

NOISE AND VIBRATION CONTROL ACT

Wholly Amended by Act No. 8369, Apr. 11, 2007
(Act No. 8338, Apr. 6, 2007)
Amended by Act No. 8466, May. 7, 2007
Act No. 8852, Feb. 29, 2008
Act No. 8957, Mar. 21, 2008
Act No. 8976, Mar. 21, 2008

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to enable all citizens to live in a calm and tranquil environment by preventing any damage due to noises and vibrations generated in factories, construction work fields, roads, railroads, etc. and by controlling and regulating such noises and vibrations properly.

Article 2 (Definitions)

For the purpose of this Act, the definitions of the terms shall be as follows:

1. The term “noises” means strong sounds produced by the use of machinery, tools, facilities and other material objects;
2. The term “vibrations” means any strong swaying movements generated by using machinery, tools, facilities and other material objects;
3. The term “noise and vibration emission facilities” means machinery, tools, facilities and other material objects of factories, which produce noises and vibrations, and which are prescribed by the Ordinance of the Ministry of Environment;
4. The term “noise and vibration preventive facilities” means facilities eliminating or reducing noises and vibrations emitted from noise and vibration emission facilities, which are prescribed by the Ordinance of the Ministry of Environment;
5. The term “soundproof facilities” means facilities eliminating or reducing noises produced from material objects other than noise and vibration emission facilities, which are prescribed by the Ordinance of the Ministry of Environment;
6. The term “vibration-proof facilities” means facilities eliminating or reducing vibrations produced from material objects other than noise and vibration emission facilities, which are prescribed by the Ordinance of the Ministry of Environment;
7. The term “factory” means a factory as prescribed in subparagraph 1 of Article 2 of the Industrial Cluster Development and Factory Establishment Act: *Provided*, That this shall exclude airplane service factories in airport facilities as determined pursuant to Article 12 (1) of the Urban Planning Act;
8. The term “transport facilities” means trains, motor vehicles, streetcars, roads, railroads, etc.: *Provided*, That this shall exclude aircraft and ships;
9. The term “motor vehicles” means motor vehicles as prescribed in subparagraph 1 of Article 2 of the Automobile Management Act, and construction machines of those as prescribed in subparagraph 1 of Article 2 of the Construction Machinery Management Act, which are prescribed by the Ordinance of the Ministry of Environment; and
10. The term “noise generating construction machinery” means the machinery that generates a noise among the machinery used in the construction work, which is prescribed by the Ordinance of the Ministry of Environment.

Article 3 (Regular Measurement)

- (1) In order to grasp the actual situation of noises and vibrations throughout the country, the Minister of Environment shall install measuring networks and make regular measurements.
- (2) The Special Metropolitan City Mayor, a Metropolitan City Mayor or a *Do* governor (hereinafter referred to as the "Mayor/*Do* governor") shall, in order to grasp the actual situation of noises and vibrations within the district under his/her jurisdiction, install measuring networks and make regular measurements, and report the measured data to the Minister of Environment under the conditions as prescribed by the Ordinance of the Ministry of Environment.
- (3) If the Minister of Environment or the Mayor/*Do* governor desires to install measuring networks under paragraphs (1) and (2), he/she shall consult in advance with the head of the agency concerned.

Article 4 (Decision and Public Notice on Measuring Networks Installation Program)

- (1) The Minister of Environment shall decide a measuring networks installation program specifying the location, range, area, etc. of such measuring networks as prescribed in Article 3 (1), and publicly notify it under the conditions as prescribed by the Ordinance of the Ministry of Environment, and make the drawings thereof be seen by any person. This provision shall also apply in cases where he/she modifies it.
- (2) The provisions of paragraph (1) shall be applicable *mutatis mutandis* to the cases where the Mayor/*Do* governor installs the measuring networks pursuant to Article 3 (2).
- (3) The State may render necessary financial and technological support so as to have the measuring networks installation program as decided and publicly announced by the Mayor/*Do* governor pursuant to paragraph (2) achieved within the target period.

Article 5 (Relation with Other Acts)

- (1) When the Minister of Environment or the Mayor/*Do* governor has decided and publicly notified the measuring networks installation program pursuant to Article 4, the following permission shall be considered to have been granted: <Amended by Act No. 8976, Mar. 21, 2008>
 1. Permission on the execution of river construction work under Article 30 of the River Act, permission on the occupation and use of river under Article 33 of the said Act and Permission on the use of river water under Article 50 of the said Act;
 2. Permission on the occupation and use of roads under Article 38 of the Road Act; and
 3. Permission on the occupation and use of public water surface under Article 5 of the Public Waters Management Act.
- (2) In cases where the measuring networks installation program as prescribed in Article 4 includes matters to be permitted under subparagraphs of paragraph (1), the Minister of Environment or the Mayor/*Do* governor shall consult with the head of the agency concerned before he/she makes the decision and public notice.

Article 6 (Official Test Method of Noise and Vibration)

The Minister of Environment shall determine and publicly notify the official test method of noises and vibrations to attain accuracy and uniformity of measurement in measuring noises and vibrations: *Provided*, That where other Acts differently provide the objects of noise and vibration measurement and the test method thereof, the latter shall prevail.
«The amended provisions of this Article shall be effective not later than October 4, 2007 under Article 3 of the Addenda of Act No. 8369 dated April 11, 2007»

CHAPTER II REGULATION OF FACTORY NOISES AND VIBRATIONS

Article 7 (Permissible Factory Noise and Vibration Emission Standards)

(1) The permissible emission standards of noises and vibrations emitted from a factory in which noise and vibration emission facilities (hereinafter referred to as “emission facilities”) are installed, shall be determined by the Ordinance of the Ministry of Environment.

(2) In determining the Ordinance of the Ministry of Environment as referred to in paragraph (1), the Minister of Environment shall consult with the head of the related central administrative agency.

Article 8 (Report, Permission, etc. on Installation of Emission Facilities)

(1) Any person who desires to install emission facilities shall report to the head of *Si/Gun/Gu* (referring to an autonomous *Gu*; hereinafter the same shall apply) thereon under the conditions as prescribed by the Presidential Decree: *Provided*, That in the areas as determined by the Presidential Decree, such as areas adjoining to schools or general hospitals, he/she shall obtain permission from the head of *Si/Gun/Gu*.

