragraphs (1) and (2) shall sign and affix his seal to the drawing and specification.

(4) Drawing and specification as prescribed in paragraph (1) shall be subject to design supervision under the conditions as prescribed by the Presidential Decree.

(5) An order for the design service of electric facilities shall be placed with a design businessman.

(6) Any person who has obtained a designer licence under paragraph (2) shall be prohibited from allowing any other person to use his name to make drawing and

specification for electric facilities or lending his certificate of designer licence that is issued by the Minister of Commerce, Industry and Energy. <Newly Inserted by Act No. 6673, Mar. 25, 2002 >

(7) The range of affairs of a technician in the electricity area and a designer, keeping drawing and specification, the issuance of a licence for a designer, and other necessary matters shall be determined by the Presidential Decree.

Article 12 (Supervision of Construction, etc.) (1) A person who places an order for the installation and repair works of electric facilities (hereinafter referred to as an "ordering person") shall place a construction supervision order on a person who has made the registration for the construction supervision business under Article 14 (1) (hereinafter referred to as a "supervision business") for the insurance and betterment of the quality of the installation and repair works of electric facilities. <Amended by Act No. 7740, Dec. 23, 2005 >

(2) Notwithstanding the provisions of paragraph (1), the construction supervision may not be ordered to the supervision business operator in the case of establishment and repair work of electric power facilities falling under any of the following subparagraphs: <Newly Inserted by Act No. 7740, Dec. 23, 2005 >

1. Construction works which are the works of electric power facilities performed by the State, local governments and Government - invested agencies and other agencies or organizations as prescribed by the Presidential Decree and which is performed by a person who is issued supervisor's notebook of supervisor from among the personnel under its command in accordance with a disposition standard as provided in the provisions of paragraph (4); and
2. Other works of small scale or special installation facilities as prescribed by the Presidential Decree.

(3) The construction supervision for electric facilities shall be performed by a person whose qualifications as a supervisory official have been identified under the conditions as prescribed by the Presidential Decree.

(4) A range of installation or repair works which are an object of construction supervision under paragraphs (1) through (3), criteria for supervisors' disposition, qualifications of supervisors and confirmation thereof, issuance of supervisors' qualification certificates and range of business and other necessary matters shall be

prescribed by the Presidential Decree. <Amended by Act No. 7740 Dec. 23, 2005 >

(5) A supervisory official who conducts supervision under paragraph (3) shall carry out the duties with sincerity and try to improve the quality of the installation and repair works of electric facilities, and he shall not do an act impairing his dignity as a supervisory official. <Amended by Act No. 7740 Dec. 23, 2005 >

(6) Any person whose qualifications as a supervisory official have been identified under paragraph (3) shall be prohibited from allowing any other person to perform the supervision of any work to install electric facilities on behalf of him or lending his certificate of supervisory official that is issued by the Minister of Commerce, Industry and Energy. <Newly Inserted by Act No. 6673, Mar. 25, 2002; Act No. 7740 Dec. 23, 2005 >

(7) Necessary matters concerning the execution of construction supervision as prescribed in paragraphs (1) and (2) shall be determined by the Ordinance of the Ministry of Commerce, Industry and Energy. <Amended by Act No. 5784, Feb. 5, 1999; Act No. 7740, Dec. 23, 2005 >

(8) Where the Special Metropolitan City Mayor, Metropolitan City Mayor or the Do governor (hereinafter referred to as the "Mayor/Do governor") approves plans for housing construction business under the provisions of Article 16 (1) of the Housing Act, notwithstanding the provisions of paragraph (1), he shall select a supervision business operator to perform the construction supervision on electric power facilities at the housing construction works (excluding the case where a project proprietor falls under any of subparagraphs in Article 14 - 2 (1)) in accordance with the criteria for an ability of project performance under the provisions of Article 14 - 2 (2). <Newly Inserted by Act No. 7740, Dec. 23, 2005 >

(9) Matters necessary for scale and objects, etc. of housing construction works for which the Mayor/Do governor selects a supervision business operator under the provisions of paragraph (8) shall be prescribed by the Presidential Decree. <Newly Inserted by Act No. 7740, Dec. 23, 2005 >

Article 12 - 2 (Disposition, etc. of Supervisors) (1) When a person falling under any of the following subparagraphs (hereinafter referred to as a "supervision business operator, etc.") intends to perform construction supervision, he shall dispose supervisors under his command before starting the works under the disposition

standards for supervisors as provided and publicly announced by the Minister of Commerce, Industry and Energy:

1. A supervision business operator; and
2. A person who has the supervisor under his command perform the business of construction supervision under the provisions of Article 12 (2) 1.

