

DISASTER RELIEF ACT

Wholly Amended by Act No. 8275, Jan. 26, 2007

Amended by Act No. 8852, Feb. 29, 2008

Act No. 9206, Dec. 26, 2008

Act No. 9847, Dec. 29, 2009

Act No. 10219, Mar. 31, 2010

Act No. 10383, Jul. 23, 2010

Act No. 11038, Aug. 4, 2011

Act No. 11496, Oct. 22, 2012

Act No. 11690, Mar. 23, 2013

Act No. 12578, May 14, 2014

Act No. 12844, Nov. 19, 2014

Act No. 13753, Jan. 7, 2016

Act No. 14839, Jul. 26, 2017

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the protection and stabilization of the lives of the victims of disaster by prescribing matters necessary for the relief of such victims and for the procedures for solicitation, method of use, etc. of subscriptions.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 12578, May 14, 2014; Act No. 13753, Jan. 7, 2016>

1. The term "victim of disaster" means a person who sustains loss from disaster falling under the criteria prescribed by Presidential Decree, such as the degree of damage to residential facilities, etc., and who sustains loss caused by a disaster prescribed in subparagraph 1 of Article 3 of the Framework Act on the Management of Disasters and Safety (hereinafter referred to as "disaster");
2. The term "temporary evacuee" means any person who has evacuated temporarily due to an expected disaster;
3. The term "relief agency" means the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Metropolitan Autonomous City Mayor, a Do Governor, a Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") and the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) having jurisdiction over the residence of those who are eligible for relief under Article 3 (hereinafter referred to as "victims of disaster, etc.") or an area where a disaster occurs;
4. The term "relief support agency" means an agency or organization falling under any of the following:
  - (a) The Korean Red Cross under the Organization of the Republic of Korea National Red Cross Act
  - (b) The Korea Disaster Relief Association under Article 29;
  - (c) Any agency or organization prescribed by Presidential Decree as the agency or organization with human resources, facilities, and equipment necessary to assist the affairs of relief agencies.

5. The term "subscription" means money and articles obtained without consideration for the relief of damage from natural disasters prescribed in subparagraph 1 (a) of Article 3 of the Framework Act on the Management of Disasters and Safety from among the contributions made pursuant to subparagraph 1 of Article 2 of the Act on Collection and Use of Donations;
6. The term "solicitation" means an act of requesting or soliciting other persons for the contribution of subscriptions through mail, advertisement, or Internet or by other methods;
7. The term "solicitor" means a person who has been permitted to solicit subscriptions pursuant to Article 17;
8. The term "solicitation worker" means a person engaged in the solicitation for subscriptions under the instructions and request of the solicitor.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

## CHAPTER II FORMULATION OF DISASTER RELIEF PLAN, ACTIVITIES OF RELIEF AGENCY, ETC.

### Article 3 (Object of Relief)

Relief pursuant to this Act shall be directed at those who fall under any of the following:

1. Victims of disaster;
2. Temporary evacuees;
3. Persons, other than those falling under subparagraph 1 or 2, who are in need of support for psychological stability and social adaptation after experiencing disasters (hereinafter referred to as "psychological recovery") and who are prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 13753, Jan. 7, 2016]

### Article 4 (Types, etc. of Relief)

(1) The types of relief shall be as follows: <Amended by Act No. 9847, Dec. 29, 2009; Act No. 13753, Jan. 7, 2016>

1. Supply of temporary residential facilities;
2. Supply of meal services or food, clothing, bedding, and other daily necessities;
3. Supply of medical care;
4. Prevention of infectious diseases and preventive measures against epidemics;
5. Guidance on hygiene;
6. Support for funeral services;
7. Support for psychological recovery;
8. Other matters prescribed by Presidential Decree.

(2) Relief agencies may, if deemed necessary, provide aid to the victims of disasters by contributing cash.

(3) Matters necessary for the method, period, procedures, etc. for the relief referred to in paragraph (1) shall be prescribed by Presidential Decree. <Amended by Act No. 13753, Jan. 7, 2016>

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

### Article 4-2 (Usage, etc. of Temporary Residential Facilities)

(1) Relief agencies may use any of the following facilities as temporary residential facilities to relieve victims of disasters, etc. whose residential facilities are lost or rendered virtually inhabitable as a result of disasters: <Amended by Act No. 13753, Jan. 7, 2016>

1. Lodging facilities, or lodging facilities in educational and training establishments or training establishments, which are operated by the central administrative agencies as prescribed in the Government Organization Act;

2. Lodging facilities, or lodging facilities in educational and training establishments or training establishments, which are operated by the Government-funded research institutions as prescribed in the Act on the Establishment, Operation and Fostering of Government-Funded Research Institutes, Etc.;
3. Lodging facilities, or lodging facilities in educational and training establishments or training establishments, which are operated by the public institutions as prescribed in the Act on the Management of Public Institutions;
4. Lodging facilities, or lodging facilities within educational and training establishments or training establishments, which are operated by local governments;
5. Facilities that relief agencies deem as necessary for the relief of the vulnerable in need of relief support including pregnant women, persons with severe disability, the elderly, etc. who are prescribed by Presidential Decree, from among the facilities of hospital-level medical institutions referred to in Article 3 (2) 3 of the Medical Service Act;
6. Other facilities prescribed by Presidential Decree.