(2) Where a person who has made a report or obtained permission pursuant to paragraph (1) desires to modify important matters determined by the Ordinance of the Ministry of Environment from among the reported or permitted matters, he/she shall make a report on modification to the head of *Si/Gun/Gu*.

(3) Notwithstanding the provisions of paragraph (1), any person who desires to install emission facilities at a factory situated in an industrial complex or any such other area as determined by the Presidential Decree shall be excluded from those who are subject to the report or permission. In this case, the person who is excluded from those who are subject to the report or permission shall be deemed a project operator in applying the provisions of Articles 14 through 16, 17 (excluding the cases where the permission is cancelled) and 47 (1) 1.

Article 9 (Installation of Preventive Facilities)

Where a person who has made a report or obtained permission on installation or modification of emission facilities (hereinafter referred to as the “operator”) intends to install or alter the emission facilities, he/she shall install noise and vibration preventive facilities (hereinafter referred to as the “preventive facilities”) to make the noises and vibrations emitted from such a factory be emitted at a level not exceeding the permissible emission standards as prescribed in Article 7: *Provided*, That this shall not apply in the following cases:

1. Where the head of *Si/Gun/Gu* deems that the noises and vibrations are always emitted at a level lower than the permissible emission standards in view of the function and process of such emission facilities, or the conditions of the site of factory; and
2. Where the Ordinance of the Ministry of Environment provides that even though the noises and vibrations are emitted in excess of the permissible emission standards, it might not inflict any damage on the living environment.

Article 10 (Succession, etc. to Right and Duty)

(1) If an operator transfers emission and preventive facilities, or is dead, or if juristic persons are merged, the transferee, successor or juristic person who continues to exist after the merger, or juristic person who is established by the merger shall succeed to the rights and duties of the operator pursuant to the report, permission or report of modification.

(2) If emission and preventive facilities are leased, the lessee shall be considered as an operator in applying the provisions of Articles 14 through 16, 17 (excluding the case of revocation of permission), 19, and 47 (1) 1.

Article 11 (Design and Work Execution of Preventive Facilities)

An operator shall directly design and execute the work of installing or altering preventive

facilities, or have such a preventive facilities businessman as prescribed in Article 15 of the Development of and Support for Environmental Technology Act design and execute the work (in the case of the preventive facilities businessman as prescribed in Article 15 (2) of the said Act, it is limited to designing). <Amended by Act No. 8957, Mar. 21, 2008>

Article 12 (Installation, etc. of Joint Preventive Facilities)

(1) Operators of apartment-type factories or operators in an area where factories are closely located may install joint preventive facilities for preventing jointly noises and vibrations emitted from the factories. In this

case, each such operator shall be considered to have installed by factory preventive facilities for noises and vibrations of the factory concerned.

(2) The permissible emission standards for joint preventive facilities may be determined differently from those as prescribed in Article 7, and such permissible emission standards and matters necessary for installation and operation of the joint preventive facilities shall be determined by the Ordinance of the Ministry of Environment.

Article 13 (Report on Commencement of Operation)

Where an operator completes the installation or alteration (excluding the alteration below the scale as determined by the Presidential Decree) of emission facilities or preventive facilities and desires to operate the emission facilities, he/she shall make a report on the commencement of operation in advance to the head of *Si/Gun/Gu* under the conditions as prescribed by the Ordinance of the Ministry of Environment.

Article 14 (Duty to Observe Permissible Emission Standards)

An operator shall observe the permissible emission standards for noises and vibrations as referred to in Article 7 or 12 (2) (hereinafter referred to as the “permissible emission standards”).

Article 15 (Order of Improvement)

Where the head of *Si/Gun/Gu* deems that the level of noise and vibration emitted from a factory under operation exceeds the permissible emission standards, he/she may order the operator to take measures necessary to lower the level of noise and vibration below the permissible emission standards (hereinafter referred to as the “order of improvement”) within a specified period as determined by the Ordinance of the Ministry of Environment.

Article 16 (Order, etc. for Suspension of Operation)

(1) Where any person who is given an order of improvement fails to carry it out, the head of *Si/Gun/Gu* may order him/her to suspend in whole or in part the operation of the emission facilities concerned. In this case, he/she may order a factory which exceeds the permissible emission standards by time zones as prescribed by the Ordinance of the Ministry of Environment to suspend the operation by the time zones.

(2) If it is deemed that any danger and injury to the health and any damage to the living environment due to noises and vibrations are imminent, the head of *Si/Gun/Gu* may immediately order any restriction on the operation hours, suspension of operation or other necessary measures with respect to the emission facilities under the conditions as prescribed by the Ordinance of the Ministry of Environment.

Article 17 (Revocation, etc. of Permission)

If an operator falls under any one of the following subparagraphs, the head of *Si/Gun/Gu* may cancel (referring to the order of closure of the emission facilities in the case of the facilities subject to report) the permission on installation of the emission facilities or order the suspension of the operation thereof for a specified period of no longer than 6 months:

1. Where he/she has obtained the permission or made a report or a report on modification

by false or other unlawful manners;

2. Where his/her factory has emitted noises and vibrations in excess of the permissible emission standards pursuant to Article 7 or 12 (2);
3. Where he/she has failed to make a report on modification pursuant to Article 8 (2);
4. Where he/she has operated emission facilities without installing the preventive facilities pursuant to Article 9;
5. Where he/she has operated emission facilities without making a report on the commencement of operation pursuant to Article 13;
6. Where he/she has violated an order, etc. for suspension of operation pursuant to Article 16; or
7. Where he/she has failed to appoint an environment engineer pursuant to Article 19.