(2) When a supervision business operator, etc. disposes a supervisor under his command (including the case of an altered disposition), he shall report the current situation of such disposition to the Mayor/Do governor within 15 days. In this case, the supervision business operator shall obtain a confirmation of an ordering person.

(3) The supervision business operator, etc. shall submit a written report of completion of construction supervision to the Mayor/Do governor within 15 days when the service of construction supervision performed by himself has been completed. In this case, the supervision business operator shall obtain a confirmation of an ordering person.

(4) When the Mayor/Do governor has received a written report on a current situation of disposition of supervisors under the provisions of paragraph (2) or the written report on completion of construction supervision under the provisions of paragraph (3), he shall record and manage such facts, and when there exists an application of the supervision business operator, etc., he shall issue the written confirmation of the supervisor's disposition or the certificate of completion of work supervision.

(5) Matters necessary for the details of the written report on a current situation of disposition of the supervisors under the provisions of paragraph (2) or the details and methods of submission method of the written report on completion of work supervision under the provisions of paragraph (3) and the submission methods thereof and the issuance, etc. of the written confirmation of supervisors' disposition and the certificate of completion of construction supervision under the provisions of paragraph (4) shall be provided by the Ordinance of the Ministry of Commerce, Industry and Energy.

[This Article Newly Inserted by Act No. 7740, Dec. 23, 2005]

Article 13 (Supervisory Officials' Order of Construction Stoppage, etc.) (1) In case where a constructor carries out the installation and repair work of the proper electric

facilities which do not fit the content of drawing and specification and other related documents, a supervisory official may issue an order of reconstruction or construction stoppage, or take other necessary measures.

(2) A construction businessman who has received an order of reconstruction or construction stoppage or directions concerning other necessary measures from a supervisory official under paragraph (1) shall meet it as far as he has no justifiable reason.

(3) In case where a supervisory official has given an order of reconstruction or construction stoppage, or he has taken other necessary measures, he shall without delay notify the person who ordered the proper construction of matters concerning the order.

(4) In case where an ordering person is notified of an order of reconstruction or construction stoppage or other necessary measures by a supervisory official, he shall without delay take measures necessary for the order.

Article 14 (Registration, etc. of Design Business and Supervision Business) (1) A person who intends to operate a business which falls under any of the following subparagraphs shall have his business registered with the Mayor/Do governor by class of the business. The same shall apply to a case where he intends to change any registered matter: <Amended by Act No. 5784, Feb. 5, 1999; Act No. 6673, Mar. 25, 2002; Act No. 7740, Dec. 23, 2005 >

1. The design business for electric facilities (hereinafter referred to as "design business"); and
2. The supervision business for electric facilities.

(2) The classes of design business and supervision business as prescribed in paragraph (1), the standards of registration and the range of business by class, and other necessary matters shall be determined by the Presidential Decree.

(3) Any design businessman or any supervision businessman who has had his business registered under paragraph (1) shall be prohibited from allowing any other person to use his name or his firm name to do the design business or the supervision business on behalf of him or from lending his certificate of registration. <Newly Inserted by Act No. 6673, Mar. 25, 2002; Act No. 7740, Dec. 23, 2005 >

(4) Necessary matters concerning procedure for the registration and altered registration of the design business and the supervision business shall be determined by the Ordinance of the Ministry of Commerce, Industry and Energy. <Amended by Act No. 5784, Feb. 5, 1999; Act No. 6673, Mar. 25, 2002 >

(5) With regard to the service price of design and supervision, the Minister of Commerce, Industry and Energy shall determine and give notice of it. <Amended by Act No. 5784, Feb. 5, 1999 >

Article 14 - 2 (Selection of Design and Supervision Businessman, etc.) (1) Any person who falls under any of the following subparagraphs, with respect to any project whose cost is in excess of the published amount under Article 4 of the Act on Contracts to Which the State is a Party among design and construction supervision services for electric facilities, for which he places an order, shall make and publish an implementation schedule therefor under the conditions as prescribed by the Presidential Decree: <Amended by Act No. 7740, Dec. 23, 2005 >

1. The State;
2. Local governments;
3. Government - invested institutions provided for in Article 2 of the Framework Act on the Management of Government - Invested Institutions; and
4. Other institutions or organizations prescribed by the Presidential Decree.