(2) If a relief agency intends to use a facility under any subparagraph of paragraph (1) as a temporary residential facility, it shall consult in advance with the head of a relevant institution or a person in charge of operating the facility. In such cases, the head of the institution or person in charge of operating the facility shall respond to such consultation, except in extenuating circumstances.

[This Article Newly Inserted by Act No. 11038, Aug. 4, 2011]

#### Article 5 (Formulation of Disaster Relief Plan)

- (1) The Minister of the Interior and Safety shall annually prepare guidelines for formulating a plan for disaster relief duties to be performed by the Mayor/Do Governor and the head of a Si/Gun/Gu (hereinafter referred to as "Mayor/Do Governor, etc.") and relief support agencies (hereinafter referred to as "disaster relief plan"), and shall notify it to the Mayor/Do Governor, etc. and the heads of relief support agencies. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 13753, Jan. 7, 2016; Act No. 14839, Jul. 26, 2017>
- (2) The head of a Si/Gun/Gu shall formulate a Si/Gun/Gu disaster relief plan in consideration of the circumstances of the area according to the formulation guideline each year, which has been notified pursuant to paragraph (1), and shall submit it to a Mayor/Do Governor.
- (3) A Mayor/Do Governor shall formulate a disaster relief plan of the Special Metropolitan City, a Metropolitan City, a Metropolitan Autonomous City, a Do, and a Special Self-Governing Province (hereinafter referred to as "City/Do"), in consideration of the circumstances of the area concerned according to the guidelines for formulating a plan for disaster relief duties that have been notified pursuant to paragraph (1) and a Si/Gun/Gu disaster relief plan that has been received pursuant to paragraph (2), and shall notify it to the head of a Si/Gun/Gu and shall submit the result thereof to the Minister of the Interior and Safety. <Amended by Act No. 12578, May 14, 2014; Act No. 12844, Nov. 19, 2014; Act No. 13753, Jan. 7, 2016; Act No. 14839, Jul. 26, 2017>
- (4) The head of a relief support agency shall formulate a disaster relief plan of the relevant relief support agency according to the formulation guideline received pursuant to paragraph (1) and shall notify it to the Minister of the Interior and Safety. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>
- (5) Matters to be included in disaster relief plans pursuant to paragraphs (2) through (4) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 6 (Securing, Safekeeping, etc. Disaster Relief Supplies, etc.)

- (1)The Mayor/Do Governor, etc. shall secure necessary disaster relief supplies including articles, equipment, etc. in consideration of such matters as the actual status of disaster occurrence in each area and regional circumstances and endeavor to put in place a system for providing emergency aid and assistance by securing the organization, human resources, etc. required for relief.  
<Amended by Act No. 13753, Jan. 7, 2016>
- (2)The Minister of the Interior and Safety shall examine and inspect on a regular or occasional basis the status of the disaster relief supplies including articles, equipment, etc. and organization, human resources, etc. required for relief (hereinafter referred to as “disaster relief supplies, etc.”) secured and managed by the Mayor/Do Governor as prescribed by Presidential Decree. <Newly Inserted by Act No. 13753, Jan. 7, 2016; Act No. 14839, Jul. 26, 2017>
- (3)In the event of a shortage of disaster relief supplies, etc. in carrying out relief activities, the head of a Si/Gun/Gu may request a Mayor/Do Governor to assist in filling the shortage, and if the Mayor/Do Governor so requested is unable to fully satisfy such request for assistance, the Mayor/Do Governor may request the Minister of the Interior and Safety to provide necessary assistance.  
<Amended by Act No. 12844, Nov. 19, 2014; Act No. 13753, Jan. 7, 2016; Act No. 14839, Jul. 26, 2017>
- (4)A Mayor/Do Governor and the Minister of the Interior and Safety who have received request for assistance under paragraph (2) shall provide as much assistance as possible. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 13753, Jan. 7, 2016; Act No. 14839, Jul. 26, 2017>
- (5)The Minister of the Interior and Safety may assist a relief support agency in cases where it installs and operates a warehouse to manage disaster relief supplies. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 13753, Jan. 7, 2016; Act No. 14839, Jul. 26, 2017>
- (6)Necessary matters for the types of disaster relief supplies, etc. to be secured pursuant to paragraph (1) and the standards for securing them shall be determined by Ordinance of the Prime Minister.  
<Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 13753, Jan. 7, 2016>

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 7 (Execution of Emergency Relief and Reporting on Status of Disaster Relief)

Where people fall victim to disaster, relevant relief agencies shall provide emergency relief without delay in accordance with the standards prescribed by Ordinance of the Prime Minister, even before the overall status of the disaster is fully estimated or even when the disaster is ongoing, and shall report, to the Minister of the Interior and Safety, the circumstances of disaster and the details of disaster relief. <Amended by Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 7-2 (Establishment of Disaster Relief Information Systems)

