

ACT ON WELFARE OF PERSONS WITH DISABILITIES

Wholly Amended by Act No. 8367, Apr. 11, 2007
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Act No. 8852, Feb. 29, 2008
Act No. 9932, Jan. 18, 2010
Act No. 10220, Mar. 31, 2010
Act No. 10255, Apr. 12, 2010
Act No. 10323, May 27, 2010
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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to social integration through the welfare and encouragement of participation in social activities of persons with disabilities by clarifying responsibilities of the State and local governments, etc. for ensuring a decent life and the rights of persons with disabilities, advancing overall welfare countermeasures for persons with disabilities through determination of activities concerning the prevention of disability from occurring, medical care, education, rehabilitation of employment, and improvement of living environment, etc. for persons with disabilities and contributing to the stability of livelihood by the determination of matters necessary for self-reliance, protection, allowances, etc. of persons with disabilities.

Article 2 (Definitions of Persons with Disabilities, etc.)

- (1) The term "person with a disability" means a person who is hampered by substantial long-term impairment in daily life or social activity due to physical or mental disability.
- (2) Persons with disabilities governed by this Act shall be persons falling under paragraph (1) who fall under the types and standards of disability prescribed by Presidential Decree as persons who have a disability falling under any of the following subparagraphs:
 1. The term "physical disability" means a disability of principal external bodily functions and internal organs, etc.;
 2. The term "mental disability" means a disability caused by psychological development disorder or mental disease.

Article 3 (Fundamental Principle)

The fundamental principle of welfare of persons with disabilities is to attain social integration through complete social participation and equality of persons with disabilities.

Article 4 (Rights of Persons with Disabilities)

- (1) Persons with disabilities shall be respected with dignity and value as human beings and shall be treated as such.
- (2) Persons with disabilities shall have a right to participate in political, economic, social, cultural and all the other fields of activities, as a citizen of the State and a member of society.
- (3) Persons with disabilities shall have a right to preferentially participate in the policy-making processes related to persons with disabilities.

Article 5 (Convergence of Opinions and Participation of Persons with Disabilities and Guardians, etc.)

In determining and executing policies for persons with disabilities, the State and local governments shall converge opinions of persons with disabilities, their parents, spouses and other guardians. In such cases, the participation of the persons concerned shall be ensured for convergence of such opinions.

Article 6 (Protection of Persons with Serious Disabilities)

The State and local governments shall devise proper policies for persons with disabilities who are profoundly impaired by serious disabilities to support themselves (hereinafter referred to as "person with a serious disability") so that they can be granted necessary protection, etc. through their lives.

Article 7 (Protection of Interests of Women with Disabilities, etc.)

The State and local governments shall devise necessary policies, including basic learning and vocational education, etc. to protect the interests of women with disabilities and expand their social participation.

Article 8 (Prohibition on Discrimination, etc.)

- (1) No one shall be discriminated against in any area of political, economic, social or cultural life on the ground of his/her disability, and no one shall discriminate against persons with disabilities in any area of political,

economic, social or cultural life on the grounds of his/her disability.

- (2) No one shall despise or insult persons with disabilities or conduct unlawful profit-making act by making use of persons with disabilities, and all people shall endeavor to understand the disability of persons with disabilities.

Article 9 (Responsibilities of State and Local Governments)

- (1) The State and local governments shall be held responsible for the prevention of disability from occurring, enhancement of national interest in early detection of disabilities, support for self-reliance of persons with disabilities and the improvement of their welfare by protecting persons in need of such protection.
- (2) The State and local governments shall devise policies to protect the interests of women with disabilities.
- (3) The State and local governments shall actively publicize the welfare policy for persons with disabilities to persons with disabilities and their guardians, and devise policies necessary for the nation to properly understand persons with disabilities.

Article 10 (Responsibilities of Nation)

The whole nation shall endeavor to prevent disability from occurring and detect disabilities early, and respect the personality of persons with disabilities and cooperate for the improvement of their welfare based on the principle of social integration.

Article 11 (Policy Coordination Committee for Persons with Disabilities)

- (1) The Policy Coordination Committee for Persons with Disabilities (hereinafter referred to as the "Committee") shall be established under the control of the Prime Minister to establish comprehensive policies for persons with disabilities, to coordinate opinions of the Ministries concerned, and to monitor and evaluate the execution of such policies.
- (2) The Committee shall deliberate upon and coordinate the following matters:
 1. Matters concerning the basic direction-setting of welfare policies for persons with disabilities;
 2. Matters concerning the institutional improvement and budgetary support for the improvement of the welfare of persons with disabilities;
 3. Matters concerning the coordination of important special education policies;
 4. Matters concerning the coordination of important employment promotion policies for persons with disabilities;
 5. Matters concerning the coordination of policies for ensuring mobility of persons with disabilities;
 6. Matters concerning fund raising related to the advancement of the policy for persons with disabilities;
 7. Matters concerning the cooperation of the ministries concerned on the welfare of persons with disabilities;
 8. Other matters prescribed by Presidential Decree in relation to the welfare of persons with disabilities.
- (3) The Committee may, if deemed necessary, request the administrative agency concerned for the appearance of and explanation by its official and presentation of data.
- (4) The Committee shall have a policy coordination working committee for persons with disabilities (hereinafter referred to as "working committee") for the prior examination of the matters in paragraph (2) and adjustment of the matters of cooperation among the agencies concerned.
- (5) Matters necessary for the composition and operation of the Committee and a working committee shall be prescribed by Presidential Decree.

Article 12 (Designation, etc. of Officials in Charge of Policy for Persons with Disabilities)

- (1) The head of each central administrative agency may designate an official to be in charge of policies for persons with disabilities out of the public officials under his/her control in order to efficiently establish and execute the policies for persons with disabilities of the agency concerned.
- (2) Matters necessary for the designation and duties of the officials in charge of policies for persons with disabilities under paragraph (1) shall be prescribed by Presidential Decree.

Article 13 (Local Committee for Welfare of Persons with Disabilities)

- (1) A local government shall have a local committee for welfare of persons with disabilities to deliberate upon matters necessary for planning, investigation, implementation, etc. of activities related to the welfare of persons with disabilities.
- (2) Matters necessary for the organization and operation of a local committee for welfare of persons with disabilities under paragraph (1) shall be prescribed by ordinances of the relevant local government pursuant to the standards prescribed by Presidential Decree.

Article 14 (Day of Persons with Disabilities)

- (1) In order to instill in the nation a deeper understanding of persons with disabilities and to enhance the willingness for rehabilitation of persons with disabilities, April 20 each year shall be set aside as Day of Persons with Disabilities and the week starting from Day of Persons with Disabilities shall be set aside as Week of Persons with Disabilities.
- (2) The State and local governments shall endeavor to perform activities including events, etc. suitable to the purposes of Day of Persons with Disabilities.