Article 18 (Measures of Closure, etc. to Unlawful Facilities)

The head of *Si/Gun/Gu* shall order a person who installs or operates emission facilities without making a report or obtaining permission as referred to in Article 8 to suspend the use of the emission facilities concerned: *Provided*, That where it is deemed that although the emission facilities concerned are improved or the preventive facilities are installed and improved, there is no possibility that the level of noise and vibration emitted from the factory will be lowered below the permissible emission standards, or where the emission facilities concerned are installed in the place prohibited pursuant to other Acts, he/she shall order him/her to close the emission facilities concerned.

Article 19 (Environment Engineer)

- (1) An operator shall appoint an environment engineer for normal operation and management of emission and preventive facilities, and report it to the head of *Si/Gun/Gu*. This provision shall also apply in cases where the environment engineer is appointed by replacement.
- (2) The environment engineer shall direct and control those who are engaged in the emission and preventive facilities, so as for them not to violate this Act or any order issued under this Act, and manage the emission and preventive facilities so that they may be normally operated and the level of noises and vibrations thereof may conform to the permissible emission standards.
- (3) The operator shall control matters to be observed by the environment engineer, such as making him/her thoroughly carry out matters to be managed by him/her.
- (4) The operator shall not interfere with the activities of the environment engineer to normally operate and manage the emission and preventive facilities, and shall, when receiving from him/her any request necessary for performing his/her duties, comply with such request unless there is any justifiable reason.
- (5) Matters necessary for the scope of business place to which an environment engineer is to be assigned pursuant to paragraph (1), the qualification criteria for and the time of appointment (including any appointment by replacement) of an environment engineer shall be determined by the Ordinance of the Ministry of Environment.

Article 20 (Report on Execution of Order, and Confirmation)

- (1) Any operator who received an order for a measure, improvement, suspension of operation, or suspension of use pursuant to Article 15, 16, 17, or 18 (main sentence) shall, when he/she has executed the order, report to the head of *Si/Gun/Gu* thereon without delay under the conditions as prescribed by the Ordinance of the Ministry of Environment.
- (2) The head of *Si/Gun/Gu* shall, upon the receipt of the report under paragraph (1), confirm without delay the state of the execution of the order or the state of the completion of the improvement.

CHAPTER III LIVING NOISE AND VIBRATION CONTROL

Article 21 (Living Noise and Vibration Control)

(1) The head of *Si/Gun/Gu* shall control the noises and vibrations emitted from a workplace, a construction field, etc. (excluding the noises and vibrations emitted in an industrial complex or other areas as determined by the Ordinance of the Ministry of Environment; hereinafter referred to as the “living noises and vibrations”) to maintain a tranquil living environment of residents.

(2) The objects of and standards for the control of living noises and vibrations as referred to in paragraph (1) shall be determined by the Ordinance of the Ministry of Environment.

Article 22 (Prior Report, etc. on Specified Construction Works)

(1) Any person who intends to execute a specific construction work as determined by the Ordinance of the Ministry of Environment which emits living noises and vibrations shall report it to the head of competent *Si/Gun/Gu* in accordance with the Ordinance of the Ministry of Environment.

(2) When the person who has made a report pursuant to paragraph (1) intends to modify the important matters prescribed by the Ordinance of the Ministry of Environment from among the matters that have been reported, he/she shall make a report on modification to the head of *Si/ Gun/Gu*.

(3) A person who intends to perform a specific construction work pursuant to paragraph (1) shall commence the construction work after installing soundproof facilities under the conditions as prescribed by the Ordinance of the Ministry of Environment.

(4) Where it is difficult to install soundproof facilities, notwithstanding the provisions of paragraph (3), due to the characteristics of the construction site, a separate soundproof measure shall be formulated.

(5) The cases of being difficult to install soundproof facilities pursuant to paragraph (4) and the matters regarding the separate soundproof measures shall be prescribed by the Ordinance of the Ministry of Environment.

Article 23 (Installation, etc. of Soundproof and Vibration-Proof Facilities)

(1) Where living noises and vibrations exceed the standards for control as referred to in Article 21 (2), the head of *Si/Gun/Gu* may order the person who emits the noises and vibrations to take necessary measures, such as the adjustment of working hours, suspension of noise-and vibration-generating acts, installation of soundproof and vibration-proof facilities, and use of construction machinery generating less noise which is prescribed by the Ordinance of the Ministry of Environment, etc.

(2) Where the person who is given an order to take measures as referred to in paragraph (1) fails to carry it out, the head of *Si/Gun/Gu* may order the prohibition of use of those objects of the control concerned, suspension or closure of the construction work concerned.

Article 24 (Control of Mobile Noise)

(1) The head of *Si/Gun/Gu* may designate an area requiring the control of noises emitting from the machinery and instruments [hereinafter referred to as the “mobile noise sources”] which cause mobile noises as an mobile noise control area and prohibit the use of the mobile noise sources or restrict the time of use, etc.

(2) Matters necessary for kinds, control methods and control of the mobile noise sources pursuant to paragraph (1) shall be determined by the Ordinance of the Ministry of

Environment.

(3) In designating the mobile noise control area as referred to in paragraph (1), the head of *Si/Gun/Gu* shall announce it publicly. The same shall also apply in cases where he/she modifies it.

Article 25 (Prevention of Noise and Vibration Due to Use of Explosives)

If it is deemed necessary for preventing any damage caused by noises and vibrations produced from the use of explosives, the head of *Si/Gun/Gu* may request the commissioner of a district police agency to take any measure necessary for regulating the use of explosives by those who use them, under the Control of Firearms, Swords, Explosives, etc. Act. In this case, the commissioner of the district police agency shall comply with it unless there is any special reason.

CHAPTER IV REGULATION OF TRAFFIC NOISE AND VIBRATION

Article 26 (Designation of Regulation Area of Traffic Noise and Vibration)

(1) The Special Metropolitan City Mayor, Metropolitan City Mayor or head of *Si/Gun* (excluding *Guns* of a Metropolitan City; hereafter the same shall apply in this Article) may designate any area as a traffic noise and vibration regulation area where it is deemed necessary to regulate noises and vibrations produced by transport facilities in order to maintain a calm and tranquil living environment of residents.