- (1)The Minister of the Interior and Safety, the Mayor/Do Governor, etc., and the heads of relief support agencies shall establish and operate a disaster relief information system necessary for the management of disaster relief supplies, etc., reporting on the status of emergency or disaster relief, and other relevant matters. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 13753, Jan. 7, 2016; Act No. 14839, Jul. 26, 2017>
- (2)The Minister of the Interior and Safety shall ensure that disaster relief information systems under

paragraph (1) are interconnected. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

[This Article Newly Inserted by Act No. 12578, May 14, 2014]

Article 8 (Installation, Operation, etc. of Regional Relief Center)

(1) A relief agency shall have a relief center in each City/Do and Si/Gun/Gu (hereinafter referred to as "regional relief center") for the purpose of effectively executing relief activities pursuant to Article 4 (1).

(2) The head of an area relief center shall be the director of the area's disaster safety headquarters pursuant to Article 16 of the Framework Act on the Management of Disasters and Safety.

(3) Matters necessary for the formulation and operation of area relief centers shall be stipulated by Ordinance of the Prime Minister. <Amended by Act No. 11690, Mar. 23, 2013; Amended by Act No. 12844, Nov. 19, 2014>

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 9 (Use of Land, Buildings, etc.)

(1) Relief agencies may, if deemed necessary for carrying out disaster relief activities, use land, buildings, etc. owned by another person.

(2) Where relief agencies intend to use land, buildings, etc. owned by other person under paragraph (1), they shall notify the owner or occupant of the land, building, etc. (hereinafter referred to as "owner, etc.") in advance, of their intent to use it and shall obtain permission therefor from the owner, etc. In such cases, the owner, etc. shall fully cooperate except in extenuating circumstances.

(3) Where the use provided for in paragraph (1) causes any loss to the owner, etc., relief agencies shall make just compensation for such loss.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 10 (On-the-spot Survey)

(1) Relief agencies may, if deemed necessary for the use of land, buildings, etc. owned by another person under Article 9 (1), have their public officials make survey of the relevant land, building, etc. In such cases, they shall notify the owner, etc. of the survey in advance.

(2) The public officials who make a survey under paragraph (1) shall carry with them certificates verifying their authority and produce them to interested persons.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 11 (Preferential Use, etc. of Facilities and Goods)

(1) Relief agencies may, if deemed necessary in particular for carrying out relief activities, request a person engaged in business, such as medical care, prevention of epidemics, meal service, or handling or transportation of goods, to cooperate in relation to the preferential use and the sale or transportation of the facilities or goods. In such cases, the person who receives such request for cooperation shall comply therewith except in extenuating circumstances. <Amended by Act No. 13753, Jan. 7, 2016>

(2) Relief agencies shall pay appropriate compensation to persons who cooperate in relief affairs under paragraph (1).

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 12 (Cooperation, etc. with Disaster Relief-Related Agencies, etc.)

(1) Relief agencies shall actively cooperate with relief support agencies, volunteer service organizations, etc. in order to smoothly carry out disaster relief activities. <Amended by Act No.

13753, Jan. 7, 2016>

(2)Victims of disaster, etc. and neighboring residents shall cooperate with relief agencies on relief efforts. <Amended by Act No. 13753, Jan. 7, 2016>

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

#### Article 13 (Bearing Expenses for Relief)

(1)Expenses involved in providing relief under Article 4 shall be borne by relief agencies.

(2)The State may provide subsidies from the National Treasury, etc. to wholly or partially cover expenses borne by relief agencies for providing relief, as prescribed by Presidential Decree. <Amended by Act No. 13753, Jan. 7, 2016>

(3) The State or a relief agency that bears expenses necessary for relief [limited to the relief for damage caused by a social disaster prescribed in subparagraph 1 (b) of Article 3 of the Framework Act on the Management of Disasters and Safety (hereafter referred to as “social disaster” in this Article)] under paragraph (1) may, where there is any person to whom the social disaster for which the relevant relief is needed is attributable, claim all or part of the expenses borne by the relief agency (in the case of the State, it shall mean the subsidies prescribed in paragraph (2)) from that person, as prescribed by Presidential Decree. <Newly Inserted by Act No. 13753, Jan. 7, 2016>

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

#### Article 14 (Accumulation, etc. of Disaster Relief Fund)

(1)A Mayor/Do Governor shall lay aside an amount for the disaster relief fund annually to meet expenses for relief as provided for in Article 13 (1).

(2)The disaster relief fund may not be used for purposes, other than those determined by Presidential Decree, such as relief of victims of disaster.

