



Mobility Legal Updates

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LIN's Mobility Team monitors legal and regulatory trends in the auto industry and periodically sends newsletters to our clients.

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Proposed Amendment to the CACA, Requiring Certification for the “Driving Range per Single Charge” of EVs

Bill to amend the Clean Air Conservation Act:

Proposed by Rep. Kim Wi-sang and 10 others ([Bill No. 2202458](#))

Article 46 of the current Clean Air Conservation Act (the “CACA”) imposes an obligation on motor vehicle manufacturers to comply with the “Permissible Emission Level,” while Article 48 requires them to obtain “Certification” that exhaust gases from the motor vehicle can be maintained in compliance with the permissible emission levels for manufactured motor vehicles during the exhaust gas warranty period.

For Type I low-emission vehicles (*i.e.*, EVs, solar-powered vehicles, and hydrogen-electric vehicles), which structurally do not emit exhaust gases, the enforcement rules of the CACA simply set the Permissible Emission Level at zero (0). However, regarding Certification, the “Regulations for Certification, Test Methods, and Procedures for Manufactured Motor Vehicles” (Ministry of Environment Notice No. 2021-118, June 25, 2021) requires EV manufacturers to submit a “Test Report on Driving Range per Single Charge.” There has been controversy and concerns that requiring such submission is not grounded by the CACA and therefore violates the constitutional limits of delegated legislation.

The bill to amend the CACA, proposed by Rep. Kim Wi-sang and 10 others on July 31, 2024, aims to revise the definition of “Zero-emission Vehicles” (which remains consistent with the

current definition of Type I low-emission vehicles) and to add a provision to Article 46 of the Clean Air Conservation Act, requiring that vehicles be manufactured to meet the standards for “Environmental Performance, such as Driving Range per Single Charge,” and further introduces an obligation to obtain Certification under Article 48.

If the bill passes, it will provide a legal basis for the mandated inclusion of the driving range in the test report, which was previously based solely on the Ministry of Environment’s public notice. Given that the CACA is intended to preserve “air quality,” it remains questionable whether it is appropriate to make “Driving Range per Single Charge” a Certification requirement under the act. Nonetheless, this bill is expected to significantly address the controversy over the limits of delegated legislation. Furthermore, since the environmental performance standards will be established by the Ordinance of the Ministry of Environment, if the bill is passed, it will be important to closely monitor future developments of these provisions. In addition, differentiation between subjects of ‘certification’ and ‘reporting’ of modification will have a substantial impact on the certification practices of motor vehicle manufacturers.

Proposed Amendment to Mandate Fire Safety Facilities at Vehicle Charging Stations

Bill to amend the Act on Promotion of Development and Distribution of Environment-Friendly Motor Vehicles: Proposed by Rep. Koo Ja-keun and 9 others ([Bill No. 2202763](#))

Bill to amend the Act on Promotion of Development and Distribution of Environment-Friendly Motor Vehicles: Proposed by Rep. Kim Sang-wook and 9 others ([Bill No. 2202614](#))

Bill to amend the Act on Installation and Management of Firefighting Systems: Proposed by Rep. Park Yong-kab and 14 others ([Bill No. 2202690](#))

The Act on Promotion of Development and Distribution of Environment-Friendly Motor Vehicles mandates the installation of charging facilities and exclusive parking areas for environment-friendly motor vehicles in public buildings, public-use facilities, and apartment complexes (Article 11-2, Paragraph 1). However, the Act currently does not require the installation of fire safety facilities at charging stations.

In response, several bills have been proposed in August to address this gap. Rep. Koo Ja-keun and 9 others proposed a bill to amend the act on August 13, 2024, and Rep. Kim Sang-wook and 9 others on August 7, 2024. Rep. Park Yong-kab and 14 others proposed a bill to amend the Act on Installation and Management of Firefighting Systems on August 9, 2024. All of the above bills mandate the installation of fire safety facilities mandatory at EV charging facilities.

Although the fire occurrence rate in EV is not significantly higher than the rate in internal combustion engine vehicles, extinguishing fires in EV batteries is relatively more challenging.

Further, EV battery fires are known to occur mainly during charging. These bills reflect public concern, emphasizing the need for specialized fire safety facilities for EVs due to the difficulty in extinguishing fires in underground parking lots when EVs catch fire.