Article 15 (Relations with other Acts)

With respect to persons with disabilities governed by other Acts prescribed by Presidential Decree, including the [Mental Health Act](#) and the [Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State](#), etc., among persons with disabilities under [Article 2](#), the application of this Act may be restricted as prescribed by Presidential Decree.

Article 16 (Measures related to Legislation, etc.)

The State and local governments shall take measures related to the necessary legislation and finance to attain the objectives of this Act.

CHAPTER II DELIBERATION ON FUNDAMENTAL POLICY

Article 17 (Prevention of Disability from Occurring)

- (1) The State and local governments shall promote investigation and research concerning the causes of occurrence of disabilities and the prevention thereof, and reinforce mother and child health services, detect and treat diseases early that cause disabilities and take other necessary measures.
- (2) The State and local governments shall take necessary measures to prevent occurring of disabilities caused by traffic accidents, industrial disasters, drug abuse, environmental pollution, etc.

Article 18 (Medical and Rehabilitation Treatment)

The State and local governments shall take necessary measures for supplying persons with disabilities with rehabilitation medical services, such as functional treatment and psychological treatment, in order for them to learn or restore their living abilities and supplying them with auxiliary appliances for supplementing their disabilities, etc.

Article 19 (Social Adaptation Training)

The State and local governments shall conduct adaptation training for persons with disabilities so that they can live their daily lives or engage in social activities smoothly after the completion of such rehabilitation treatment.

Article 20 (Education)

- (1) The State and local governments shall take necessary measures to upgrade contents and methods of education, etc. so that persons with disabilities can be sufficiently educated based on age, capabilities, and type and degree of disability under the principle of social integration.
- (2) The State and local governments shall promote surveys and research on the education of persons with disabilities.
- (3) The State and local governments shall devise a system which provides persons with disabilities with specialized educational courses.
- (4) No head of school of any grade shall take disadvantageous measures against a person with a disability subject to education, where a person with a disability who requires education intends to enter such school, by refusing the application for admission to school or the admission into school of a person with a disability who has passed the entrance examination, etc. on the ground of his/her disability.
- (5) All educational institutions shall maintain facilities to match the types and degrees of disabilities for convenience of admission into school and study of persons with disabilities, or take other necessary measures.

Article 21 (Vocations)

- (1) The State and local governments shall take necessary measures such as vocational guidance, evaluation of vocational capabilities, vocational adaptation training, vocational training, job agency and post-employment guidance, etc. so that persons with disabilities can be engaged in vocations suitable for their aptitude and capabilities.
- (2) The State and local governments shall promote surveys and research on the types of vocations suitable for persons with disabilities and rehabilitation activities so that vocational rehabilitation training for persons with disabilities can be performed smoothly.

Article 22 (Access to Information)

- (1) The State and local governments shall endeavor to improve telecommunications and broadcasting facilities, etc. to assist persons with disabilities to have easy access to information and express their views.
- (2) The State and local governments shall request private broadcasting business operators, including the heads of broadcasting services, etc., to broadcast programs prescribed by Presidential Decree, including news and relay broadcasting of major national affairs, etc., with the dactylogy or closed captions for hearing-impaired persons and the explanation of screen or caption, etc for visually impaired persons.
- (3) The State and local governments shall provide dactylogy interpretation for hearing-impaired persons and materials in braille for visually impaired persons where they hold events prescribed by Presidential Decree, such as national events, other education, rallies, etc., and they may request the dactylogy interpretation and

materials in braille to be provided for events held by the private sector.

- (4) Private business operators, including heads of broadcasting services, etc., and private sponsors of events who have received requests referred to in paragraphs (2) and (3) shall comply therewith unless extenuating circumstances exist.
- (5) The State and local governments shall endeavor to supply books in braille, audible books, etc. for the easy use of visually impaired persons to information.
- (6) The State and local governments shall take necessary measures, such as the support, and development and supply of appliances necessary for access to and use of information communication networks and information communication appliances, taking into account the characteristics of persons with disabilities.

Article 23 (Convenience Facilities)

- (1) The State and local governments shall formulate policies necessary for the installation and operation of convenience facilities for persons with disabilities so that they can use public facilities and traffic facilities safely and conveniently.
- (2) The State and local governments shall devise necessary policies with regard to providing human services, such as sign language, usher service, etc., for the convenient use of public facilities.

Article 24 (Consideration of Safety Countermeasures)

The State and local governments shall, taking into account the characteristics of persons with disabilities, take necessary measures including safety countermeasures, etc. such as securing refuge paths, installing information boards in braille, audio and printed form, and providing an emergency notice system for visually impaired persons, hearing-impaired persons and mobility-impaired persons in preparation for accidents which may occur due to disabilities, such as falling accidents, etc., and emergency disasters, etc.

Article 25 (Improvement of Social Recognition)

- (1) The State and local governments shall implement publicity campaigns, such as education and public advertisement to students, public officials, workers, general public, etc. to improve the perception of persons with disabilities.
- (2) The State shall take measures so that the details of the improvement of perception of persons with disabilities can be included in the textbooks used by schools under the [Elementary and Secondary Education Act](#).
- (3) Matters necessary for the activities referred to in paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 26 (Provision of Convenience for Exercise of Voting Rights)

The State and local governments shall take necessary measures for persons with disabilities to exercise their voting rights without difficulty, such as installing facilities and equipment, publicizing the exercise of voting rights, developing and supplying auxiliary appliances for voting, etc.

Article 27 (Supply of Housing)

- (1) The State and local governments shall, when building public housing, etc., endeavor to preferentially parcel out or rent such housing to persons with disabilities, taking into account the degree of disability.
- (2) The State and local governments shall take necessary measures for the supply and improvement of housing suitable for the daily life of persons with disabilities, such as subsidization of purchasing funds, rental funds, or renovation and repair expenses of the housing.

Article 28 (Improvement, etc. of Cultural Environment)

In order to promote the cultural life and physical cultural activities of persons with disabilities, the State and local governments shall endeavor to maintain the related facilities, equipment and other environments in good condition, and to support the cultural life and physical cultural activities.

Article 29 (Promotion of Welfare Research, etc.)

- (1) The State and local governments shall take necessary measures to develop policies or persons with disabilities, etc., such as overall and systematic investigation, research and evaluation for welfare of persons with disabilities and physical cultural activities of persons with disabilities, etc.
- (2) The Korea Disabled People's Development Institute (hereinafter referred to as the "Development Institute") shall be established as an incorporated foundation for the implementation of investigations and research, policy development, welfare promotion, rehabilitation physical cultural promotion, etc. related to persons with disabilities under paragraph (1).
- (3) The operation and activities of the Development Institute shall be prescribed by its articles of association.
- (4) The State and local governments may subsidize expenses necessary for the operation of the Development Institute and reduce or exempt taxes and apply special cases of the income calculation for the property donated to the Development Institute, as prescribed by the [Restriction of Special Taxation Act](#).