(3)Necessary matters concerning the operation and control of the disaster relief fund shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

#### Article 15 (Minimum Amount of Accumulation for Disaster Relief Fund)

(1)The annual minimum amount of accumulation for the disaster relief fund provided for in Article 14 (1) shall be an amount equivalent to 5/1,000 of the annual average amount of the total settled revenues of general tax referred to in the Framework Act on Local Taxes for the preceding three years: Provided, That the annual minimum amount for accumulation shall be an amount equivalent to 2.5/1,000 thereof in cases of a Special Metropolitan City. <Amended by Act No. 10219, Mar. 31, 2010>

(2)If the balance of the disaster relief fund accumulated under paragraph (1) exceeds 30/1,000 of the annual average amount of the total settled revenues of general tax referred to in the Framework Act on Local Taxes for the preceding three years, a Mayor/Do Governor may, notwithstanding the provisions of paragraph (1), set aside an amount for the disaster relief fund not more than the minimum amount to accumulate in the relevant year. <Amended by Act No. 10219, Mar. 31, 2010>

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

#### Article 16 (Treatment of Income)

When income accrues from the operation of the disaster relief fund, the Mayor/Do Governor shall accumulate such money in its entirety as the disaster relief fund.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

#### Article 16-2 (Promotion of Research and Development Program with Regard to Disaster Relief

## Technology)

- (1)The Minister of the Interior and Safety and the Mayor/Do Governor, etc. may carry out a research and development program with regard to disaster relief technology necessary for the advancement of disaster relief technology. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 13753, Jan. 7, 2016; Act No. 14839, Jul. 26, 2017>
- (2)The Minister of the Interior and Safety and the Mayor/Do Governor, etc. may require a specialized institution prescribed by Presidential Decree to conduct research and development activities, if deemed necessary for an efficient implementation of a research and development program with regard to disaster relief technology under paragraph (1). <Amended by Act No. 12844, Nov. 19, 2014; Act No. 13753, Jan. 7, 2016; Act No. 14839, Jul. 26, 2017>
- (3)The Minister of the Interior and Safety and the Mayor/Do Governor, etc. may subsidize a specialized institution conducting research and development of disaster relief technology under paragraph (2) for necessary expenses. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 13753, Jan. 7, 2016; Act No. 14839, Jul. 26, 2017>

[This Article Newly Inserted by Act No. 12578, May 14, 2014]

### Article 16-3 (Nurturing of Professional Human Resources for Disaster Relief)

- (1)The Minister of the Interior and Safety and the Mayor/Do Governor, etc. shall nurture human resources specializing in disaster relief for the smooth relief activities for victims of disaster, etc. <Amended by Act No. 14839, Jul. 26, 2017>
- (2)In order to nurture human resources specializing in disaster relief under paragraph (1), the Minister of the Interior and Safety and the Mayor/Do Governor, etc., may designate an institution or organization falling under any of the following as an institution for developing professional human resources for disaster relief and require such institution to conduct necessary education and training: <Amended by Act No. 14839, Jul. 26, 2017>
  - 1.Schools under Article 2 of the Higher Education Act;
  - 2.Specialized institutions under Article 16-2 (2);
  - 3.Other institutions or organizations established for the purpose of relief activities.
- (3)The State or local governments may fully or partially subsidize institutions for developing professional human resources for disaster relief designated under paragraph (2) (hereinafter referred to as “professional human resources training institution”) for expenses required for education and training.
- (4)Except as otherwise provided for in paragraphs (1) through (3), detailed matters concerning the content of education and training, the standards, procedures, etc., for designating professional human resources training institutions shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13753, Jan. 7, 2016]

### Article 16-4 (Cancellation of Designation of Professional Human Resources Training Institutions)

- (1)Where a professional human resources training institution falls under any of the following, the Minister of the Interior and Safety and the Mayor/Do Governor, etc. shall cancel its designation as a professional human resources training institution or suspend all or part of its business operations for a specified period not exceeding six months: Provided, That he/she shall cancel the relevant designation in cases falling under subparagraph 1: <Amended by Act No. 14839, Jul. 26, 2017>
  - 1.Where it has obtained its designation by fraud or other improper means;
  - 2.Where it no longer meets the designation standards stipulated in Article 16-3 (4);

(2)The detailed standards for administrative dispositions under paragraph (1) shall be prescribed by Ordinance of the Prime Minister by taking into consideration the ground for the disposition and severity of the relevant violation.

[This Article Newly Inserted by Act No. 13753, Jan. 7, 2016]

#### Article 16-5 (Disaster Relief Training)

(1) The Minister of the Interior and Safety and the Mayor/Do Governor, etc., may conduct disaster relief training on a regular basis or when it is required jointly with related agencies such as relief support agencies, etc., (hereinafter referred to as “training participating agencies”) for the prompt and smooth relief of disasters. <Amended by Act No. 14839, Jul. 26, 2017>

(2)Where the Minister of the Interior and Safety and the Mayor/Do Governor, etc. intend to conduct the disaster relief training under paragraph (1), he/she shall develop a plan for disaster relief training in advance and notify it to the heads of training participating agencies. <Amended by Act No. 14839, Jul. 26, 2017>

