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NATIONAL EXPRESSWAY ACT

[Enforcement Date: Mar. 21, 2008] [Act No. 8976, Mar. 21, 2008, Other Laws and Regulations Amended]

Ministry of Land, Transport and Maritime Affairs (Road Policy Division)

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Article 1 (Purpose)

The purpose of this Act is to promote the maintenance of the national expressway and the development of the motor vehicle transport network by providing for the matters necessary for the designation of routes, the structural management and preservation, etc. of the national expressway in addition to the matters prescribed by the Road Act.

Article 2 (Definitions of Terms)

The definitions of terms used in this Act shall be as follow: <Amended by Act No. 3912, Dec. 31, 1986; Act No. 7309, Dec. 31, 2004>

1. The term "road" means a road pursuant to the provisions of Article 2 of the Road Act;
2. The term "national expressway" means a road whose route is designated pursuant to the provisions of Article 3 for exclusive use by motor vehicles for high speed transport, serving as a vital part of the motor vehicle transport network linking major cities;
3. The term "motor vehicle" means a vehicle pursuant to the provisions of subsection 1 of Article 2 of the Automobile Management Act and a vehicle prescribed by the Presidential Decree, which is capable of operating on the national expressway among the construction machinery pursuant to the provisions of Article 2 (1) 1 of the Construction Machinery Management Act; and
4. The term "national expressway manager" means the Korea Highway Corporation conducting as proxy the affairs of management agency for the national expressway according to the provisions of Article 6(1) and the project developer pursuant to the

provisions of subsection 7 of Article 2 of the Act on Private Participation in Infrastructure, who is managing and operating the national expressway.

Article 3 (Designation of Routes)

- (1) The route for national expressways shall be designated by the Presidential Decree.
- (2) The Presidential Decree pursuant to the provisions of section (1) shall provide for the route number, route name, starting point, finishing point, important passages, and other necessary matters. <Amended by Act No. 7309, Dec. 31, 2004>

Article 4 (Standards for Road Structure)

Standards for the structure and facilities of national expressways shall be prescribed by the Presidential Decree.

Article 5 (Management Agency)

The management agency for national expressways shall be the Minister of Land, Transport and Maritime Affairs (hereinafter referred to as the “Minister”). <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008>

Article 6 (Vicarious Execution of Affairs of Management Agency)

- (1) The Minister may have the Korea Highway Corporation vicariously execute part of his/her authority pertaining to national expressways prescribed in this Act, the Road Act or other Acts according to the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008>
- (2) When vicariously executing the authority of the Minister pertaining to national expressways under the provisions of section (1), the Korea Highway Corporation shall be regarded, within the scope of the vicarious execution, as the management agency of the national expressway concerned in the application of this Act, the Road Act or other Acts pertaining to roads. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 7309, Dec. 31, 2004; Act No. 8852, Feb. 29, 2008>
- (3) The Minister may pay the fee for vicarious execution of the business affairs according to the provisions of the Presidential Decree when having the Korea Highway Corporation vicariously execute the business affairs pursuant to the provisions of section (1). <Newly Inserted by Act No. 7309, Dec. 31, 2004; Amended by Act No. 8852, Feb. 29, 2008>

Article 7 (Method for Crossing and Connection of Other Facilities)

(1) When having national expressway and roads, railway, track or pathway, or other facilities provided for traffic use mutually cross, the crossing shall be made by multi-level crossing facilities unless there exist any special situations.

(2) No facilities other than the pathway and facilities for traffic use prescribed by the Presidential Decree shall be connected to national expressways.

(3) A person seeking to connect the roads, other than those managed by the Minister or the pathway or facilities for traffic use prescribed by the Presidential Decree, to national expressways shall obtain approval or permission from the Minister according to the conditions as prescribed by the Presidential Decree. The same shall apply when changing matters that are approved or permitted. <Amended by Act No. 5454, Dec. 13, 1997; the roads other than those managed by the Minister >

Article 8 (Designation of Junction Areas)

To prevent damage to the structure of national expressways, to prevent hazards to rapid traffic of motor vehicles, or to preserve a scenic view, the Minister may designate a junction area within the extent not exceeding 50 meters from the boundary line for the area of connection to the national expressway according to the conditions as determined by the Presidential Decree, notwithstanding the provisions of Article 49 (1) of the Road Act. <Amended by Act No. 2512, Feb. 8, 1973; Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008; Act No. 8976, Mar. 21, 2008>

Article 9 (Restrictions, etc. on Passage)

(1) No person shall be permitted to pass through or gain access to national expressways by methods other than using motor vehicles.

(2) The Minister shall install road signs indicating the subject of prohibition or restriction of passage at the entrance or other places as deemed necessary of national expressway. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 8852, Feb. 29, 2008>

(3) Deleted. <by Act No. 5896, Feb. 8, 1999>

Article 9-2 (Emergency Passage Restrictions, etc.)