Article 30 (Reduction of Economic Burdens)

- (1) The State and local governments, public agencies under [Article 4 of the Act on the Management of Public Institutions](#), local government-invested public corporations or local government public corporations under the

[Local Public Enterprises Act](#) shall take taxation measures, reduce or exempt the charges for using public facilities and take other necessary measures to reduce the economic burden of persons with disabilities and the persons supporting them and promote their self-reliance.

- (2) Operators of transport business run by the State and local governments, public agencies under [Article 4 of the Act on the Management of Public Institutions](#), local government-invested public corporations or local government public corporations under the [Local Public Enterprises Act](#) shall take measures for reduction and exemption of fares for persons with disabilities and persons accompanying them for their protection in order to reduce the economic burden of persons with disabilities and persons supporting them and to support their self-reliance.

CHAPTER III WELFARE MEASURES

Article 31 (Investigation)

- (1) The Minister of Health and Welfare shall implement investigations of the actual conditions of persons with disabilities every three years for the proper implementation of this Act. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*
- (2) Matters necessary for methods, contents, etc. of the investigation under paragraph (1) shall be prescribed by Presidential Decree.

Article 32 (Registration of Persons with Disabilities)

- (1) Persons with disabilities, their legal representatives or guardians prescribed by Presidential Decree shall register details of disability and other matters prescribed by Ordinance of the Ministry of Health and Welfare with the Governor of a Special Self-Governing Province, the head of a *Sil/Gun* or *Gu* (referred to an autonomous *Gu*; hereinafter the same shall apply), and the Governor of a Special Self-Governing Province or the head of a *Sil/Gun/Gu* shall, if a person with a disability who has applied for registration meets the standards under [Article 2](#), issue a registration certificate for persons with disabilities (hereinafter referred to as "registration certificate") to him/her. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010; Act No. 10323, May 27, 2010>*
- (2) The recipient of a registration certificate pursuant to paragraph (1), and his/her legal representative or his/her guardian prescribed by Presidential Decree shall, if the person with a disability concerned no longer meets the standards under [Article 2](#) or dies, return his/her registration certificate.
- (3) The Governor of a Special Self-Governing Province and the head of a *Sil/Gun/Gu* may take necessary measures to have a person with a disability's case diagnosed, etc. in order to adjust disability rating according to a change in the conditions of disability and, if a person with a disability rejects the necessary measures, including the order for diagnosis of disability, or violates paragraph (2) or (5), may order him/her to return his/her registration certificate. *<Amended by Act No. 10323, May 27, 2010>*
- (4) The Ministry of Health and Welfare may have the Disability Decision Committee under its control to have it take charge of the affairs concerning disability acknowledgement and rating assessment. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*
- (5) No registration certificate shall be transferred or lent, and no name or mark similar to a registration certificate shall be used.
- (6) The Governor of a Special Self-Governing Province and the head of a *Sil/Gun/Gu* may request a precise examination on the degree of disabilities to the National Pension Service under [Article 24 of the National Pension Act](#), if necessary to verify that the disability acknowledgement and rating assessment of a person with a disability is appropriate in registering the person with a disability under paragraph (1) and in adjusting the disability rating according to a change in the conditions of disability under paragraph (3). *<Newly Inserted by Act No. 10323, May 27, 2010>*
- (7) In addition to the matters provided for in paragraphs (1) through (6), matters necessary for the registration of persons with disabilities, the delivery and return of registration certificates, precise examinations on diagnosis of disabilities and the degree of disabilities, the Disability Decision Committee, etc. shall be prescribed by Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010; Act No. 10323, May 27, 2010>*

Article 33 (Counselors for Welfare of Persons with Disabilities)

- (1) A *Sil/Gun/Gu* (referring to an autonomous *Gu*; hereinafter the same shall apply) shall employ counselors to have them take charge of the duties of counseling and support for the improvement of welfare for persons with disabilities.
- (2) Counselors shall, in performing their duties, respect the personality of persons with disabilities and shall not reveal confidential information concerning personal conditions they become aware of in the course of performing their duties.
- (3) Appointment, duties, remuneration, and other necessary matters for counselors shall be prescribed by

Presidential Decree.

Article 34 (Rehabilitation Counselling and Measures for Admission to Institutions, etc.)

- (1) The Minister of Health and Welfare, a Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor, the Governor of a Special Self-Governing Province, or the head of a *Sil/Gun/Gu* (hereinafter referred to as "agencies implementing welfare for persons with disabilities") shall give medical examinations and take rehabilitation counseling of persons with disabilities and, when deemed necessary, take the following measures: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
1. Providing medical care and health guidance for persons with disabilities by requesting national and public hospitals, public health centers, their branches, and other medical institutions (hereafter referred to as "medical institutions") to render the said services;
 2. Providing necessary services, including accommodation, counselling, medical treatment, training, etc. in the welfare facilities for persons with disabilities installed by the State or a local government;
 3. Providing necessary services including accommodation, counseling, medical treatment, training, etc. in welfare facilities for persons with disabilities installed under [Article 59](#) by entrusting such services to the facilities;
 4. Introducing persons who need vocational training or employment agency conducted by public facilities for vocational capability development and training or vocational training facilities in places of work, to related facilities or employment security service agencies.
- (2) Agencies implementing welfare for persons with disabilities may, when deemed necessary for the rehabilitation counseling under paragraph (1), have counselors of welfare for persons with disabilities under [Article 33](#) visit the home of the persons with disabilities concerned or the facilities where such services as accommodation, counselling, medical treatment, training, etc. are rendered to persons with disabilities, or medical institutions for counseling or necessary guidance.

Article 35 (Rendering Services for Rehabilitation and Support for Self-Reliance Classified by Type of Disability and by Degree of Disability, etc.)

The State and local governments shall take necessary measures such as rendering services for rehabilitation and support for self-reliance, etc. classified by type of disability and by degree of disability to make the daily life of persons with disabilities convenient and enhance their participation in social activities, and may support such measures within budgetary limits.

Article 36 (Supply of Medical Expenses)

- (1) Agencies implementing welfare for persons with disabilities may supply the persons with disabilities recognized as having difficulty in bearing medical expenses, with the expenses required for medical care according to the degree of disability, taking into account the degree of disability, economic capability, etc.
- (2) Matters necessary for objects, standards and methods of the supply for medical expenses under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 37 (Support of Helpers for Post-Natal Care, etc.)