(3)Necessary matters concerning the timing, procedures, etc. for disaster relief training prescribed in paragraph (1) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 13753, Jan. 7, 2016]

### CHAPTER III SOLICITATION OF SUBSCRIPTIONS

#### Article 17 (Permission to Solicit Subscriptions)

(1)Any person who intends to solicit subscriptions shall prepare a solicitation plan stating the following matters and obtain permission from the Minister of the Interior and Safety. The same shall also apply where he/she intends to obtain permission for any revision under paragraph (4): <Amended by Act No. 11496, Oct. 22, 2012; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

- 1.The name, address, resident registration number and contact information of an applicant for permission to make solicitations (where the applicant for a permit to make solicitations is a corporation or organization, its title and location of the main office, and the name, address, resident registration number and contact information of its representative);
- 2.A solicitation plan describing in detail the purpose of solicitation, kinds of money and articles to solicit, target amount of solicitation, solicitation area, solicitation method, solicitation period, method of safekeeping solicited money and articles and other matters. In such cases, the solicitation period shall not exceed one year;
- 3.A statement of solicitation cost estimates and method of funding such costs;
- 4.A conveyance plan describing in detail the method of depositing solicited money, other than solicitation costs, the method of conveying solicited articles, etc.;
- 5.Location of a solicitation office, if any;
- 6.Other matters necessary for the solicitation of subscriptions.

(2)and (3) Deleted. <By Act No. 11496, Oct. 22, 2012>

(4)Where a solicitor intends to revise details of his/her solicitation plan, he/she shall obtain permission for such revision from the Minister of the Interior and Safety within the solicitation period. <Amended by Act No. 11496, Oct. 22, 2012; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(5)None of the following persons shall apply for the permission under paragraph (1): <Amended by Act No. 13753, Jan. 7, 2016>



- 1.A minor, a person under adult guardianship or a person under limited guardianship;
- 2.A person declared bankrupt and has not been reinstated yet;
- 3.A person for whom two years have not passed since his/her imprisonment without labor or heavier punishment was completely executed (including where the execution is deemed to have terminated) or exempted;
- 4.A person under the suspended execution as declared by a court;
- 5.A person for whom one year has not passed since permission was cancelled (excluding cases where permission was cancelled for reasons falling under subparagraph 1 or 2 of this paragraph) under Article 23 (1) (including the representative or executive officer at the time a ground to cancel permission arose if permission is cancelled for a corporation or organization);
- 6.A corporation or organization, the representative or executive officer of which falls under any of subparagraphs 1 through 5.

(6)The Minister of the Interior and Safety, in receipt of an application for permission under paragraph (1) or an application for permission to make a revision under paragraph (4), shall grant such permission except in any of the following cases: <Newly Inserted by Act No. 11496, Oct. 22, 2012; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

- 1.Where the applicant falls under any subparagraph of paragraph (5);
- 2.Where the solicitation is aimed at any profit-making, political or religious activity, rather than disaster relief activities;
- 3.Where the place and method of solicitation, the method of conveying solicited money and articles, etc. violate the relevant provisions of this Act;
- 4.Where the details of the solicitation plan, such as the method of solicitation and the method of funding solicitation costs, are not feasible;
- 5.Where the application violates any restriction imposed under this Act or any other statute.

(7)Where the Minister of the Interior and Safety grants permission or permission for revision under paragraph (1) or (4), he/she shall issue a certificate of permission stating matters stipulated by Ordinance of the Prime Minister to the relevant applicant. <Amended by Act No. 11496, Oct. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 18 (Restrictions on Solicitation and Receipt of Subscriptions by State, etc.)

(1)The State, local governments, affiliated agencies or public officials thereof shall not solicit or receive subscriptions. <Amended by Act No. 11038, Aug. 4, 2011>

(2)The head of an area relief center may receive subscriptions voluntarily donated for the relief of victims of disasters, notwithstanding the provisions of paragraph (1).

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 19 (Place, etc. of Receiving Subscriptions)

(1)Subscriptions shall be received at State agencies, local governments, media outlets, financial institutions, and other open places.

(2)Solicitors and solicitation workers shall record any receipt of subscriptions in a book, and shall issue a receipt thereof to donors: Provided, That where the donor is unidentified, the receipt need not be issued.

(3)Solicitation workers shall transfer details of receipt and received money and articles to the solicitor within five days after the receipt of subscriptions is suspended or comes to a close.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 20 (Prohibition, etc. on Compelling Contribution of Subscriptions)

(1) No solicitor or solicitation worker shall compel any other person to contribute subscriptions.

(2) Solicitation workers shall indicate that their soliciting activities are for solicitors.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 21 (Disclosure of Information on Solicitation of Subscriptions)

The Minister of the Interior and Safety shall make public the information on solicitation and use of subscriptions pursuant to Article 7 of the Official Information Disclosure Act. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 22 (Inspections, etc.)