(2) The Minister of Environment may request the Special Metropolitan City Mayor, Metropolitan City Mayor or head of *Si/Gun* to have an area admitted to need the regulation of traffic noise and vibration designated as the area of traffic noise and vibration regulation. In this case, the Special Metropolitan City Mayor, Metropolitan City Mayor or head of *Si/Gun* shall comply with it, unless he/she has any special reason.

(3) The scope of regulation areas as referred to in paragraph (1) shall be determined by the Ordinance of the Ministry of Environment.

(4) When the Seoul Metropolitan City Mayor, Metropolitan City Mayor or head of *Si/Gun* has designated a regulation area under paragraph (1), he/she shall notify it publicly. This provision shall also apply in cases where he/she modifies it.

Article 27 (Limit of Traffic Noise and Vibration)

The limit of noises and vibrations produced from the transport facilities in the regulation area as prescribed in Article 26 shall be determined by the Ordinance of the Ministry of Environment. In this case, the Minister of Environment shall consult in advance with the heads of the central administrative agencies concerned about necessary matters, such as the limit and enforcement period.

Article 28 (Regulation of Operation of Motor Vehicles)

The head of *Si/Gun/Gu* may request the commissioner of a district police agency to take necessary measures under the Road Traffic Act, such as speed limit and bypassing, for the persons operating motor vehicles (hereinafter referred to as the “motor vehicle operators”) passing the regulation area pursuant to Article 26. In this case, the commissioner of the district police agency shall comply with such a request without delay, unless there is any special reason.

Article 29 (Installation, etc. of Soundproof and Vibration-Proof Facilities)

(1) If it is deemed that noises and vibrations produced from driveways, expressways and railroads in the regulation areas as prescribed in Article 26 exceed the limit as prescribed

in Article 27 to infringe on a calm and tranquil living environment of residents, the Special Metropolitan City Mayor, Metropolitan City Mayor or head of *Si/Gun* (excluding *Guns* of a Metropolitan City) may install by himself/herself soundproof and vibration-proof facilities, or request the heads of agencies managing the facilities to take necessary measures, such as installation of soundproof and vibration-proof facilities. In this case, the heads of the agencies managing the facilities shall comply with such a request, unless there is any special reason.

(2) The provisions of paragraph (1) shall apply *mutatis mutandis* to the noises and vibrations produced from the roads neighboring schools, apartment houses or other facilities as determined by the Ordinance of the Ministry of Environment from among roads (excluding driveways and expressways) as referred to in Article 2 (1) 1 of the Road Act. <Amended by Act No. 8976, Mar. 21, 2008>

Article 30 (Permissible Standards of Noises Produced by Manufactured Cars)

Any person who desires to manufacture (including import; hereinafter the same shall apply) motor vehicles (hereinafter referred to as the “motor vehicle manufacturer”) shall manufacture motor vehicles in a manner that the noises emitted from manufactured motor vehicles (hereinafter referred to as “manufactured cars”) conform to the permissible manufactured car noise standards as determined by the Presidential Decree.

Article 31 (Authentication on Manufactured Car)

(1) Where a motor vehicle manufacturer desires to manufacture motor vehicles, he/she shall obtain authentication in advance from the Minister of Environment that the noises of the manufactured cars conform to the permissible manufactured car noise standards as referred to in Article 30: *Provided*, That the Minister of Environment may exempt or omit authentication for motor vehicles to be used for public purposes such as for military or fire-fighting use or for research and exhibition purposes, etc. or authentication for motor vehicles which are brought into from a foreign country and determined by the Presidential Decree.

(2) If a motor vehicle manufacturer desires to modify the contents of authentication with respect to motor vehicles authenticated pursuant to paragraph (1), he/she shall obtain an authentication of modification.

(3) Matters necessary for applications for, tests and test fees of, methods of, exemptions and omissions of, the authentication as referred to in paragraphs (1) and (2) shall be determined by the Ordinance of the Ministry of Environment.

Article 32 (Transfer, Takeover, etc. of Authentication)

(1) The provisions of Article 10 (1) shall apply *mutatis mutandis* in cases where the motor vehicle manufacturer who has obtained the authentication or authentication of modification as referred to in Article 31 (1) or (2) transfers the business or dies, or where the juristic persons concerned merge.

(2) Any person who succeeds to the rights and duties pursuant to paragraph (1) shall report it to the Minister of Environment under the conditions as prescribed by the Ordinance of the Ministry of Environment.

Article 33 (Inspection, etc. on Noises of Manufactured Cars)

(1) In order to confirm whether or not the noises of motor vehicles manufactured with the authentication as prescribed in Article 31 are conformed to the permissible manufactured car noise standards as prescribed in Article 30, the Minister of Environment shall conduct an inspection under the conditions as prescribed by the Presidential Decree.

(2) When a motor vehicle manufacturer conducts an inspection according to inspection method

and procedure determined by the Minister of Environment equipped with manpower and equipment prescribed by the Ordinance of the Ministry of Environment, the inspection as referred to in paragraph (1) may be omitted under the conditions as prescribed by the Presidential Decree.

(3) If it is required especially for conducting the inspection as referred to in paragraph (1), the Minister of Environment may conduct the inspection using the equipment of the motor vehicle manufacturer or at a place specially designated, under the conditions as prescribed by the Ordinance of the Ministry of Environment.

(4) Expenses needed for the inspection as referred to in paragraph (1) shall be borne by the motor vehicle manufacturer concerned.

Article 34 (Revocation of Authentication)

(1) The Minister of Environment shall revoke the authentication in the following cases:

1. Where the authentication is granted in a deceitful or other unlawful way; and
2. Where a manufactured car has so serious defects that it is impossible to meet the permissible manufactured car noise standards even though such defects are improved.

(2) The Minister of Environment shall order the manufactured motor vehicles, where those vehicles do not conform to the permissible manufactured car noise standards as a result of the inspection as referred to in Article 33 (1), to be improved or the sale thereof to be suspended. In this case, where an order of suspension of sale is violated, the authentication of the manufactured motor vehicles concerned shall be revoked.