- (1) The State and local governments may provide a woman with a disability with a helper who is to visit her home for pre- and post-natal care (hereinafter referred to as "helper for post-natal care") to manage the health of the pregnant woman with a disability and her newborn baby, taking into account her capability to bear economic burden.
- (2) The State and local governments shall conduct regular monitoring (referring to regular checking activity to secure the practical effect of support activity of helpers for post-natal care) on the support activities of helpers for post-natal care under paragraph (1), as prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
- (3) Matters necessary for standards and methods of support of helpers for post-natal care shall be prescribed by Presidential Decree.

Article 38 (Provision of Educational Expenses for Children)

- (1) Agencies implementing welfare for persons with disabilities may provide educational expenses for children supported by persons with disabilities or children with disabilities, taking into account the capability to bear economic burden.
- (2) Matters necessary for objects, standards and methods, etc. of the provision of educational expenses under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 39 (Support, etc. for Cars, etc. Used by Persons with Disabilities)

- (1) The State and local governments and other public organizations shall take necessary support measures, including reduction or exemption of taxes for persons with disabilities to conveniently use cars, etc. as means of mobility and to reduce their economic burden.

- (2) The head of a *Sil/Gun/Gu* shall issue a mark that distinguishes cars used by persons with disabilities from other cars (hereinafter referred to as "mark of cars, etc. used by persons with disabilities") for the convenience of support to the cars, etc. used by persons with disabilities.
- (3) The mark of cars, etc. used by persons with disabilities shall not be used in such an unjust manner as lending or transfer of the mark to persons other than persons prescribed by Ordinance of the Ministry of Health and Welfare, and no mark and name, etc. similar to such mark shall be used. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
- (4) Matters necessary for objects of and procedures for the issuance of the mark of cars, etc. used by persons with disabilities shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 40 (Support, etc. for Training and Supply of Guide Dogs for Persons with Disabilities)

- (1) The State and local governments shall take measures to support the training and supply of guide dogs that are to guide persons with disabilities for the improvement of welfare of persons with disabilities.
- (2) The Minister of Health and Welfare may issue a mark of a guide dog (hereinafter referred to as "mark of a guide dog") to guide dogs for persons with disabilities. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
- (3) When a person with a disability accompanied by a guide dog with the mark of a guide dog intends to use the means of public transportation or enter public places, lodging facilities, restaurants, etc. where many people pass or gather, no one shall reject him/her without any justifiable ground.
- (4) The Minister of Health and Welfare may designate specialized training institutions for training and supply of guide dogs for persons with disabilities. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
- (5) Matters necessary for objects of and procedures for the issuance of the mark of a guide dog, and designation of specialized training institutions, shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 41 (Loan of Fund, etc.)

The State and local governments may lend funds to persons with disabilities to support the commencement of their business and the learning of necessary knowledge and skills, as prescribed by Presidential Decree.

Article 42 (Support for Business)

- (1) When the State and local governments, and other public organizations permit or entrust the installation of stores selling daily necessities, including foodstuffs, office supplies, newspapers, etc., or of vending machines in public facilities under their control, they shall endeavor to give preferential consideration to applications filed by persons with disabilities.
- (2) If a person with a disability files an application to be designated as a tobacco retailer under the [Tobacco Business Act](#), the head of a *Sil/Gun* shall endeavor to preferentially designate him/her as a tobacco retailer.
- (3) If a person with a disability files an application for the contract for sales of domestic postage stamps under the Acts and subordinate statutes concerning postal services, the postal service public office shall endeavor to give priority to him/her for such contract.
- (4) A person who has been permitted, entrusted, designated, etc. under paragraphs (1) through (3) shall personally operate such business unless extraordinary circumstances exist.
- (5) A person holding a right to permit the installation of stores and vending machines under paragraph (1) shall take measures to investigate places of installation, kinds of goods to be sold, etc. and then notify a relevant person with a disability of the results.

Article 43 (Supply of Self-Reliance Training Expenses)

- (1) When deemed necessary for persons with disabilities arranged or entrusted to be provided with accommodation, counselling, medical treatment, training, etc. in welfare facilities for persons with disabilities under [Article 34](#) (1) 2 or 3, to effectively get training in the facilities, agencies implementing welfare for persons with disabilities may supply persons with disabilities with training expenses for self-reliance, and if extraordinary circumstances exist, supply them with goods in lieu of training expenses.
- (2) Matters necessary for the provision of training expenses for self-reliance and the supply of goods under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 44 (Purchase of Goods Produced)

- (1) The State and local governments, and other public organizations shall commission welfare facilities for persons with disabilities and welfare organizations for persons with disabilities to produce prescribed items and quantities of goods each year, out of the goods they require, within the extent of items and quantities prescribed by the Minister of Health and Welfare, and they shall preferentially purchase goods produced if requested to purchase the goods produced. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

- (2) The State and local governments, and other public organizations may purchase goods produced by welfare facilities for persons with disabilities and welfare organizations for persons with disabilities under a private contract.
- (3) Matters necessary for the designation of items and quantities under paragraphs (1) and (2) shall be prescribed by Presidential Decree, and matters concerning procedures for and methods of entering into private contracts shall comply with the provisions of the related Acts and subordinate statutes.

Article 45 (Certification for Goods Produced)

- (1) The Minister of Health and Welfare may implement a certification system for sales promotion and quality improvement of goods produced by welfare facilities for persons with disabilities and welfare organizations for persons with disabilities, and for the protection of consumers and purchasers. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*
- (2) Matters necessary for applications, standards, procedures, indication methods for certification under paragraph (1) and designation of items subject to certification shall be prescribed by Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*

Article 46 (Promotion of Employment)

The State and local governments shall endeavor to employ persons with disabilities with the capabilities and aptitudes meeting the business they directly conduct, and may recommend business operators who conduct the business fit for persons with disabilities to employ them according to their capabilities and aptitudes.

Article 47 (Preferential Use of Public Facilities)

When deemed necessary for the self-reliance of persons with disabilities, the State and local government, and other public organizations may enable persons with disabilities to preferentially use a part of their public facilities.

Article 48 (Preferential Sale or Onerous and Gratuitous Lending of National and Public Property)

- (1) The State and local governments may preferentially sell or lease national and public lands and facilities, etc., or lend gratuitously where necessary for the installation of welfare facilities for persons with disabilities under this Act or for the installation of facilities related to welfare activities for persons with disabilities by welfare organizations for persons with disabilities.
- (2) If a person who purchased or leased lands and facilities, or borrowed money from the State or a local government under paragraph (1) fails to install welfare facilities for persons with disabilities or facilities related to welfare activities for persons with disabilities of welfare organizations for persons with disabilities within two years from the date of such purchase, the lease or the lending, the State and local governments may redeem the lands and facilities or revoke the lease contract.