(2) Any person who falls under any subparagraph of paragraph (1) shall, when he intends to undertake the project published under paragraph (1), select a design businessman and a supervision businessman according to the technical and management capability and the standards for evaluating the project - performance capability that are set by the Presidential Decree.

(3) In the event that any design businessman or any supervision businessman incurs a damage, by deliberation or negligence, to the object of the relevant service or any third person in the course of executing the design and construction supervision service contract, he shall indemnify for such damage. In order to secure such indemnity, he shall insure himself or subscribe to the mutual aid as provided for in Article 18 - 2. In this case, the ordering person referred to in paragraph (1) shall appropriate the cost required for the insurance or the mutual aid in his service costs. <Amended by Act No. 7740, Dec. 23, 2005 >

(4) Necessary matters concerning procedures for selecting a design businessman and a supervision businessman under paragraph (2), and the term, kind, object and method, etc. of the insurance or the mutual aid under paragraph (3) shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 6673, Mar. 25, 2002]

Article 15 (Disqualification of Registration)

Any person who falls under any of the following subparagraphs shall not be allowed to make the registration for the design business or the supervision business as prescribed in Article 14: <Amended by Act No. 7428, Mar. 31, 2005>

1. A person who is incompetent or quasi - incompetent;
2. A person who has been declared bankrupt but not yet reinstated;
3. A person who was sentenced to imprisonment in violation of this Act and for whom two years have not passed since the execution is terminated or the non - execution of the sentence becomes definite;
4. A person who was sentenced to suspended sentence in violation of this Act and is in the period of suspended sentence;
5. A person whose registration for the design business or the supervision business has been revoked under Article 16 and for whom two years have not passed since the date of the revocation; and
6. A juristic person who, among its officers, has a person who falls under any of subparagraphs 1 through 5.

Article 16 (Revocation of Registration or Suspension of Business)

In case where a design businessman or a supervision businessman falls under any of the following subparagraphs, the Mayor/Do governor may revoke the registration or order to suspend the whole or part of the business for a period not exceeding six months fixed, under the conditions as prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy: Provided, That in case where he falls under subparagraph 1 or 2, the registration shall be revoked: <Amended by Act No. 5784, Feb. 5, 1999; Act No. 6673, Mar. 25, 2002>

1. Where he makes registration by falsehood or other illicit ways;

2. Where one month passes from the date on which he fails to meet the standards for registration provided for in Article 14 (2);
3. Where he fails to perform faithfully the design or supervision of work, thereby posing dangers to the public or having the electric facilities installed in a shoddy manner;
4. Where it falls under any of subparagraphs 1 through 4 - 1 of Article 15 or subparagraph 6 of the said Article (in cases of a juristic person, when its representative is replaced within six months shall be excluded);
5. Deleted; and <by Act No. 5784, Feb. 5, 1999>
6. Where it lends a registration certificate to another person.

Article 16 - 2 (Transfer of Design Business and Supervision Business, etc.) (1) Any design businessman or any supervision businessman shall, when he falls under any of the following subparagraph, make a report to the Mayor/Do governor under the conditions as prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy:

1. Where he intends to transfer or obtain by transfer the design business or the supervision business; and
2. When he intends to effect a merger between the corporations that are design businessmen or supervision businessmen.

(2) When a report is made with respect to a transfer or an acquisition by transfer of the design business or the supervision business, or a merger between corporations under paragraph (1), the transferee of the design business or the supervision business, or the corporation incorporated or surviving by the merger shall succeed to the status of the transferor, or the design businessman or the supervision businessman of the corporation extinguished by the merger.

(3) The provisions of Article 15 shall apply mutatis mutandis to the successor referred to in paragraph (2).

[This Article Newly Inserted by Act No. 6673, Mar. 25, 2002]

Article 17 (Report on Suspension of Business, etc.)