Article 35 (Permissible Running Car Noise Standards)

Any owner of a motor vehicle shall operate or have another person operate it in such a manner that the noises emitted from the motor vehicle are conformed to the permissible running car noise standards as determined by the Presidential Decree and shall not remove a muffler or a silencer from it or additionally attach a horn to it.

Article 36 (Occasional Checkup of Running Cars)

(1) The Special Metropolitan City Mayor, the Metropolitan City Mayor or the head of *Si/Gun/Gu* may conduct a checkup on a running car on a road or in a parking zone, etc. to confirm the matters as provided for in the following subparagraphs:

1. Whether the noise of the running car conforms to the permissible running car noise standards as prescribed in Article 35;
2. Whether the muffler or silencer is removed; and
3. Whether a horn is additionally attached.

(2) The motor vehicle operator shall cooperate in the checkup as referred to in paragraph (1) and shall not perform acts of refusing to comply with or hindering it.

(3) Matters necessary for methods, etc. of the checkup as referred to in paragraph (1) shall be determined by the Ordinance of the Ministry of Environment.

Article 37 (Regular Checkup of Running Cars)

(1) Where an owner of a motor vehicle undergoes a regular checkup as referred to in Article 43 (1) 2 of the Automobile Management Act and Article 13 (1) 2 of the Construction Machinery Management Act, he/she shall also undergo an inspection about all the matters as provided for in the following subparagraphs:

1. Whether the noises emitted from the motor vehicle conform to the permissible running car noise standards;
2. Whether the muffler or silencer is removed; and
3. Whether a horn is additionally attached.

(2) Matters necessary for the methods of and items subject to the inspection as referred to in paragraph (1) and the facilities, equipment, etc. of the inspection institution shall be determined by the Ordinance of the Ministry of Environment.

(3) In determining the Ordinance of the Ministry of Environment as referred to in paragraph (2), the Minister of Environment shall consult with the Minister of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(4) The Minister of Environment may ask the Minister of Land, Transport and Maritime Affairs to provide materials regarding the results of the inspection as referred to in paragraph (1). *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 38 (Order to Improve Running Cars)

(1) Where, as the result of a checkup for a running car as referred to in Article 36, such car falls under any one of the following subparagraphs, the Special Metropolitan City Mayor, the Metropolitan City Mayor or the head of *Si/Gun/Gu* may order an improvement to the owner of the motor vehicle under the conditions as prescribed by the Ordinance of the Ministry of Environment:

1. Where the noise of the running car is in excess of the permissible running car noise standards;
2. Where the muffler or silencer is removed; and
3. Where a horn is additionally attached.

(2) In giving the order of improvement pursuant to paragraph (1), the suspension of use of the relevant motor vehicle may be simultaneously ordered for a period necessary for such improvement within the scope of not exceeding ten days.

(3) Any person who receives the order of improvement as referred to in paragraph (1) shall obtain confirmation on the results of improvement from the persons who have registered with the head of *Si/Gun/Gu* under Article 41 under the conditions as prescribed by the Ordinance of the Ministry of Environment, and then report it to the Special Metropolitan City Mayor, the Metropolitan City Mayor or the head of *Si/Gun/Gu*, etc.

CHAPTER V REGULATION OF AIRCRAFT NOISES

Article 39 (Regulation of Aircraft Noises)

(1) If the Minister of Environment deems that the noise of aircraft exceeds the limits of aircraft noises as determined by the Presidential Decree, and it damages seriously the living environment around the airport, he/she may request the head of an agency concerned to install a soundproof facility, or to take any measure necessary for preventing the aircraft noises.

(2) Airports for which any necessary measure may be requested pursuant to paragraph (1) shall be determined by the Presidential Decree.

(3) If there are other Acts relating to the regulation of aircraft noises, the measure as referred to in paragraph (1) shall be taken under the conditions as prescribed by such other Acts.

CHAPTER VI STANDARDS, ETC. OF INSTALLATION OF SOUNDPROOF FACILITIES

Article 40 (Performance, Standards for Installation, etc. of Soundproof Facilities)

(1) Any person who installs any soundproof facilities, such as soundproof walls, soundproof forests, soundproof banks, etc., to prevent noises, shall draw up the design and execute the work so as to produce sufficient sound insulation effects.

(2) The standards for performance and installation of soundproof facilities and matters necessary for follow-up management (hereinafter referred to as the “standards for installation, etc.”) as referred to in paragraph (1) may be determined and publicly notified by the Minister of Environment: *Provided*, That where other Acts provide different standards for installation, etc. of soundproof facilities, such standards for installation, etc. shall prevail.

CHAPTER VII CONFIRMATION INSPECTION AGENT

Article 41 (Registration of Confirmation Inspection Agent)

(1) Any person who desires to carry out a service to confirm the results of improvement of a running car pursuant to Article 38 (3), shall register with the head of *Si/Gun/Gu* by being equipped with technical capability, equipment, etc. as prescribed by the Ordinance of the Ministry of Environment. This provision shall also apply in cases where he/she desires to modify important matters of registered ones, which are prescribed by the Ordinance of the Ministry of Environment.

(2) Matters to be observed by the person who has registered pursuant to paragraph (1) (hereinafter referred to as the “confirmation inspection agent”), inspection fees and other necessary matters shall be determined by the Ordinance of the Ministry of Environment.

Article 42 (Disqualifications)

Any person who falls under any one of the following subparagraphs may not be registered as a confirmation inspection agent: *<Amended by Act No. 8466, May 17, 2007>*

1. A person who has been declared as incompetent or quasi-incompetent by court;
2. A person who, after having been declared as bankrupt by court, remains not reinstated;
3. A person for whom two years have not passed since the cancellation of the registration of confirmation inspection agent under Article 43;
4. A person who was sentenced to imprisonment for violating this Act, the Clean Air Conservation Act or the Water Quality and Ecosystem Conservation Act and for whom two years have not passed since the execution of the sentence was completed or the execution thereof was finally fixed not to be carried out; and
5. A juristic person one of whose officers falls under any one of subparagraphs 1 through 4.