Article 49 (Disability Allowances)

- (1) The State and local governments may provide disability allowance to make up for the lack of income of persons with disabilities, taking into account the degree of disability and economic level of persons with disabilities: *Provided*, That the disability allowance shall be surely supplied to persons with disabilities who receive the allowance for livelihood under the [National Basic Living Security Act](#).
- (2) Notwithstanding paragraph (1), no disability allowance under paragraph (1) shall be paid to persons with serious disabilities under subparagraph 1 of Article 2 of the Act on Pensions for Persons with Disabilities. *<Newly Inserted by Act No. 10255, Apr. 12, 2010>*
- (3) Matters necessary for objects, standards, methods, etc. of the supply of disability allowance shall be prescribed by Presidential Decree.

Article 50 (Allowance for Children with Disabilities and Guardian Allowance)

- (1) The State and local governments may provide children with disabilities with allowance for children with disabilities to make up for the additional expenses due to the disability, taking into account the economic standard of living of their guardians and the degree of disability of children with disabilities.
- (2) The State and local governments may provide a guardian taking care of persons with disabilities with guardian allowance to make up for the additional expenses due to the disability, taking into account his/her economic standard of living and degree of disability of persons with disabilities.
- (3) Matters necessary for objects, standards and methods of the provision of allowance for children with disabilities and guardian allowance under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 51 (Collection of Expenses)

Where a person has received or helped others receive allowance for persons with disabilities and allowance for children with disabilities, etc. by fraud or other unlawful means, the agency which has provided the said allowance shall collect the whole amount of the allowance from the person who has received the allowance or helped others receive the allowance (hereinafter referred to as "unjust recipient").

Article 52 (Research on Rehabilitation and Self-Reliant Living of Persons with Disabilities)

- (1) The State and local governments may select research tasks for the prevention of disability, medical care, education, vocational rehabilitation and self-reliant living, etc. and commission specialized research institutions

to comprehensively and systematically investigate, research and evaluate the rehabilitation and self-reliant living of persons with disabilities.

- (2) The State and local governments may subsidize expenses to be incurred in the execution of such research activities under paragraph (1) within budgetary limits.

CHAPTER IV SUPPORT FOR SELF-RELIANT LIVING

Article 53 (Support for Self-Reliant Living)

The State and local governments shall take necessary measures for self-reliant living of a person with a serious disability by his/her own decision, such as activity-supporting assistant service including dispatch of an activity assistant, etc., or supply of auxiliary appliances for persons with disabilities, various other conveniences and supply of information, etc.

Article 54 (Support Center for Self-Reliant Living of Persons with Serious Disabilities)

- (1) The State and local governments shall supply all the necessary support services to realize the self-reliant living of persons with serious disabilities through the support center for self-reliant living of persons with serious disabilities.
- (2) Matters necessary for the support center for self-reliant living of persons with serious disabilities under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*

Article 55 (Support of Activity-Supporting Allowance)

- (1) The State and local governments may support activity-supporting allowance for persons with serious disabilities to live the daily life and carry out social activities without difficulty. *<Amended by Act No. 10426, Jan. 4, 2011>*
- (2) The State and local governments may support the activity-supporting service including dispatch of an activity assistant to a woman with a disability who is difficult to move due to pregnancy, etc. for medical care related to pregnancy and childbirth, etc. taking into account the capability to bear economic burden, etc.
- (3) Deleted. *<by Act No. 10426, Jan. 4, 2011>*

Article 56 (Counseling among Fellow Persons with Disabilities)

- (1) The State and local governments shall endeavor to give opportunities of conversation or counseling among fellow persons with disabilities to be of help to persons with disabilities to overcome the disability.
- (2) Matters necessary for concrete activities, etc. to give opportunities of conversation or counseling among fellow persons with disabilities under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*

CHAPTER V WELFARE FACILITIES AND ORGANIZATIONS

Article 57 (Protective Measures, etc.)

The State and local governments shall take necessary measures for the promotion of functional recovery and improvement of sociality of persons with disabilities by providing such services as care, medical care, living guidance, rehabilitation training, support for self-reliant living, etc. in welfare facilities for persons with disabilities under [Article 58](#), taking into account the sex and age of persons with disabilities and type and degree of their disability.

Article 58 (Welfare Facilities for Persons with Disabilities)

- (1) The kinds of welfare facilities for persons with disabilities shall be as follows:
1. Living facilities for persons with disabilities: Facilities where persons with disabilities live for a necessary period for making use of such services as counseling, medical treatment, training, etc. for the rehabilitation and for being prepared to return to society, or are under medical treatment for a long time due to the disability;
 2. Community rehabilitation facilities for persons with disabilities: Facilities including welfare centers for persons with disabilities, medical rehabilitation facilities, physical training facilities, training facilities, communal living homes, etc. where professional counseling, medical care and training, or conveniences for leisure activities and social activities, etc. for persons with disabilities are provided;
 3. Vocational rehabilitation facilities for persons with disabilities: Facilities where persons with disabilities who are difficult to work under the normal working circumstances get the vocational training or live the working life under specially prepared work circumstances;
 4. Pay welfare facilities for persons with disabilities: Facilities where persons with disabilities pay all the expenses to be incurred in such services as medical treatment, counseling and training necessary for them to the operators of such facilities;

5. Other facilities prescribed by Presidential Decree.
- (2) Matters necessary for specific kind, operation, etc. of welfare facilities for persons with disabilities under each subparagraph of paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 59 (Establishment of Welfare Facilities for Persons with Disabilities)

- (1) The State and local governments may establish welfare facilities for persons with disabilities.
- (2) Where a person other than those prescribed in paragraph (1) intends to establish and operate welfare facilities for persons with disabilities, he/she shall report to the head of a *Sil/Gun/Gu* who has jurisdiction over the seat of the facilities concerned and also report when he/she modifies any important matter prescribed by Ordinance of the Ministry of Health and Welfare out of the matters reported: *Provided*, That no person in whose case one year has not elapsed since he/she was ordered to shut down the facilities under [Article 62](#) shall report the establishment and operation of the facilities. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
- (3) The establishment of medical rehabilitation facilities under [Article 58](#) (1) 2 shall comply with the [Medical Service Act](#).
- (4) Matters necessary for standards of facilities, report, modification report, admission to welfare facilities for persons with disabilities, etc. under paragraph (2) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 60 (Commencement, etc. of Operation of Facilities)