In case where the design business or the supervision business is suspended, reopened, or closed, it shall be reported to the Mayor/Do governor under the

conditions as prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy. <Amended by Act No. 5784, Feb. 5, 1999; Act No. 6673, Mar. 25, 2002>

CHAPTER IV ASSOCIATION OF ELECTRICAL ENGINEERS

- Article 18 (Establishment of Association of Electrical Engineers)** (1) Electrical engineers, etc. may establish an association of electrical engineers (hereinafter referred to as the "Association"), obtaining authorization therefor from the Minister of Commerce, Industry and Energy, for the promotion of the research and development of electrical technology, the betterment of the quality of electric facilities, the maintenance of dignity, improvement of affairs, training, guidance and management of electrical engineers. <Amended by Act No. 5784, Feb. 5, 1999>
- (2) The Association shall be a juristic person. <Amended by Act No. 5784, Feb. 5, 1999>
- (3) The Association shall come into being by making registration of incorporation at the location of the main office. <Amended by Act No. 5784, Feb. 5, 1999>
- (4) Items to be mentioned in the articles of association, the method of operation and other necessary matters shall be determined by the Ordinance of the Ministry of Commerce, Industry and Energy. <Amended by Act No. 5784, Feb. 5, 1999>
- (5) With regard to the Association, except for those as prescribed by this Act, provisions concerning an incorporated association in the Civil Act shall apply with appropriate modifications. <Amended by Act No. 5784, Feb. 5, 1999; Act No. 7740, Dec. 23, 2005>

- Article 18 - 2 (Mutual Aid Business)** (1) The Association may run a mutual aid business after obtaining authorization therefor from the Minister of Commerce, Industry and Energy to ensure the smoothness of guarantees and loans, etc. that are necessary for spurring the independent economic activities of design and supervision businessmen and elevating their economic status.
- (2) The Association shall, when it intends to run the mutual aid business under paragraph (1), make mutual - aid rules governing the scope and details of the mutual aid business, mutual aid money and mutual aid premiums, etc. and obtain approval therefor from the Minister of Commerce, Industry and Energy. The same shall apply

to a case where the Association intends to change such mutual - aid rules.

[This Article Newly Inserted by Act No. 6673, Mar. 25, 2002]

Article 19 Deleted. <by Act No. 5784, Feb. 5, 1999 >

Article 20 Deleted. <by Act No. 5784, Feb. 5, 1999 >

Article 21 Deleted. <by Act No. 5784, Feb. 5, 1999 >

Article 22 Deleted. <by Act No. 5784, Feb. 5, 1999 >

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 23 (Report and Inspection, etc.) (1) The Minister of Commerce, Industry and Energy or the Mayor/Do governor may, when deeming it necessary in relation to whether or not meeting the registration standard or whether or not bearing a signature and sealing on drawing documents and to current situation, etc. of disposition of supervisors, have a public official concerned enter the office or place of business of a design businessman and a supervision businessman to inspect related documents and facilities or make inquiries to an interested party. <Amended by Act No. 5784, Feb. 5, 1999; Act No. 6673, Mar. 25, 2002; Act No. 7740, Dec. 23, 2005 >

(2) When the Minister of Commerce, Industry and Energy or the Mayor/Do governor performs the inspection (including a question; hereafter in this Article the same shall apply) under the provisions of paragraph (1), he shall notify, not later than 7 days before the inspection, the plans for inspection including the time, reasons and details, etc. of inspection to a person subject to the inspection: Provided, That the same shall not apply to the case of emergency, or the case where deemed that the purpose of inspection may not be achieved due to a destruction of evidences, etc. if a prior notice is made. <Newly Inserted by Act No. 7740, Dec. 23, 2005 >

(3) A public official who makes an entrance and an investigation under paragraph (1) shall carry a mark indicating his competence to do so and present it. He shall deliver a document stating the name of relevant public officials, the time of inspection and the purpose of inspection, etc. to an interested party at the time of inspection.