Article 43 (Revocation, etc. of Registration)

The head of *Si/Gun/Gu* may, if a confirmation inspection agent falls under any one of the following subparagraphs, revoke the registration, or order him/her to suspend his/her business for a fixed period not exceeding six months: *Provided*, That where he/she falls under subparagraph 1 or 2, his/her registration shall be revoked:

1. Where he/she falls under any subparagraph of Article 42: *Provided*, That this shall not apply in case where a juristic person has an officer falling under subparagraph 5 of Article 42 among its officers but replaces such an officer within six months;
2. Where he/she makes the registration by false or other unlawful means;
3. Where he/she lends his/her certificate of registration to another person;
4. Where he/she is subjected to a disposition of business suspension two or more times a year;
5. Where he/she carries out incompletely the business of confirmation inspection on purpose or by grave negligence;
6. Where he/she fails to start his/her business within two years after registration or has no actual results of business for two or more consecutive years;
7. Where he/she is insufficient to the standards for registration pursuant to Article 41

(1); or

8. Where he/she does not observe the matters referred to in Article 41 (2).

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 44 (Inspection, etc. of Noise Level)

(1) A person who intends to manufacture or import noise generating construction machinery (hereinafter referred to as the “manufacturer, etc. of noise generating construction machinery”) shall undergo a noise

level inspection executed by the Minister of Environment before the sale or use of the noise generating construction machinery concerned.

(2) The manufacturer, etc. of noise generating construction machinery who has undergone a noise level inspection pursuant to paragraph (1) shall put a mark indicating the degree of noise generated by the noise generating construction machinery concerned (hereinafter referred to as the “mark of noise level”) on an easily recognizable place.

(3) A person who intends to undergo a noise level inspection pursuant to paragraph (1) shall pay an inspection fee.

(4) Necessary matters regarding the methods of noise level inspection, mark of noise level and inspection fees pursuant to paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Environment.

Article 45 (Designation of Noise Level Inspection Institution, Revocation Thereof, etc.)

(1) The Minister of Environment may designate an institution that has facilities, technical capability, etc. necessary for the noise level inspection pursuant to Article 44 (1) as a noise level inspection institution, and have it execute the noise level inspection as proxy.

(2) Matters necessary for the standards for designation, such as the facilities, technical capability, etc. of the noise level inspection institution shall be prescribed by the Presidential Decree.

(3) Where a noise level inspection institution has executed a noise level inspection, it shall notify the Minister of Environment of the result thereof.

(4) The noise level inspection institution shall observe the matters prescribed by the Ordinance of the Ministry of Environment, such as the methods of inspection, management of facilities and examination equipment, etc.

(5) Where a noise level inspection institution falls under any one of the following subparagraphs, the Minister of Environment may revoke the designation, or give an order to suspend all or part of the business of noise level inspection for a specified period within the extent of six months: *Provided*, That where it falls under subparagraph 1, he/she shall revoke the designation:

1. Where it has received the designation by false or other unlawful means;
2. Where it has become insufficient to the standards for designation pursuant to paragraph (2);
3. Where it has not observed the matters provided for in paragraph (4); or
4. Where it has performed incompletely the business of noise level inspection intentionally or by gross negligence.

Article 46 (Training of Environment Engineers, etc.)

(1) Any person who employs an environment engineer shall have such employee receive the training executed by the Minister of Environment or the Mayor/*Do* governor under the conditions as prescribed by the Ordinance of the Ministry of Environment.

(2) The Minister of Environment or the Mayor/*Do* governor may collect expenses required

for the training of environment engineers as referred to in paragraph (1) from the persons who employ those subject to the education under the conditions as prescribed by the Ordinance of the Ministry of Environment.

Article 47 (Report, Inspection, etc.)

(1) The Minister of Environment or the head of *Si/Gun/Gu* may, where the Ordinance of the Ministry of Environment determines, order the following persons to make a report or to submit materials, and have a public official concerned enter the related facilities or business place, etc. to confirm whether or not the permissible emission standards and the standards for control as referred to in Article 21 (2) are observed by conducting noise and vibration inspection or to inspect related documents, facilities or equipment, etc.:

1. An operator;
2. A person subject to the control of living noises and vibrations;
3. A person who uses the explosives under Article 25;
4. A motor vehicle manufacturer;
5. A confirmation inspection agent;
6. A manufacturer, etc. of noise generating construction machinery;
7. A noise level inspection institution pursuant to Article 45 (1); and
8. A person who is entrusted with the affairs of the Minister of Environment under Article 54 (2).

(2) The Minister of Environment or the head of *Si/Gun/Gu* may have an inspection institution prescribed by the Ordinance of the Ministry of Environment vicariously execute the inspection of noises and vibrations as referred to in paragraph (1).

(3) A public official who makes such entrance and inspection as referred to in paragraph (1) shall carry with him/her a certificate indicating his/ her authority and show it to the persons concerned.

Article 48 (Cooperation of Related Agency)

If it is deemed necessary for attaining the purpose of this Act, the Minister of Environment may request the head of an agency concerned to take the following measures. In this case, the head of the agency concerned shall comply with it, unless there is any special reason:

1. Alteration of urban redevelopment projects;
2. Alteration of housing complex formation;
3. Restriction on permission for the construction of apartment houses in the periphery of roads, railroads and airports; and
4. Other matters as determined by the Presidential Decree.

Article 49 (Criteria for Administrative Disposition)

The criteria for administrative disposition against acts violating this Act or any order issued under this Act shall be determined by the Ordinance of the Ministry of Environment.

Article 50 (Succession of Effect of Administrative Disposition)

Where there is any succession of business pursuant to Article 10 (including the cases where it applies *mutatis mutandis* pursuant to Article 32), the effect of administrative disposition to the former operator shall be succeeded to the new operator until the last day of the disposition period, and where the procedures of administrative disposition are in progress, the procedures may continue to the new operator: *Provided*, That when the new operator (excluding the case of succession by inheritance) proves that he/she did not know the fact of the disposition or violation at the time when he/she succeeded to the business, this shall not apply.