- (1) A person who has reported under [Article 59](#) (2) shall, without delay, commence the operation of facilities.
- (2) When an operator of facilities intends to suspend or resume the operation of the facilities or shut down the facilities, he/she shall report to the head of a *Sil/Gun/Gu* in advance, as prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
- (3) When an operator of facilities suspends or resumes the operation of the facilities or shuts down the facilities under paragraph (2), he/she shall take the following measures to protect the rights and interests of residents in the facilities, as prescribed by Ordinance of the Ministry of Health and Welfare: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
 1. Measures to have the head of the facilities transfer residents in the facilities to other facilities and to verify whether it has been executed;
 2. Measures to have the head of the facilities reimburse the expenses such as service charges, rental fee, etc. to residents in the facilities where the residents in the facilities bear such expenses, and to verify whether it has been executed;
 3. Measures to verify the actual conditions of consumption of subsidies and donations and to retrieve the remaining property made up with the subsidies and donations as the funds;
 4. Other measures acknowledged necessary to protect the rights and interests of residents in the facilities.
- (4) Matters necessary for the report, etc. of the commencement, suspension and resumption of the operation of facilities and the shutdown of facilities under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 61 (Supervision)

- (1) Agencies implementing welfare for persons with disabilities shall guide and supervise the operation of a person who establishes and operates welfare facilities for persons with disabilities and the actual conditions of human rights of persons with disabilities who use the facilities and, if necessary, may order him/her to make a report on the facilities or submit the related documents, and have a public official under their control investigate and examine the operation conditions, books and other documents of the facilities and question the person concerned.
- (2) When the public official concerned exercises the duties of his/her office under paragraph (1), he/she shall produce the certificate indicating his/her authority to the related persons.

Article 62 (Improvement of Facilities, Suspension and Shutdown of Operations, etc.)

When welfare facilities for persons with disabilities fall under any of the following subparagraphs, agencies implementing welfare for persons with disabilities may order the improvement of the facilities, the suspension of the operation, the replacement of the head of the facilities or the shutdown of the facilities concerned:

1. When the facilities fail to meet the standards of the facilities under [Article 59](#) (4);
2. When an operator of the facilities does not make a report under [Article 61](#) without any justifiable grounds or makes a false report, or refuses, hinders or evades investigation, examination or question;
3. When the permission of the establishment of a social welfare corporation or a nonprofit corporation is cancelled where the facilities have been established and operated by the social welfare corporation or the nonprofit corporation;
4. When unfairness in accounting of the facilities, illegal acts such as infringement on human rights, etc. of the persons with disabilities who use the facilities or other unjust acts are found;

5. When it is acknowledged unnecessary to continue the operation of the facilities because the objective of establishment has been attained or by other reasons;
6. Where the facilities violate this Act or any order or disposition issued under this Act.

Article 63 (Protection and Fosterage of Organizations)

- (1) The State and local governments shall endeavor to protect and foster welfare organizations for persons with disabilities to enhance the welfare of and assist the self-reliance of persons with disabilities.
- (2) The State and local governments may subsidize whole or part of the expenses necessary for operation or activities, or facilities of the organizations under paragraph (1) within budgetary limits.

Article 64 (Council of Welfare Organizations for Persons with Disabilities)

- (1) The council of welfare organizations for persons with disabilities (hereinafter referred to as the "council") may be established to support the activities of welfare organizations for persons with disabilities and enhance the welfare for persons with disabilities.
- (2) The council shall be a social welfare corporation under the [Social Welfare Services Act](#), but [Article 23 \(1\) of the Social Welfare Services Act](#) shall not apply to the council.
- (3) Matters necessary for the organization and operation of the council shall be prescribed by the articles of association.

CHAPTER VI AUXILIARY APPLIANCES FOR PERSONS WITH DISABILITIES

Article 65 (Auxiliary Appliances for Persons with Disabilities)

- (1) The term "auxiliary appliances for persons with disabilities" means artificial limbs and aids used by persons with disabilities for the prevention and supplement of the disability and functional improvement and other protectors prescribed by the Minister of Health and Welfare, and daily necessities used to promote convenience in daily lives. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*
- (2) The Minister of Health and Welfare may prescribe the items, standards and specifications of auxiliary appliances for persons with disabilities to improve the quality of auxiliary appliances for persons with disabilities under paragraph (1) and announce them officially. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*

Article 66 (Supply, etc. of Auxiliary Appliances for Persons with Disabilities)

- (1) When an application is made by a person with a disability, the State and local governments may supply, lend or repair auxiliary appliances for persons with disabilities or reimburse expenses necessary to purchase or repair them within budgetary limits.
- (2) The reimbursement of expenses under paragraph (1) shall be limited to cases where supply or repair of auxiliary appliances for persons with disabilities is acknowledged difficult.
- (3) Matters necessary for the coverage of persons qualified for the application under paragraph (1), and standard and method of the supply, lending and repair of auxiliary appliances for persons with disabilities and the reimbursement of expenses shall be prescribed by Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*

Article 67 (Fosterage, Research Support, etc. for Auxiliary Appliances Makers)

- (1) The State and local governments shall take necessary measures to provide production subsidies, technical support, promotion of research and development, etc. to enterprises who produce auxiliary appliances for persons with disabilities (hereinafter referred to as "auxiliary appliance enterprises for persons with disabilities") to promote the development and supply of the said auxiliary appliances.
- (2) In order to foster auxiliary appliance enterprises for persons with disabilities, the State and local governments may designate superior enterprises out of auxiliary appliance enterprises for persons with disabilities and loan the funds or provide subsidies to them.
- (3) The State and local governments may cancel the designation where it is acknowledged that superior enterprises designated under paragraph (2) have lost the necessity to be designated as such.
- (4) Matters necessary for the supply of production subsidies, technical support, designation and cancellation of superior enterprises, loans and subsidies, etc. under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*

Article 68 (Support, etc. for Research and Development of Auxiliary Appliances for Persons with Disabilities)

- (1) The Minister of Health and Welfare shall take measures to encourage, protect and foster the research and development of auxiliary appliances for persons with disabilities to improve the quality, etc. of such appliances. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*
- (2) The State and local governments shall take supporting measures to provide subsidies, etc. for research and development activities on auxiliary appliances for persons with disabilities.

Article 69 (Notice, etc. of Opening of Artificial Limbs or Aids Manufacturing)

- (1) A person who sets up a business of manufacturing, remodeling and repairing or putting artificial limbs and aids on human bodies (hereinafter referred to as "artificial limbs and aids manufacturing") shall notify the head of a *Sil/Gun/Gu* of the opening of his/her manufacturing factory within seven days from the opening date, as prescribed by Ordinance of the Ministry of Health and Welfare. The same shall apply where he/she changes any important matters prescribed by Ordinance of the Ministry of Health and Welfare, such as change of the seat of the manufacturing factory. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
- (2) A maker of artificial limbs and aids shall employ not less than one technician of artificial limbs and aids under [Article 72](#): *Provided*, That where the maker himself/herself is such a technician, he/she is not required to employ additional technician.
- (3) No maker of artificial limbs or aids shall conduct the same business of manufacturing in the same place where six months have not elapsed since he/she was ordered to shutdown the manufacturing factory under [Article 70](#).
- (4) A maker of artificial limbs and aids shall manufacture or remodel artificial limbs and aids according to prescriptions by doctors.