Proposed Amendment to the MVMA to Mandate Disclosure of Battery Manufacturer in Vehicle Specifications Sheet

Bill to amend the Motor Vehicle Management Act:

Proposed by Rep. Han Jeong-ae and 12 others ([Bill No. 2202740](#))

The current MVMA requires EV manufacturers to submit a vehicle specification report and a vehicle specification sheet, as per the enforcement rules of the MVMA, to the performance testing agency when releasing a new vehicle. The vehicle specification sheet must include details such as (1) the rated voltage and capacity, (2) the type, and (3) the quantity of the driving battery. However, the current Act does not mandate EV manufacturers to include information about the battery manufacturer (Article 30, Paragraph 4 of the MVMA, Article 39, Paragraph 1 of the Enforcement Rules, and Attached Form No. 25).

The bill to amend the MVMA, proposed by Rep. Han Jeong-ae and 12 others on August 12, 2024, obligates EV manufacturers to inform the testing agency of the battery manufacturer and product name. The recent EV fire in an apartment's underground parking lot became a social issue due to the spread of incorrect information about the battery installed in the vehicle. This bill was proposed to ensure the protection of consumers' right to know in connection with such issue. In addition, numerous similar bills are being proposed.

While several manufacturers have already voluntarily disclosed their battery manufacturers, if this bill passes, EV manufacturers will be required to include and disclose the battery manufacturer and product name in the vehicle specification sheet.

Proposed Amendment to the MVMA Enforcement Decree to Obligate Safety Certification of Drive Batteries and Other Parts — Opinions to be submitted by Sept. 11, 2024

Enforcement Decree of Motor Vehicle Management Act (Proposed Partial Amendment),

Prior announcement made on July 31, 2024 ([Announcement No. 2024-1095](#))

The Motor Vehicle Management Act (the "MVMA") was amended on August 16, 2023 (Act No. 19685) to require motor vehicle or parts manufacturers to obtain safety certification from the Minister of Land, Infrastructure, and Transport (the "MOLIT") for core devices or components, such as drive batteries, to which new technologies are applied (Article 30-7). This amendment will take effect on February 17, 2025.

Accordingly, the proposed amendment to the Enforcement Decree of the MVMA was publicly announced on July 31, 2024, which introduces the following: (1) adding “Core Devices, etc.” to the types of motor vehicle parts, (2) specifying the types of “Core Devices, etc.” subject to safety certification as drive batteries for electric vehicles (“EVs”) and electric motorcycles, and (3) establishing the standards for imposing fines for failing to report changes to important matters in the safety certification prescribed by the Ordinance of the MOLIT (one million KRW for first violation, increased by one million KRW for every subsequent violations, up to the third). Opinions can be submitted to the MOLIT until September 11, 2024.

Proposed Amendment to Mandate Pedal Video Recording Devices and Pedal Misapplication Prevention Devices

Bill to amend the Motor Vehicle Management Act:

Proposed by Rep. Yeom Tae-yeong and 13 others ([Bill No. 2202512](#))

The MVMA was amended on February 13, 2024 (Act No. 20298) to mandate the installation of Event Data Recorder (“EDR”) by motor vehicle manufacturers and sellers (Article 29-3), which will take effect on February 14, 2025.

The bill to amend the MVMA, proposed by Rep. Yeom Tae-young and 13 others on August 2, 2024, is based on concerns that the current event data recorders are not highly effective in identifying and analyzing the causes of accidents. This bill seeks to obligate the installation of: (1) a “Pedal Video Recording Device” (commonly known as a “pedal black box”), which records video of the operation of the pedals and stores the video for review or analysis, and (2) a “Pedal Misapplication Prevention Device,” which prevents unintended acceleration when the driver steps on the wrong pedal and a collision is anticipated.

The Sudden Unintended Acceleration (“SUA”) accidents are widely recognized to be caused not by vehicle defects but by driver’s application of the wrong pedal by mistake. The widespread use of the term “Sudden Acceleration,” which in Korean implies a vehicle defect, has been criticized for potentially hindering drivers’ appropriate responses when they mistakenly apply the wrong pedals. In this context, the mandatory installation of Pedal Video Recording Devices is not only unnecessary, but also raises concerns as it appears to be based on an unfounded distrust of EDR data.

The mandatory installation of Pedal Misapplication Prevention Devices may help prevent SUA accidents, as seen in the example of Japan. However, there are clear limitations in preventing all such incidents through automated algorithms alone. Therefore, it is essential to also raise awareness of the causes of SUA accidents and appropriate response measures.

