



# The Road Traffic Act – Amendments and Implications for Self-Driving Vehicles

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This year marks the beginning of the age of self-driving, with the domestic release of Level 3 self-driving passenger vehicles pursuant to the U.S. Society of Automotive Engineers. From April 20, 2022, a partial amendment to the Road Traffic Act (Act No. 18491, Proclaimed October 19, 2021) will become effective. The amendment includes new clauses providing definitions regarding self-driving, including what constitutes a self-driving system and self-driving motor vehicles; regulations applicable to drivers of self-driving vehicles; and the basis for penalties. Details are as follows:

## 1. Summary of Amendment

### - New Definitions of Self-Driving System and Self-Driving Motor Vehicles

The new amendment adds the definition of a “self-driving motor vehicle” as a motor vehicle (i) which can move on its own without the control of a driver or passenger, and (ii) is equipped with a self-driving system. Here, a “self-driving system” refers to automated equipment, software and all other related devices that enable the motor vehicle to move by perceiving and judging surrounding circumstances and road information on its own without the input of a driver or passenger. This definition will be more specifically categorized through the Decree of the Ministry of the Interior and Safety into a complete self-driving system and a partial self-driving system. Moreover, using vehicles, horse-led carts, or trams on the road through a self-driving system is also included in the definition of “driving”.

### - Regulations for Drivers of Self-Driving Motor Vehicles and Basis for Penalties

Drivers of self-driving motor vehicles that are not equipped with a complete self-driving system will be required to immediately respond to the demand of the system to drive the car in person. He/she must take direct control of the steering wheel and braking system to assume driving. A violation of this obligation may be subject to a fine of up to KRW 200,000 or detention or penalty.

In addition, when a driver uses a self-driving system, the provisions of the Road Traffic Act prohibiting the use of mobile

phones, or the use or manipulation of devices playing videos such as broadcasts while driving, will not apply. Accordingly, a driver of a self-driving motor vehicle using a self-driving system can use a mobile phone or view videos while driving.

## 2. Implications

From the second half of this year, domestic and foreign finished vehicle manufacturers are expected to launch self-driving motor vehicles with level 3 technology into the market. The new amendment to the Road Traffic Act appears to be a preemptive measure to respond to this demand. The new amendment is significant in that it provides a basis for domestic commercialization of level 3 self-driving motor vehicles. Related businesses will need to carefully monitor any amendments made through the Decrees of the Ministry of the Interior and Safety going forward.

[\[Korean version\]](#) 도로교통법 개정과 그 시사점 - 자율주행자동차 관련 개정 사항을 중심으로

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