(1) Where the Minister of the Interior and Safety deems it necessary to confirm whether solicitation of subscriptions or the activity of receiving subscriptions violates this Act or any order issued pursuant to this Act, he/she may require solicitors or solicitation workers to submit relevant documents, books and other business reports, or may require public officials under his/her jurisdiction to enter the office, place of receiving subscriptions, etc. of the solicitor to inspect books, etc. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(2) Public officials inspecting pursuant to paragraph (1) shall carry a certificate indicating their authority and produce it to relevant persons.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 23 (Cancellation, etc. of Permission)

(1) Where solicitors or solicitation workers fall under any of the following, the Minister of the Interior and Safety may cancel the permission under Article 17 (1), and he/she shall order that the solicited subscriptions be returned to donors when he/she has cancelled such permission: <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

1. Where solicitors obtain permission for soliciting subscriptions pursuant to Article 17 (1) by fraud or other improper means;
  2. Where solicitors fail to solicit subscriptions in accordance with a solicitation plan under Article 17 (1);
  3. Where solicitors become disqualified, as prescribed in subparagraphs of Article 17 (5): Provided, That where any of the representative or executive officers of a juristic person or organization falls under Article 17 (5) 6, if such representative or executive officer is replaced within three months, this shall not apply;
  4. Where solicitors or solicitation workers receive subscriptions at a place, other than an open place, in violation of Article 19 (1);
  5. Where solicitors or solicitation workers compel the contribution of subscriptions, in violation of Article 20 (1);
  6. Where solicitors or solicitation workers disobey an order to submit relevant documents, etc. that has been issued pursuant to Article 22 (1), or refuse, evade or obstruct entry and inspection by relevant public officials;
  7. Where solicitors fail to deposit the subscriptions solicited into the account opened pursuant to Article 26 (2);
  8. Where solicitors or solicitation workers fail to keep books, documents, etc. pursuant to Article 28 (1).
- (2) Where a solicitor who has been issued an order of return pursuant to paragraph (1) is unable to

locate the donor of the subscription, or the donor refuses to accept it, he/she shall deposit the subscription money to be returned into the account opened pursuant to Article 26 (2) and convey the subscription articles to the relevant area relief center.

(3)When a solicitor completes returning subscriptions pursuant to paragraphs (1) and (2), he/she shall report the result to the Minister of the Interior and Safety without delay. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

#### Article 24 (Hearings)

Where the Minister of the Interior and Safety intends to cancel permission for a solicitor pursuant to Article 23 (1), he/she shall hold a hearing. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

### CHAPTER IV COMPOSITION AND OPERATION OF DISTRIBUTION COMMITTEE, USE OF SUBSCRIPTIONS, ETC.

#### Article 25 (Organization, Operation, etc. of Distribution Committee)

(1)For the purpose of deliberation on and resolution of matters concerning distribution of subscription money, the board of directors of the Korea Disaster Relief Association pursuant to Article 29 (4) shall be designated as a distribution committee.

(2)The distribution committee shall deliberate and resolve the following matters:

- 1.Matters concerning activities pursuant to Article 26 (4);
- 2.Matters concerning operation, such as expenditures, etc. of the distribution committee;
- 3.Other matters concerning use of subscription money, which the chairperson of the distribution committee submits for discussion.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

#### Article 26 (Distribution, Use, etc. of Subscriptions)

(1)Solicitors shall submit a list of subscriptions to the Minister of the Interior and Safety within seven days after finishing solicitation of such subscriptions. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

(2)Solicitors shall immediately deposit solicited money except for solicitation expenditure referred to in Article 27 into an account opened by the distribution committee to distribute such solicited money.

(3)Solicited money shall be distributed after deliberation and resolution by the distribution committee, and subscriptions shall be distributed by solicitors by conveying them to the relevant area relief center according to the purpose of solicitation.

(4)Solicited money deposited under paragraph (2) may be used for the following activities: <Amended by Act No. 12844, Nov. 19, 2014; Act No. 13753, Jan. 7, 2016; Act No. 14839, Jul. 26, 2017>

- 1.Provision of relief funds;
- 2.Provision of equipment and supplies to support livelihood or stabilization of livelihood;
- 3.Support of temporary residential facilities;
- 4.Other projects deemed necessary by the Minister of the Interior and Safety.

(5)Solicited money may be used for operation costs of the Korea Disaster Relief Association, as prescribed by Presidential Decree.

(6)Solicited money deposited under paragraph (2) shall be first used for relief funds referred to in

paragraph (4) 1.

(7) Standards for payment of relief funds and the management and operation of subscriptions under paragraph (4) 1 shall be publicly announced by the Minister of the Interior and Safety after consultation thereon with the chairperson of the Korea Disaster Relief Association. <Amended by Act No. 11038, Aug. 4, 2011; Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 27 (Appropriation, etc. of Solicitation Expenditure)

The expenditure necessary for the solicitation of subscriptions shall be made pursuant to the statement of the estimated amount of solicitation expenditure submitted pursuant to Article 17 (1) 3, and may be appropriated from the amount within the extent not exceeding 2/100 of the subscription money solicited, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 28 (Disclosure Obligations, Accounting Audit, etc.)