Article 70 (Shutdown, etc. of Manufacturing Factory of Artificial Limbs and Aids)

- (1) Where a maker of artificial limbs and aids falls under any of the following subparagraphs, the head of a *Sil/Gun/Gu* may order the shutdown of his/her factory:
 1. Where he/she manufactures artificial limbs and aids without employing a technician of artificial limbs and aids in violation of [Article 69](#) (2);
 2. Where he/she does business during the period of disposition of business suspension or has been ordered to suspend business not less than three times.
- (2) Where a maker of artificial limbs and aids is found to have injured the body of a user of artificial limbs and aids on purpose or by gross negligence while he/she is making business of manufacturing artificial limbs and aids, the head of a *Sil/Gun/Gu* may order the suspension of business for a period up to six months, as prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

CHAPTER VII HUMAN RESOURCES SPECIALIZED IN WELFARE OF PERSONS WITH DISABILITIES

Article 71 (Training, etc. for Human Resources Specialized in Welfare for Persons with Disabilities)

- (1) The State and local governments and other public organizations shall endeavor to educate and train human resources specialized in welfare for persons with disabilities including dactylology interpreters, braille interpreters, remedy practitioners, etc. and others engaged in affairs for the welfare of persons with disabilities.
- (2) Matters concerning the coverage of human resources specialized in welfare of persons with disabilities under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
- (3) The State and local governments may entrust the related specialized institutions, etc. with the training work of human resources specialized in welfare of persons with disabilities under paragraph (1).
- (4) The State and local governments may subsidize the expenses required for training of human resources specialized in welfare of persons with disabilities under paragraph (1) within budgetary limits.

Article 72 (Delivery, etc. of Certificates for Technician of Artificial Limbs and Aids)

- (1) The Minister of Health and Welfare shall deliver a certificate for technician of artificial limbs and aids to a person who falls under any of the following subparagraphs and has passed the State examination under [Article 73](#) (hereinafter referred to as "technician of artificial limbs and aids"): <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
 1. Any person who completed curriculums related to artificial limbs and aids prescribed by Ordinance of the Ministry of Health and Welfare in junior college under the [Higher Education Act](#) or other school acknowledged as equal to or higher than such junior college in scholarship by the Minister of Education and Human Resources Development and graduated from such junior college or school;
 2. Any person who completed education courses as equal to or higher than the schools under subparagraph 1 in a foreign country acknowledged by the Minister of Health and Welfare, and obtained a foreign certificate for technician of artificial limbs and aids concerned.
- (2) A certificate for technician of artificial limbs and aids shall be delivered again to a person, on his/her application, who lost or damaged the certificate.
- (3) A certificate for technician of artificial limbs and aids shall not be lent to other persons.
- (4) Matters necessary for the procedures for the delivery and re-delivery of certificate under paragraphs (1) and (2) and for management of the certificate shall be prescribed by Ordinance of the Ministry of Health and Welfare.

<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 73 (Execution, etc. of State Examination for Technician of Artificial Limbs and Aids)

- (1) The Minister of Health and Welfare shall execute the State examination for technician of artificial limbs and aids, and the time and method of the execution, subjects of the examination, and other matters necessary for the execution of the examination shall be prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
- (2) The Minister of Health and Welfare may entrust the work concerning the execution of the State examination under paragraph (1) to the related specialized institution acknowledged as capable of managing the State examination, as prescribed by Presidential Decree. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 74 (Restrictions, etc. on Qualifications for Application for Examination)

- (1) Any person falling under any of the following subparagraphs shall not be entitled to apply for the State examination under [Article 73](#): <Amended by Act No. 8652, Oct. 17, 2007>
 1. A mental patient under subparagraph 1 of [Article 3 of the Mental Health Act](#): *Provided*, That this shall not apply to a person acknowledged as suitable as a technician of artificial limbs and aids by a psychiatrist;
 2. An addict of narcotics, hemp, or psychotropic drugs;
 3. An incompetent or a quasi-incompetent;
 4. A person who was sentenced to imprisonment without prison labor or a heavier punishment for a violation of this Act, [Articles 234 and 317 \(1\) of the Criminal Act](#), the [Medical Service Act](#), the [National Health Insurance Act](#), the previous National Medical Insurance Act, the Medical Insurance Act, the Medical Care Act, the [Act on Special Measures for the Control of Public Health Crimes](#), the [Narcotics Act](#), the [Cannabis Control Act](#), the [Psychotropic Drugs Control Act](#) or the [Prevention of Acquired Immunodeficiency Syndrome Act](#), and in whose case the execution of the sentence has not been completed or the execution has been determined not to be carried out.
- (2) A person who has applied for the State examination under [Article 73](#) by unlawful means or who has cheated in the State examination shall be suspended from the examination or his/her success in the examination shall be nullified.
- (3) A person who has been suspended from the examination or whose success in the examination has been nullified under paragraph (2) shall not be able to apply for the State examination under [Article 73](#) twice thereafter.

Article 75 (Supplementary Education)

- (1) The Minister of Health and Welfare may order technicians of artificial limbs and aids to obtain supplementary education to improve their quality. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
- (2) Matters necessary for the timing, method, etc. of execution of supplementary education under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 76 (Revocation of Qualifications)

When a technician of artificial limbs and aids falls under any of the following subparagraphs, the Minister of Health and Welfare shall revoke his/her qualifications: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

1. When he/she lends his/her certificate to any other person in violation of [Article 72](#) (3);
2. When he/she falls under any of the subparagraphs of [Article 74](#) (1);
3. When he/she does his/her work during the period of disposition of business suspension under [Article 77](#) or has been ordered disposition of suspension of qualifications three times.

Article 77 (Suspension of Qualifications)

When a technician of artificial limbs and aids falls under any of the following subparagraphs, the Minister of Health and Welfare may suspend his/her qualifications for up to six months, as prescribed by Ordinance of the Ministry of Health and Welfare: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

1. When he/she has injured the body of a user of artificial limbs and aids on purpose or by gross negligence in the course of his/her work;
2. When he/she has not obtained supplementary education under [Article 75](#) on not less than two consecutive occasions.

Article 78 (Fees)

A person who intends to apply for the State examination for technician of artificial limbs and aids or to be delivered a certificate for technician of artificial limbs and aids or to be re-delivered the same certificate shall pay fees as prescribed by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 79 (Burden of Expenses)

Agencies implementing welfare for persons with disabilities may be required to bear expenses to be incurred in the measures under [Articles 36](#) (1), [38](#) (1), [43](#) (1), [49](#) (1), [50](#) (1) and (2), [55](#) (1), [66](#) (1) and [67](#) (1) and (2), and in the establishment and operation of welfare facilities for persons with disabilities under [Article 59](#) (1) within budgetary limits, as prescribed by Presidential Decree.