< Amended by Act No. 7740, Dec. 23, 2005 >

Article 24 (Keeping Confidential Information)

A person who does design or supervision according to this Act shall not leak out confidential information he has acquired while carrying out his duty: Provided, That in case where the Minister of Commerce, Industry and Energy deems it necessary for the development of electric technology, this shall not apply. < Amended by Act No. 5784, Feb. 5, 1999 >

Article 25 (Hearings)

If the Minister of Commerce, Industry and Energy intends to cancel the designation of any new electric technology in accordance with Article 63 or the Mayor/Do governor intends to revoke the registration pursuant to the provisions of Article 16, he shall hold hearings. < Amended by Act No. 5784, Feb. 5, 1999; Act No. 6673, Mar. 25, 2002 >
[This Article Wholly Amended by Act No. 5453, Dec. 13, 1997]

Article 26 (Fee)

A person who falls under any of the following subparagraphs shall pay a fee under the conditions as prescribed by the Ordinance of the Ministry of Commerce, Industry and Energy or the bylaw of the City/Do: < Amended by Act No. 5784, Feb. 5, 1999; Act No. 6673, Mar. 25, 2002; Act No. 7740, Dec. 23, 2005 >

1. A person who files an application for the designation of new electric technology under Article 6 - 2 (1);
2. A person who desires to obtain a designer's licence under Article 11 (2);
3. A person who desires to have his qualification as a supervising official identified under Article 12 (3);
- 3 - 2. A person who intends to receive an issuance of a written certificate of supervisor's disposition or a completion certificate of construction supervision under the provisions of Article 12 - 2 (4);
4. A person who desires to make the registration or alteration registration for the design business or the supervision business under Article 14 (1); and
5. A person who intends to make a report with respect to the transfer, the acquisition by transfer of the design business or the supervision business, or a merger.

Article 27 (Delegation, etc. of Authority) (1) The Minister of Commerce, Industry and Energy may delegate a part of his authority under this Act to the Mayor/Do governor under the conditions as prescribed by the Presidential Decree.

(2) The Minister of Commerce, Industry and Energy or the Mayor/Do governor may entrust businesses falling under each of the following subparagraphs among the businesses under this Act to organizations under the conditions as prescribed by the Presidential Decree:

1. Education, training and management of electric power technicians and supervisors under the provisions of Article 7 (1);
2. Issuance of designer's license under the provisions of Article 11 (2);
3. Confirmation of supervisor's qualifications under the provisions of Article 12 (2);
4. Acceptance of a written report on current situation of supervisors' disposition and a written report on completion of construction supervision, and recording and management thereof and issuance of a written confirmation of supervisor's disposition and a completion certificate of construction supervision under the provisions of Article 12 - 2 (4); and
5. A report on altered registration of design business or supervision business under the provisions of Article 14 (1) (limited to an alteration of technical manpower such as electric power technicians and supervisors, etc.).

(3) When the Mayor/Do governor and organizations have dealt with the delegated or entrusted business under the provisions of paragraphs (1) and (2), they shall file a report on the results of such dealings with the Minister of Commerce, Industry and Energy.

(4) When the Minister of Commerce, Industry and Energy admits that dispositions, etc. performed by the Mayor/Do governor or organizations under the provisions of paragraph (1) or (2) are illegal or unfair, he may have such dispositions, etc. cancelled or suspended.

[This Article Wholly Amended by Act No. 7740, Dec. 23, 2005]

CHAPTER VI PENAL PROVISIONS

Article 27 - 2 (Penal Provisions) (1) Any person who has caused dangers to the public by incurring serious damage to the major portion of electric facilities prescribed by the Presidential Decree during the defect security liability period provided for in Article 15 - 2 of the Electrical Construction Business Act, such as transmission equipment and power plant, etc. through the performance of design or the supervision of work in violation of the provisions of Article 10 (1) and (2) shall be punished by imprisonment with prison labor for a period of not more than 5 years.

<Amended by Act No. 7740, Dec. 23, 2005 >

(2) Any person who has injured any other person by committing the offense referred to in paragraph (1) shall be punished by imprisonment with prison labor for a fixed term of not less than one year. In case that his offense has led to the death of any other person, he shall be punished by imprisonment with prison labor for a fixed term of not less than 3 years.

[This Article Newly Inserted by Act No. 6673, Mar. 25, 2002]

Article 27 - 3 (Penal Provisions) (1) Any person who has committed the offense, by occupational negligence, provided for in Article 27 - 2 (1), shall be punished by imprisonment without prison labor for a period of not more than 3 years or a fine not exceeding 30 million won.