Proposed Amendment to Mandate Verification of Driving Qualification for Personal Mobility Devices

Bill to amend the Road Traffic Act: Proposed by Rep. Lim Ho-seon and 9 others ([Bill No. 2202673](#))

Under the current Road Traffic Act, “Personal Mobility Devices” refer to electric scooters, two-wheeled electric scooters (segways), and bicycles that can be powered solely by an electric motor, with a body weight of less than 30 kg and a maximum speed of less than 25 km/h (Article 2, Paragraph 19-2 of the Act, Article 2-3 of the Enforcement Rules). As is widely known, Personal Mobility Devices are mainly operated on a rental basis through online platforms. However, the current Road Traffic Act does not require verification of user’s driving qualification at the time of rental. Further, if a person is found to be riding a Personal Mobility Device while intoxicated, they are subject to a fine not exceeding 200,000 KRW, misdemeanor imprisonment (up to 30 days), or a penalty surcharge (up to 50,000 KRW), which is a significantly lighter penalty compared to that for driving a motor vehicle under the influence (Article 156, Paragraph 11 of the Act).

The bill to amend the Road Traffic Act proposed by Rep. Lim Ho-seon and 9 others on August 8, 2024, introduces the following provisions: (1) Requiring Personal Mobility Device rental companies to verify the user’s driving qualifications when renting out devices to users, with a fine of up to 5 million KRW for each violation, (2) Reducing the maximum speed of Personal Mobility Devices from the current 25 km/h to 20 km/h, and (3) Imposing the same penalties for riding a Personal Mobility Device while intoxicated as those for driving a motor vehicle under the influence.

If the bill passes, Personal Mobility Device rental companies will be required to implement a procedure to verify the user’s driving qualifications when offering rental services. Additionally, the companies will need to (for example by updating the software of personal mobility devices) to limit the maximum speed to below 20 km/h.

Proposed Amendment to Obligate Reduction of Microplastics from Tire Wear

Bill to amend the Act on Resource Circulation of Electrical and Electronic Equipment and Vehicles:
Proposed by Rep. Lee Soo-jin and 9 others ([Bill No. 2202225](#))

The Act on Resource Circulation of Electrical and Electronic Equipment and Vehicles currently requires motor vehicle manufacturers and importers to adhere to maximum levels of hazardous substances “at the stage of manufacturing” (Article 9, Paragraph 1). In other words, motor vehicle manufacturers and importers are only required to comply with these standards during the manufacturing process, and there are no specific regulations concerning the generation of hazardous substances during the vehicle’s operation.

The bill to amend the act, proposed by Rep. Lee Soo-jin and 9 others on July 24, 2024, mandates that motor vehicle manufacturers and importers comply with the “Guidelines for Material and Structural Improvement,” which are to be jointly established and announced by the Minister of Environment and the Minister of Trade, Industry, and Energy, to reduce hazardous substances that may be produced “during the use” of the motor vehicle. According to the proposed bill, if these guidelines are violated, the Ministers may recommend compliance with the guidelines to the manufacturers and importers and mandate them to report whether they followed the recommendations.

This amendment comes in response to recent public concern over the emission of microplastics during tire wear in vehicle operation, which has been identified as a cause of air and marine pollution. If the bill passes, motor vehicle manufacturers and importers will need to pay close attention to the development of the said Guidelines for Material and Structural Improvement.

Proposed Amendment to the Road Traffic Act to Strengthen Punishment of DUI

Bill to amend the Road Traffic Act: Proposed by Rep. Park Sung-hoon and 9 others ([Bill No. 2202201](#))

Bill to amend the Road Traffic Act: Proposed by Rep. Seo Young-kyo and 12 others ([Bill No. 2202595](#))

The current Road Traffic Act allows for the reinstatement of a driver’s license after a certain period, even if the driver’s license has been revoked due to repeated driving under the influence (“DUI”). Additionally, there are no criminal penalties or license revocation provisions for fleeing to avoid a breathalyzer test or deliberately consuming more alcohol after DUI to interfere with the measurement of blood alcohol concentration.

In response to growing public demand for stricter penalties and sanctions against DUIs, bills have been proposed to address these legislative gaps.

The bill proposed by Rep. Park Sung-hoon and 9 others on July 24, 2024, includes the following provisions: (1) individuals who have been convicted of DUI three or more times will be permanently barred from obtaining a driver’s license, (2) fleeing to avoid a breathalyzer test will be subject to criminal punishment and driver's license revocation, and (3) drinking additional alcohol after a DUI incident to hinder a breathalyzer test will be subject to criminal punishment. The bill proposed by Rep. Seo Young-kyo and 12 others on August 6, 2024, includes the same provisions as items (2) and (3) above, and additionally, makes item (3) subject to driver’s license revocation. In addition, numerous similar bills are being proposed.

LIN has extensive experience in providing advisory and litigation services within the mobility industry, particularly in areas such as administrative regulations and patents and trade secret disputes related to motor vehicles. Our Mobility Team features attorneys and experts with a distinctive interest and passion for motor vehicles.

Should you wish to learn more about this newsletter or have any other inquiries, please do not hesitate to contact our firm's **Mobility Team**:

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