- (1) A solicitor and solicitation workers shall prepare and furnish books, documents, etc. during the period of solicitation, which indicate the situation and lists of the solicitation of subscriptions, as prescribed by Presidential Decree.
- (2) When a solicitor suspends or completes solicitation of subscriptions, or the distribution committee finishes making distributions, the result thereof shall be made public, as prescribed by Presidential Decree.
- (3) When a solicitor or distribution committee finishes solicitation of subscriptions or distribution of subscriptions pursuant to paragraph (2), he/she or it shall submit, to the Minister of the Interior and Safety, a report on the situation and lists of solicitation of subscriptions and the details of distribution by attaching an audit report prepared by a certified public accountant registered pursuant to Article 7 of the Certified Public Accountant Act or by an auditor under Article 3 of the Act on External Audit of Stock Companies, as prescribed by Presidential Decree: Provided, That where solicited subscriptions are less than the amount prescribed by Presidential Decree, attachment of audit report may be omitted. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

CHAPTER V ESTABLISHMENT, OPERATION, ETC. OF NATIONAL ASSOCIATION FOR DISASTER RELIEF

Article 29 (Establishment, etc. of Korea Disaster Relief Association)

- (1) The Korea Disaster Relief Association (hereinafter referred to as the "Association") shall be established for the purpose of soliciting and managing subscriptions and performing relief activities, etc. <Amended by Act No. 13753, Jan. 7, 2016>
- (2) The Association shall be a corporation.
- (3) The Association shall come into existence by registering establishment thereof at the registry at the seat of its main office.
- (4) For the purpose of effectively conducting solicitation, distributing and managing subscriptions, the Association shall have a board of directors, and, except as provided for in this Act, the provisions concerning incorporated foundations as referred to in the Civil Act shall apply mutatis mutandis.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

Article 30 (Members of Association)

The qualification for members of the Association shall be as follows:

1. Persons who agree to the purposes and activities of the Association and represent all levels of society;
2. Disaster relief specialists.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

#### Article 31 (Activities of Association)

(1) For purposes of achieving the purposes under Article 29 (1), the Association may conduct the following activities: <Amended by Act No. 12578, May 14, 2014; Act No. 13753, Jan. 7, 2016>

1. Solicitation, distribution and management of subscriptions;
2. Manufacture of relief kits, management and supply of disaster relief goods, and installation and operation of warehouses to store them;
3. Projects related to disaster relief, such as public relations, research and investigation, etc. in relation to disaster relief;
4. Establishment and operation of a distribution committee;
5. Assistance to disaster relief activities, and assistance to the management and operation of volunteers and volunteer service organizations;
6. Other projects prescribed by Presidential Decree.

(2) Matters necessary for the management of subscriptions pursuant to paragraph (1) 1 shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

#### Article 32 (Articles of Incorporation of Association)

(1) The articles of incorporation of the Association shall include the following matters:

1. Purpose;
2. Name;
3. Location of its main office;
4. Qualification for members;
5. Matters concerning the board of directors;
6. Matters concerning property and accounting;
7. Matters concerning amendments to its articles of incorporation;
8. Other matters concerning operation of the Association.

(2) The Association shall obtain permission from the Minister of the Interior and Safety when it intends to amend its articles of incorporation. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

#### Article 33 (Entrustment of Disaster Relief Duties)

Relief agencies may entrust the following duties to relief support agencies, as prescribed by Presidential Decree, in order to effectively conduct disaster relief duties: <Amended by Act No. 12578, May 14, 2014; Act No. 12844, Nov. 19, 2014; Act No. 13753, Jan. 7, 2016; Act No. 14839, Jul. 26, 2017>

1. Supply of meals to victims of disaster, etc.;
2. Manufacture of relief kits and management and supply of disaster relief supplies;
3. Installation, operation and management of warehouses to store relief supplies;
4. Other disaster relief duties that the Minister of the Interior and Safety deems as necessary.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

### CHAPTER VI PENALTY PROVISIONS

#### Article 34 (Penalty Provisions)

- (1) A person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won:
1. A person who solicits subscriptions without obtaining permission pursuant to Article 17 (1) or with permission obtained by fraudulent or other unjust means;
  2. A person who compels the contribution of subscriptions, in violation of Article 20 (1);
  3. A person who disobeys an order of return, in violation of Article 23 (1);
  4. A person who fails to deposit subscription money into an account, in violation of Article 23 (2), or fails to convey subscription supplies to the relevant area relief center;
  5. A person who fails to submit details of subscriptions, in violation of Article 26 (1), or submits them falsely;
  6. A person who appropriates funds for solicitation expenditure in excess of 2/100 of subscription money, in violation of Article 27;
  7. A person who fails to submit an audit report or a report on the situation and details of solicitation of subscription money, details of distribution, etc., in violation of Article 28 (3);
  8. A person who receives relief pursuant to this Act or who has other persons receive relief by fraudulent or other unjust means.
- (2) A person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won:
1. A person who solicits or receives subscriptions, in violation of Article 18 (1);
  2. A person who fails to record the receipt of subscriptions in the book, in violation of Article 19 (2), or who records it falsely;
  3. A person who fails to prepare books, documents, etc., in violation of Article 28 (1), or who fails to provide them.