(2) Any person who has injured any other person by committing the offense, by occupational negligence, provided for in Article 27 - 2 (1), shall be punished by imprisonment without prison labor for a period of not more than 5 years or by a fine not exceeding 50 million won. In case that his offense has led to the death of any other person, he shall be punished by imprisonment without prison labor for a period of not more than 7 years or by a fine not exceeding 70 million won.

[This Article Newly Inserted by Act No. 6673, Mar. 25, 2002]

Article 28 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than two years or by a fine not exceeding 20 million won:

<Amended by Act No. 5784, Feb. 5, 1999; Act No. 6673, Mar. 25, 2002; Act No. 7740, Dec. 23, 2005 >

1. A person who places an order for the design service or the supervision of work in violation of Article 11 (5) or 12 (1);
2. A person who fails to perform a supervisory official's order of reconstruction or construction stoppage or other necessary measures as prescribed in Article 13 (1);
3. A person who makes a registration for a design business or a supervision business in false or other illicit ways;
4. A person who undertakes a design or construction supervision as a business without making a registration as prescribed in Article 14 (1);
5. A design businessman or a supervision businessman who has received an order of business suspension as prescribed in Article 16, but operates the business during the period of business suspension; and
6. A person who leaks out confidential information he has acquired in carrying out his duty or makes a fraudulent use of it in violation of Article 24.

Article 29 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment not more than one year or a fine not exceeding 5 million won:<Amended by Act No. 5784, Feb. 5, 1999; Act No. 6673, Mar. 25, 2002; Act No. 7740, Dec. 23, 2005>

1. An electric engineer and his counterpart who violate Article 8;
2. A person who fails to observe the standards of technology in doing a design or a construction supervision as prescribed in Article 10;
3. A person who makes out a design in violation of the provisions of Article 11 (1) or (2);
4. A person who fails to receive the design supervision as prescribed in Article 11 (4);
- 4 - 2. A designer and his counterpart who violate Article 11 (6);
- 4 - 3. A supervisory official and his counterpart who violate Article 12 (6); and
- 4 - 4. A design businessman or supervision businessman and his respective counterparts who violate Article 14 (3);
- 4 - 5. A design businessman or supervision businessman who fails to make a report or makes a report in an unlawful manner in violation of Article 16 - 2 (1); and

5. Deleted.<by Act No. 7740, Dec. 23, 2005 >

Article 29 - 2 (Joint Penal Provisions) (1) If the representative of a corporation, or an agent, the employed or any other employee of a corporation or an individual commits an act of violating Article 27 - 2 in connection with business of corporation or an individual, such corporation or such individual shall be punished by a fine not exceeding 200 million won in addition to the punishment of the actor.

(2) If the representative of a corporation, or an agent, the employed or any other employee of a corporation or an individual commits an act of violating Article 27 - 3, 28 or 29 in connection with business of a corporation or an individual, such corporation or such individual shall be fined according to the relevant respective Article in addition to the punishment of the actor.

[This Article Newly Inserted by Act No. 6673, Mar. 25, 2002]

Article 30 (Fine for Negligence) (1) Any person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding two million won: <Amended by Act No. 5784, Feb. 5, 1999; Act No. 7740, Dec. 23, 2005 >

1. and 2. Deleted;<by Act No. 5784, Feb. 5, 1999 >

3. A person who fails to sign and affix a seal to drawing and specification as prescribed in Article 11 (3);

3 - 2. Supervision business operators, etc. who have failed to dispose supervisors under the provisions of Article 12 - 2 (1): Provided, That the case of the State or local governments shall be excluded;

4. A person who violates an order of notification as prescribed in Article 13 (3);

5. A person who fails to make a report on suspension, reopening or closing of business as prescribed in Article 17; and

6. A person who has failed to report in violation of the provisions of Article 23 (1) or made a false report, or who has refused, impeded or avoided the entry, inspection and reply.