Article 51 (Hearings)

If the Minister of Environment or the head of *Si/Gun/Gu* intends to make the disposition falling under any one of the following subparagraphs, he/ she shall hold hearings:

1. Cancellation of the permission to install the emission facilities or the order to close the emission facilities as prescribed in Article 17;
2. Order to close the construction work in question as prescribed in Article 23 (2);
3. Revocation of the authentication as prescribed in Article 34;
4. Revocation of the registration as prescribed in Article 43; or
5. Revocation of designation as a noise level inspection institution pursuant to Article 45 (5).

Article 52 (Submission of Annual Report)

(1) The Mayor/*Do* governor shall submit each year to the Minister of Environment a report on the phases of carrying out major noises and vibrations control policies.

(2) Matters necessary for the preparation and submission of the report as referred to in paragraph (1) shall be determined by the Ordinance of the Ministry of Environment.

Article 53 (Fee)

Any person who intends to file a report on the installation of emission facilities or to obtain permission therefor under Article 8 (1) or (2) shall pay fees under the conditions as prescribed by the Municipal Ordinance of the Special Metropolitan City, Metropolitan City or *Do* concerned.

Article 54 (Delegation or Entrustment of Authority)

(1) The authority of the Minister of Environment, which is vested under this Act may be delegated partially to the Mayor/*Do* governor, the president of the National Institute of Environmental Research or the head of a local environmental agency under the conditions as prescribed by the Presidential Decree.

(2) The Minister of Environment may entrust any related specialized institution with part of his/her affairs as prescribed by this Act under the conditions as prescribed by the Presidential Decree.

Article 55 (Fictitious Public Official in Application of Penal Provisions)

Persons who are engaged in the business of noise level inspection of the noise level inspection institution pursuant to Article 45 (1) shall be deemed public officials in applying Articles 129 through 132 of the Criminal Act.

CHAPTER IX PENAL PROVISIONS

Article 56 (Penal Provisions)

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

1. A person who has violated the order of closure as referred to in Article 17;
2. A person who has manufactured motor vehicles in unconformity with the permissible manufactured car noise standards in contravention of Article 30;
3. A person who has manufactured motor vehicles without obtaining the authentication as prescribed in Article 31 (1); or
4. A person who has failed to undergo a noise level inspection pursuant to Article 44 (1) or has undergone a noise level inspection fraudulently.

Article 57 (Penal Provisions)

Any person who falls under any one 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 has installed emission facilities, or made any operation using such emission facilities, without obtaining the permission as prescribed in Article 8 (1);
2. A person who has operated facilities without making a report as prescribed in Article 13;
3. A person who has violated the order to suspend operation under Article 16 or 17;
4. A person who has violated the order of prohibition of use, suspension of construction work or closure as referred to in Article 23 (2);
5. A person who has manufactured motor vehicles without obtaining the authentication of modification as referred to in Article 31 (2); or
6. A person who has failed to put a mark of noise level pursuant to Article 44 (2) or put a mark of noise level fraudulently.

Article 58 (Penal Provisions)

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

1. A person who has installed emission facilities or operated a business using the emission facilities without making a report pursuant to Article 8 (1);
2. A person who has not appointed an environment engineer pursuant to Article 19 (1);
3. A person who has obstructed the business of an environment engineer or refused the request by the environment engineer without any reasonable ground in violation of Article 19 (4);
4. A person who has violated an order to adjust working hours, etc. pursuant to Article 23 (1);
5. A person who has not complied with a checkup or has performed an act of obstructing the checkup in violation of Article 36 (2); or
6. A person who has violated an order of improvement or suspension of use pursuant to Article 38 (1);

Article 59 (Fine for Negligence)

(1) A fine for negligence not exceeding one million won shall be imposed on any person who falls under any one of the following subparagraphs:

1. A person who has failed to make a report or to make a report of modification pursuant to Articles 8 (2), 19 (1), and 22 (1) and (2);
2. A person who has failed to observe the permissible emission standards as prescribed in Article 14;
3. A person who has performed a specific construction work without installing soundproof facilities in violation of Article 22 (3);
4. A person who has generated noises and vibrations exceeding the control criteria for living noises and vibrations;
5. A person who has violated any measures to prohibit or restrict the use of mobile noise sources under Article 24 (1);
6. An owner of a motor vehicle who has violated Article 35;
7. A person who has failed to make a report as prescribed in Article 38 (3);
8. A person who has failed to have an environment engineer, etc. receive training in violation of Article 46;
9. A person who has failed to make a report or made a false report, or who has failed to submit materials or submitted false materials, in violation of Article 47 (1); or
10. A person who has refused, interfered with or evaded the entry or inspection of the

public officials concerned as referred to in Article 47.

(2) The fine for negligence as referred to in paragraph (1) shall be imposed and collected by the Minister of Environment, the Mayor/*Do* governor, or the head of *Si/Gun/Gu* (hereinafter referred to as the “person authorized to impose”) under the conditions as prescribed by the Presidential Decree.

(3) Any person who is dissatisfied with the disposition of a fine for negligence as referred to in paragraph (2) may make an objection to the person authorized to impose within thirty days from the day when he/she is informed of the disposition.

(4) If a person who is subject to the disposition of the fine for negligence as referred to in paragraph (2) makes an objection under paragraph (3), the person authorized to impose shall notify it without delay to the competent court, which shall bring, upon receiving the notification, the case of fine for negligence to a trial under the Non-Contentious Case Litigation Procedure Act.

(5) If no objection is made, and no fine for negligence is paid, within the period as referred to in paragraph (3), it shall be collected according to the examples of the disposition of national or local taxes in arrears.

Article 60 (Joint Penal Provisions)

(1) If a representative, agent, servant or other employee of a juristic person commits any such offense as prescribed in Articles 56 through 58 in connection with the affairs of the juristic person, the penalty of fine as prescribed in the said respective Articles shall be imposed on such juristic person, in addition to the punishment of the offender.

(2) If an agent, servant or other employee of an individual commits any such offense as prescribed in Articles 56 through 58 in connection with the affairs of the individual, the penalty of fine as prescribed in the said respective Articles shall be imposed on such individual, in addition to the punishment of the offender.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of Article 15 (20) of the Addenda shall take effect on July 4, 2007; and the amended provisions of Article 44, subparagraph 4 of Article 56 and subparagraph 6 of Article 57, on January 1, 2008.

