

Mobility Legal Updates

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

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The Mobility Team at LIN LLC monitors technological, legislative, and regulatory trends related to the automotive and future mobility industries to provide our clients with comprehensive updates on key issues.

Recently, the mobility sector has seen a strengthening of safety responsibilities for electric vehicles (EVs), clearer regulations on vehicle software, and the reorganization of the autonomous driving demonstration system. This month, we introduce policy developments that focus on specifying notification, certification, and operational standards required in actual business operations, rather than mere deregulation in response to technological advancement.

Government Explicitly Rules Unauthorized FSD Activation Illegal

On March 21, 2026, the Ministry of Land, Infrastructure and Transport (MOLIT) officially stated that the act of unauthorized activation of Tesla's Full Self-Driving (FSD) features in Korea is illegal. MOLIT declared that vehicles with unauthorized FSD activation are considered non-compliant with automotive safety standards under

Article 29 of the Motor Vehicle Management Act and are thus prohibited from operation. Simultaneously, it mentioned that such unauthorized activation constitutes "arbitrarily altering, installing, adding, or deleting software that may affect the safe operation of a vehicle" as set forth in Article 35 of the same Act, which may result in imprisonment for up to two years or a fine of up to 20 million KRW (Article 80, subparagraph 4-2 of the Motor Vehicle Management Act).

This warning from MOLIT follows recent overseas cases where built-in FSD features in Tesla vehicles were activated without authorization using unofficial software. Such a statement by MOLIT is expected to serve as a standard applicable not only to Tesla but to Software-Defined Vehicles (SDVs) in general. Furthermore, this case is significant as it marks the first time the government has explicitly stated its position on consumers arbitrarily activating or changing built-in features that fall outside the scope of official homologation and type approval obtained by the manufacturer. Moreover, given that this matter pertains to areas like autonomous driving functions that directly impact safety, the government appears to have issued a relatively swift warning regarding the possibility of illegality.

Expansion of EV Battery Information Disclosure and Enhanced Safety Management

Legislative Notice for Partial Amendments to the Enforcement Decree and Rules of the Motor Vehicle Management Act

MOLIT has issued a legislative notice for amendments to subordinate statutes that expand the scope of mandatory disclosure items for electric vehicle battery information and enable the cancellation of certification or sales bans in the event of recurring defects.

First, the number of battery information items required to be provided during the sale of electric vehicles will increase from the existing 6 to 10. In addition to the information

previously required for disclosure—such as capacity, voltage, and cell specifications—details such as the battery manufacturer, country of production, date of manufacture, and product name (or management number) will be included. It has been clearly stipulated that such information must be provided not only at the time of contract signing but also through various channels, including websites, written contracts, and delivery receipts.

Administrative fines now apply to both the failure to provide information and the “false provision” of such data with the maximum penalty increased to 10 million KRW. Additionally, as standards are established to cancel battery safety certification if the same defect recurs, the sale of vehicles equipped with such defective batteries may also be suspended under certain conditions.

As described above, battery information will now function as a regulatory element linked across contracts, advertising, and customer service, rather than being treated as mere technical data. Since discrepancies between supply chain information and customer notifications could lead to issues regarding liability for labeling and advertising or violations of information disclosure obligations, it is necessary to comprehensively restructure the systems for collecting, managing, and delivering related information.

Expansion of the Temporary Operation Permit System for Autonomous Vehicles

[Amendment to the Regulations on Safe Operation Requirements and Test Operations, etc. of Autonomous Vehicles](#)

The temporary operation of autonomous vehicles is governed by a framework requiring permission from the Minister of Land, Infrastructure and Transport for testing and research purposes pursuant to the proviso of Article 27, paragraph 1 of the Motor Vehicle Management Act. Accordingly, Article 26-2 of the Enforcement Rules of the

Motor Vehicle Management Act stipulates safe operation requirements, including the installation of fault detection and warning devices and manual override systems, the establishment of operational plans for protected areas, the storage of operation data, the display of external signage, and the implementation of cybersecurity measures. The specific procedures and standards are set forth in the Regulations on Safe Operation Requirements and Test Operations, etc. of Autonomous Vehicles.

Meanwhile, the said regulations classify autonomous vehicles into Type A, Type B, and Type C. Type A refers to standard test vehicles that presuppose the presence of a human driver, as well as steering, acceleration, and braking controls. Type B designates autonomous vehicles entirely lacking traditional steering and pedal controls, while Type C represents fully unmanned autonomous vehicles operating without a test driver or passengers (Table 2 of the Regulations on Safe Operation Requirements and Test Operations, etc. of Autonomous Vehicles). In essence, Type A can be understood as the conventional demonstration-centric model, Type B as a fully autonomous architectural model, and Type C as a concept corresponding to unmanned mobility services.

The core of this amendment lies in expanding the temporary operation permit, which was previously limited to Type A autonomous vehicles, to include Type B and Type C vehicles. By broadening the regulatory scope from "Type A autonomous vehicles" to simply "autonomous vehicles," the amendment allows operators with a proven track record of obtaining permits and requisite qualifications to benefit from a simplified application procedure, irrespective of the vehicle type. However, as the underlying safe operation requirements *per se* remain in place, this amendment should not be interpreted as deregulation. Rather, it is a measure designed to expand the scope of demonstration exclusively for operators who possess a requisite level of performance and safety management capabilities.

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

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

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