(1) When the passage of motor vehicles on the national expressway is dangerous or where there exist concerns over a long-hour paralysis of passage due to occurrence of a natural disaster or other emergencies corresponding thereto, the national expressway manager may

temporarily impose prohibition or restriction of the passage of automobiles entering into or passing the national expressway within the limit deemed to be necessary to preserve the structure of the national expressway and to prevent the danger of passage (hereinafter referred to as the "emergency passage restrictions"). In this case, the national expressway manager shall promptly notify the head of the competent national police office of such fact and request prohibition or restriction of the passage of motor vehicles by designating the sections of the national expressway. <Amended by Act No. 7849, Feb. 21, 2006>

(2) The head of the national police office in receipt of the request pursuant to the provisions of section (1) shall comply therewith unless he/she has any special reasons. <Amended by Act No. 7849, Feb. 21, 2006>

(3) Where the national expressway manager has imposed emergency passage restrictions pursuant to the provisions of section (1), he/she shall promptly report such fact to the management agency and devise measures necessary for removing the danger on the relevant national expressway and for smooth passage of transportation.

(4) Matters necessary for the specific criteria and procedures, etc. for being capable of imposing the emergency passage restrictions on the national expressway pursuant to the provisions of section (1) shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 7309, Dec. 31, 2004]

Article 10 (Application of Road Act <Amended by Act No. 8976, Mar. 21, 2008>)

The Road Act shall apply to matters not provided for in this Act in respect to national expressways: *Provided*, That this shall not apply to the provisions of Article 20 (2) of the Road Act. <Amended by Act No. 8976, Mar. 21, 2008>

Article 11 (Penal Provisions)

(1) A person who impairs the effective use of national expressways by inflicting damage thereto or removing or impairing facilities attached thereto or who creates traffic hazards on a national expressway shall be punished by imprisonment for not more than ten years or a fine not exceeding 15 million won. <Amended by Act No. 5896, Feb. 8, 1999>

(2) A person who attempts to commit the crime referred to in section (1) shall be punished. <Amended by Act No. 7309, Dec. 31, 2004>

(3) A person who commits a crime referred to in section (1) by negligence shall be punished by a fine not exceeding three million won: *Provided*, That a person engaged in the management of national expressways shall be punished by imprisonment for not more than

one year or a fine not exceeding three million won. <Amended by Act No. 5896, Feb. 8, 1999>

Article 12 (Penal Provisions)

(1) A person who overturned or destroyed an automobile by committing a crime referred to in Article 11 (1) shall be punished by imprisonment for not less than one year but not more than ten years. <Amended by Act No. 7309, Dec. 31, 2004>

(2) A person who causes bodily harm to a person by committing a crime referred to in section (1) shall be punished by imprisonment for not less than one year, and a person causing death by committing such crime shall be punished by life imprisonment or imprisonment for not less than three years. <Amended by Act No. 7309, Dec. 31, 2004>

Article 13 (Penal Provisions)

A person applicable to any of the following subsections shall be punished by imprisonment for not more than one year or a fine not exceeding three million won: <Amended by Act No. 5454, Dec. 13, 1997; Act No. 5896, Feb. 8, 1999>

1. A person who violates the provisions of Article 7 (2) or (3);
2. A person who violates the provisions of Article 9 (1); and
3. Deleted. <by Act No. 5896, Feb. 8, 1999>

Article 13-2 (Fine for Negligence)

(1) A person who violates the emergency passage restrictions under Article 9-2 (1) shall be punished by a fine for negligence of not more than three million won.

(2) The fine for negligence in accordance with the provisions of section (1) shall be imposed and collected by the Minister according to the provisions of the Presidential Decree. < Act No. 8852, Feb. 29, 2008>

(3) A person who is dissatisfied with the disposition of fine for negligence in accordance with the provisions of section (2) may file an objection to the Minister within 30 days from the date of receiving a notice of such disposition. < Act No. 8852, Feb. 29, 2008>

(4) When any person subjected to a disposition of a fine for negligence in accordance with the provisions of section (2) has filed an objection according to the provisions of section (3), the Minister shall promptly notify the competent court of law thereof, and the court in

receipt of the said notice shall adjudicate on the fine for negligence under the Non-Contentious Case Litigation Procedure Act. < Act No. 8852, Feb. 29, 2008>

(5) Where the person concerned has not paid the fine for negligence without having filed an objection within the period pursuant to the provisions of section (3), the delinquent fine for negligence shall be collected by referring to the practices of dispositions of the delinquent national taxes.

[This Article Newly Inserted by Act No. 7309, Dec. 31, 2004]

Article 14 Deleted. <by Act No. 7309, Dec. 31, 2004>

ADDENDA

Article 1 (Effective Date)

This Act shall take effect on the day of its promulgation. <The *proviso* omitted.>

Articles 2 through 8 Omitted.

Article 9 (Amendment of Other Acts)

(1) through (3) Omitted.

(4) Part of the National Expressway shall be amended as follows:

The term “Article 50 (1) of the Road Act” in Article 8 shall be changed to “Article 49 (1) of the Road Act”.

The term “the Road Act “ in the title and text of Article 10 shall be “the Road Act”, and the term “Article 22 (2) of the Road Act” in the *proviso* of the same Article shall be changed to “Article 20 (2) of the Road Act”.

(5) through <99> Omitted.

Article 10 Omitted.