Article 2 (Transitional Measures concerning Enforcement Date)

The previous provisions of Article 49-2, subparagraph 6 of Article 57 and subparagraph 7 of Article 58 shall apply until the amended provisions of Article 44, subparagraph 4 of Article 56 and subparagraph 6 of Article 57, each of which corresponds to the said previous provisions, take effect in accordance with the proviso of Article 1 of the Addenda.

Article 3 (Period of Validity)

The amended provisions of Article 6 shall have effect until October 4, 2007.

Article 4 (Transitional Measures concerning Emission and Preventive Facilities)

(1) Any person who has obtained the permission on the installation or alteration of emission facilities under Article 15 (1) or (2) of the previous Environment Preservation Act, as of February 2, 1999 when the Noise and Vibration Control Act, Act No. 4259, enters into force, shall be considered to have obtained permission or made a report pursuant to the amended provisions of Article 8 (1) or (2).

(2) The preventive facilities or joint preventive facilities installed under the main sentence of Article 15-2 (1) or Article 15-3 (1) of the previous Environment Preservation Act, as

of February 2, 1999 when the Noise and Vibration Control Act, Act No. 4259, enters into force, shall be considered to have been installed under the main sentence of Article 9 or Article 12, and the non-installation of preventive facilities under the proviso of Article 15-2 (1) of the previous Environment Preservation Act as of the said date shall be considered as the non-installation under the proviso of Article 9.

(3) Any person who has made a report on the commencement of use of emission and preventive facilities, or obtained a judgment of conformity, under Article 16 of the previous Environment Preservation Act, as of February 2, 1999 when the Noise and Vibration Control Act, Act No. 4259, enters into force, shall be considered to have made a report on the commencement of operation under Article 13.

Article 5 (Transitional Measures following Alteration of Names of Emission Facilities Manager and Environment Manager)

An emission facilities manager pursuant to the previous provisions as of June 9, 1993 when the amended Noise and Vibration Control Act, Act No. 4537, enters into force, and an environment manager pursuant to the previous provisions as of August 10, 2004 when the amended Noise and Vibration Control Act, Act No. 7168, enters into force, shall be considered as environment engineers under this Act.

Article 6 (Transitional Measures concerning Designation of Inspection Agent)

Any person who is designated as an inspection agent carrying out services confirming running cars, or who is designated as such by change, pursuant to the previous provisions as of June 28, 1994 when the amended Noise and Vibration Control Act, Act No. 4654, enters into force, shall be considered as one who is designated as an inspection agent carrying out such services, or who is designated as such by change, by the head of *Si/Gun/Gu* under the amended provisions of Article 41.

Article 7 (Transitional Measures concerning Emission Facilities)

Any emission facilities on which a report has been made or the permission has been obtained pursuant to Article 53 of the Act on Special Measures for the Deregulation of Corporate Activities prior to September 8, 1997 when the amended Noise and Vibration Control Act, Act No. 5303, enters into force, shall be deemed those on which a report has been made or the permission has been obtained pursuant to the amended provisions of Article 8.

Article 8 (Transitional Measures concerning Report of Specific Construction Works)

Any person who has made a report on specific construction works pursuant to the previous provisions as of September 8, 1997 when the amended Noise and Vibration Control Act, Act No. 5303, enters into force, shall be deemed to have made a report on specific construction works as referred to in the amended provisions of Article 22.

Article 9 (Transitional Measures concerning Inspection Agent)

Any inspection agent designated under the previous provisions as of August 9, 1999 when the amended Noise and Vibration Control Act, Act No. 5862, enters into force, shall be deemed the inspection agent registered under the amended provisions of Article 41.

Article 10 (Applicable Cases of Installation of Soundproof Facilities for Specific Construction Work)

The amended provisions of Article 22 (3) regarding the installation of soundproof facilities for a specific construction work shall apply beginning with the specific construction work that is reported for the first time pursuant to the amended provisions of paragraph (1) of the same Article on or after January 1, 2006 when the amended Noise and Vibration Control Act, Act No. 7293, enters into force.

Article 11 (Transitional Measures concerning Inspection Agent)

The inspection agent registered with the Mayor/*Do* governor pursuant to the previous provisions as of January 1, 2006 when the amended Noise and Vibration Control Act, Act No. 7293, enters into force shall be deemed the confirmation inspection agent registered with the head of *Si/Gun/Gu* pursuant to the amended provisions of Article 41.

Article 12 (Applicable Cases of Noise Level Inspection of Noise Generating Construction Machinery)

The amended provisions of Article 44 regarding the noise level inspection of noise generating construction machinery shall apply beginning with the noise generating construction machinery that is manufactured or imported for the first time on or after January 1, 2008.

Article 13 (General Transitional Measures concerning Disposition, etc.)

Any acts done by or against administrative agencies under the previous provisions at the time when this Act enters into force, shall be considered as any acts done by or against administrative agencies under the corresponding provisions of this Act.

Article 14 (Transitional Measures concerning Penal Provisions or Fines for Negligence)

The application of the penal provisions or fines for negligence to any act committed before the enforcement of this Act shall be pursuant to the previous provisions.

Article 15 Omitted.

Article 16 (Relation with Other Acts and Subordinate Statutes)

In cases where other Acts and subordinate statutes cite the previous Noise and Vibration Control Act or the provisions thereof at the time this Act enters into force, if this Act includes the provisions corresponding to them, this Act or the corresponding provisions of this Act shall be considered to be cited in lieu of the previous provisions.

ADDENDA <Act No. 8338, Apr 6, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force the date on which one year lapses after the promulgation of this Act.

Articles 2 through 17 Omitted.

ADDENDA <Act No. 8466, May 17, 2007>

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. 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. 8957, Mar. 21, 2008>

Article 1 (Enforcement Date)

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

Articles 2 through 3 Omitted.

ADDENDA <Act No. 8976, Mar. 21, 2008>

Article 1 (Enforcement Date)

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

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Articles 2 through 10 Omitted.