(2) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence of not more than 1 million won: Provided, That in the case of subparagraphs 1 and 2, the State or local governments shall be excluded: <Newly Inserted by Act No. 7740, Dec. 23, 2005 >

1. Supervision business operators, etc. who have failed to report on current situation of supervisors' disposition or of altered disposition under the provisions of Article 12 - 2 (2);
 2. Supervision business operators, etc. who have failed to submit a written report on completion of construction supervision under the provisions of Article 12 - 2 (3); and
 3. A person who has failed to make an altered registration of design business or supervision business under the provisions of Article 14 (1).
- (3) A fine for negligence as prescribed in paragraphs (1) and (2) shall be imposed and collected by the Mayor/Do governor under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5784, Feb. 5, 1999; Act No. 6673, Mar. 25, 2002; Act No. 7740, Dec. 23, 2005 >
- (4) A person who is dissatisfied with the disposition of a fine for negligence as prescribed in paragraph (3) may raise an objection to the Mayor/Do governor not later than 30 days after the date when he is notified of the disposition. <Amended by Act No. 5784, Feb. 5, 1999; Act No. 6673, Mar. 25, 2002; Act No. 7740, Dec. 23, 2005 >
- (5) In case where a person who is subject to the disposition of a fine for negligence as prescribed in paragraph (3) has made an objection under paragraph (4), the Mayor/Do governor shall without delay notify the competent court, and the competent court which has received the notification shall bring the case to a trial according to the Non - Contentious Case Litigation Procedure Act. <Amended by Act No. 5784, Feb. 5, 1999; Act No. 6673, Mar. 25, 2002; Act No. 7740, Dec. 23, 2005 >
- (6) In case where no objection is made and no fine for negligence is paid within the period as prescribed in paragraph (4), it shall be collected according to the example of a disposition taken to collect local taxes in arrears. <Amended by Act No. 6673, Mar. 25, 2002; Act No. 7740, Dec. 23, 2005 >

Article 31 Deleted. <by Act No. 6673, Mar. 25, 2002 >

Article 32 (Presumption of Public Official in Application of Penal Provisions)

Officers and employees of the organization engaging in the entrusted affairs under the provisions of Article 27 (2) and a supervisory official who carries out the affairs

under Articles 12 and 13 shall be considered as public officials in the application of Articles 129 through 132 of the Criminal Act. <Amended by Act No. 7740, Dec. 23, 2005>

ADDENDA <No. 5132, 30. Dec, 1995 >

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Korean Association of Electrical Engineers)

(1) The Korean Association of Electrical Engineers (hereinafter referred to as the "Engineers Association"), an incorporated association established under Article 32 of the Civil Act at the time when this Act enters into force, may make an application for an approval to the Minister of Trade, Industry and Energy for an association to be established under Article 18 to succeed all of its rights and obligations after being subject to the decision of the general meeting.

(2) The Engineers Association having approval from the application pursuant to paragraph (1) shall be regarded as dissolved simultaneously with the establishment of an association in accordance with this Act, notwithstanding the provisions regarding dissolution and liquidation in the Civil Act, and an association established in accordance with this Act shall succeed all the rights and obligations belonging to the Engineers Association.

Article 3 Omitted.

Article 4 (Transitional Measures concerning Design or Supervision)

A person who does design or supervision concerning electric facilities at the time when this Act enters into force, shall be considered to do design or supervision according to this Act.

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

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDA <No. 5784, 05. Feb, 1999 >

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

(2) (Transitional Measures concerning Korean Association of Electrical Engineers) At the time of enforcement of this Act, the Korean Association of Electrical Engineers established under the previous provisions shall be deemed to be the Association of Electrical Engineers established under this Act.

ADDENDA <No. 6673, 25. Mar, 2002 >

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 14 - 2 shall enter into force one year after the promulgation.

(2) (Transitional Measure concerning New Electric Technology) Any electric technology which the Minister of Commerce, Industry and Energy publishes as a new electric technology and such new electric technology is possible after the Minister of Commerce, Industry and Energy has asked the person specified in each subparagraph of Article 6 for the research, development and introduction of new electric technology under the same Article at the time of enforcement of this Act shall be deemed the new electric technology provided for in Article 6 - 2.

ADDENDA <No. 7428, 31. Mar, 2005 >**Article 1 (Enforcement Date)**

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

Article 2 through 6 Omitted.

ADDENDA <No. 7740, 23. Dec, 2005 >

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

(2) (Application Example to Selection of Supervision Business Operators) The amended provisions of Article 12 (8) shall apply starting from an approval of housing construction business plans under the provisions of Article 16 (1) of the Housing Act first after enforcement of this Act.

(3) (Application Example to Submission of Written Report on Completion of Work Supervision) The amended provisions of Article 12 - 2 (3) shall be applied starting from a completion of construction supervision services, first after enforcement of this Act.