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

#### Article 35 (Joint Penalty Provisions)

When a representative of a juristic person, or an agent, employee or any other servant of a juristic person or individual commits an offence under Article 34 in connection with the business of the juristic person or individual, not only shall such violator be punished, but also the juristic person or individual shall be punished by a fine under the relevant provisions: Provided, That this shall not apply where the juristic person or individual has not neglected to pay due attention and supervision concerning the relevant business in order to prevent such violation.

[This Article Wholly Amended by Act No. 9206, Dec. 26, 2008]

#### Article 36 (Administrative Fines)

- (1) A person who falls under any of the following subparagraphs shall be punished by an administrative fine not exceeding five million won:
1. A person who fails to cooperate in using land, buildings, etc. without justifiable grounds, in violation of the latter part of Article 9 (2);
  2. A person who refuses, obstructs, or evades a survey by a public official under the former part of Article 10 (1) without justifiable grounds;
  3. A person who fails to cooperate with a request for preferential use of facilities and materials without justifiable grounds, in violation of the latter part of Article 11 (1);
  4. A person who receives subscriptions at a place, other than an open place, in violation of Article 19

(1);

5. A solicitation worker who fails to indicate that his/her solicitation activities are for a solicitor, in violation of Article 20 (2);
6. A person who disobeys an order to submit relevant documents, etc., in violation of Article 22 (1), or refuses, evades, or obstructs a visit or inspection by relevant public officials.

(2) Administrative fines under paragraph (1) shall be imposed and collected by the Minister of the Interior and Safety or relief agencies, as prescribed by Presidential Decree. <Amended by Act No. 12844, Nov. 19, 2014; Act No. 14839, Jul. 26, 2017>

[This Article Wholly Amended by Act No. 10383, Jul. 23, 2010]

#### ADDENDA

##### Article 1 (Enforcement Date)

This Act shall enter into force on September 30, 2007.

##### Article 2 (Transitional Measures concerning Persons Formerly Permitted to Solicit Subscriptions)

- (1) Those who have been permitted to solicit subscriptions pursuant to the previous Donations Collection Regulation Act shall be deemed to have been permitted pursuant to the amended provisions of Article 17 (1).
- (2) The amended provisions of Articles 17 (5) 5 and 23 (1) 3 that apply to the persons who are deemed to have been permitted to solicit subscriptions pursuant to the provisions of paragraph (1) shall apply beginning with the grounds for disqualification occurring after this Act enters into force.

##### Article 3 (Transitional Measures, etc. concerning Korea Disaster Relief Association)

The Korea Disaster Relief Association established pursuant to the previous provisions at the time this Act enters into force shall be deemed the Association pursuant to the amended provisions of Article 29; Provided, That the Association shall amend its articles of incorporation to comply with the amended provisions hereof within six months after this Act enters into force.

##### Article 4 (Transitional Measures concerning Penalty Provisions, etc.)

Application of penalty provisions and administrative fines to an act conducted before this Act enters into force shall be pursuant to the previous provisions.

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.

ADDENDUM <Act No. 9206, Dec. 26, 2008>

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

ADDENDA <Act No. 9847, Dec. 29, 2009>

##### Article 1 (Enforcement Date)

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

Articles 2 through 22 Omitted.

ADDENDA <Act No. 10219, Mar. 31, 2010>

##### Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2011.

Articles 2 through 12 Omitted.

ADDENDUM <Act No. 10383, Jul. 23, 2010>

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

ADDENDUM <Act No. 11038, Aug. 4, 2011>

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

ADDENDUM <Act No. 11496, Oct. 22, 2012>

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

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

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

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 12578, May 14, 2014>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 16-2 shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 12844, Nov. 19, 2014>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amendments to the Acts that were already promulgated before this Act enters into force but have yet to enter into force, among the Acts amended pursuant to Article 6 of the Addenda, shall enter into force on the date the respective Act enters into force.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 13753, Jan. 7, 2016>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Claims for Relief Expenses)

The amended provisions of Article 13 (3) shall apply starting with a social disaster occurring after this Act enters into force.

Article 3 (Transitional Measures Concerning Incompetent Persons, etc.)

Persons under adult guardianship or persons under limited guardianship under the amended provisions of Article 17 (5) 1 shall be construed as including those who have been adjudged incompetent or quasi-incompetent, and for whom such adjudication remains effective, under Article 2 of the Addenda to the Civil Act as partially amended by Act No. 10429.

ADDENDA <Act No. 14839, Jul. 26, 2017>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amendments to the Acts that were already promulgated before this Act enters into force but have yet to enter into force, among the Acts amended pursuant to Article 6 of the Addenda, shall enter into force on the date the respective Act enters into force.

Articles 2 through 6 Omitted.