Article 80 (Collection of Expenses)

- (1) Agencies implementing welfare for persons with disabilities that have borne the expenses incurred for the measures under [Article 34](#) (1) 1 may collect whole or part of the expenses borne by them from the persons with disabilities concerned or the persons responsible for supporting the persons with disabilities as prescribed by Presidential Decree.
- (2) When he/she intends to collect required expenses from the persons admitted to the facilities, a person who establishes and operates pay welfare facilities for persons with disabilities shall make a report thereon to the head of a *Si/Gun/Gu* in advance.

Article 81 (Subsidizing Expenses)

The State and local governments may subsidize whole or part of expenses incurred in the establishment and operation of welfare facilities for persons with disabilities as prescribed by Presidential Decree.

Article 82 (Prohibition of Seizure)

No money and goods provided to persons with disabilities under this Act shall be seized.

Article 83 (Tax Reduction and Exemption)

- (1) Taxes on money and goods provided to persons with disabilities under this Act and on goods manufactured by persons with disabilities in welfare facilities for persons with disabilities under [Article 58](#) and in welfare organizations for persons with disabilities under [Article 63](#) shall be reduced or exempted as prescribed by the [Restriction of Special Taxation Act](#), the Restriction of Special Local Taxation Act and other tax-related Acts and subordinate statutes. *<Amended by Act No. 10220, Mar. 31, 2010>*
- (2) The State and local governments may choose not to impose charges on welfare facilities for persons with disabilities as prescribed by the Infrastructure Charges Act.

Article 84 (Request for Examination)

- (1) A person with a disability, his/her legal representative or his/her guardian prescribed by Presidential Decree may, when he/she has an objection to welfare measures taken under this Act, request the agencies implementing welfare for persons with disabilities for an examination.
- (2) Agencies implementing welfare for persons with disabilities shall, when requested for an examination under paragraph (1), examine, determine and notify the applicant of the results within one month.
- (3) A person who has an objection to the examination and determination under paragraph (2) may bring an administrative appeal under the Administrative Appeals Act.

Article 85 (Delegation of Authority, etc.)

The Minister of Health and Welfare, and the Mayor/Do Governor may delegate part of his/her authority under this Act to the head of the National Rehabilitation Center, the Mayor/Do Governor or the head of a *Si/Gun/Gu*, or entrust part of his/her authority to related organizations or corporations, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*

CHAPTER IX PENAL PROVISIONS

Article 86 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than one year or shall be fined not exceeding five million won:

1. Any person who has done unjust profit-making act by taking advantage of a person with a disability in violation of [Article 8](#) (2);
2. Any person who has transferred or lent a registration certificate, a person to whom a registration certificate has been transferred or lent and a person who has used similar name or mark in violation of [Article 32](#) (5);
3. Any person who has revealed confidential information concerning personal conditions obtained on duties in violation of [Article 33](#) (2);
4. Any person who has established and operated welfare facilities for persons with disabilities without making report or modification report under [Article 59](#) (2);
5. Any operator of welfare facilities for persons with disabilities who has violated the protection measures for the rights and interests of residents in such facilities under [Article 60](#) (3);

6. Any person who has failed to make a report under [Article 61](#) (1) without justifiable grounds or has made a false report, a person who has not submitted data or has submitted false data, a person who has refused, hindered or evaded investigation, inspection and question;
7. Any person who has not executed an order, etc. given under [Article 62](#);
8. Any person who has made a business of manufacturing artificial limbs and aids without employing any technician of artificial limbs and aids in violation of [Article 69](#) (2);
9. Any person who has operated the same manufacturing business in the same place even though six months have not elapsed since he/she has been ordered to shut down the business in violation of [Article 69](#) (3);
10. Any person who has continued his/her business in spite of having received an order for shutdown of his/her factory under [Article 70](#) (1).

Article 87 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be fined not exceeding three million won:

1. Any person who has taken disadvantageous measures against a person with a disability by rejecting an application for school admission from a person with a disability or an admission to school of a person with a disability who passed entrance examination, in violation of [Article 20](#) (4);
2. Any person who has lent his/her certificate for technician of artificial limbs and aids to another person in violation of [Article 72](#) (3);
3. Any person who has received expenses without making a report in violation of [Article 80](#) (2).

Article 88 (Joint Penal Provisions)

- (1) Where a representative, agent, employee or other servant of a corporation commits an offense under [Article 86](#) or [87](#) in connection with the business of the corporation, not only shall such violator be punished, but also the corporation shall be punished by a fine under the relevant provisions.
- (2) Where an agent, employee or other servant of an individual commits an offense under [Article 86](#) or [87](#) in connection with the business of the individual, not only shall such violator be punished, but also the individual shall be punished by a fine under the relevant provisions.

Article 89 (Fines for Negligence)

- (1) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding three million won: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*
 1. Any person who has refused to follow an order to return a registration certificate under [Article 32](#) (3);
 2. Any person who has lent the mark of the car, etc. used by a person with a disability to another person in violation of [Article 39](#) (3) or transferred such mark to a person other than persons prescribed by Ordinance of the Ministry of Health and Welfare, or a person who has used such mark unjustly, or used a mark or name similar thereto;
 3. Any person who has refused access of a person with a disability accompanied by a guide dog, etc. wearing a mark of guide dog in violation of [Article 40](#) (3) without justifiable grounds;
 4. Any person who has violated the obligation to commence the operation of facilities under [Article 60](#) (1);
 5. Any person who has violated the obligation to make a report on the suspension of operation of facilities, resumption of operation and closure of facilities, etc. under [Article 60](#) (2);
 6. Any person who has failed to notify the opening of a manufacturing factory of artificial limbs and aids or the change of the factory in violation of [Article 69](#) (1);
 7. A maker of artificial limbs and aids who has manufactured or remodeled artificial limbs and aids not according to prescriptions by doctors in violation of the [Article 69](#) (4).
- (2) A fine for negligence under paragraph (1) shall be imposed and collected by the head of a *Sil/Gun/Gu* (hereinafter referred to as "imposing authority"), as prescribed by Presidential Decree.
- (3) Any person dissatisfied with the disposition of a fine for negligence under paragraph (2) may raise an objection to the imposing authority within 30 days from the date when he/she has been notified of the disposition.
- (4) The imposing authority shall, when a person who has received the disposition of a fine for negligence under paragraph (2) raises an objection under paragraph (3), notify the competent court of the fact without delay and the competent court so notified shall place the case on the fine for negligence on trial in accordance with the [Non-Contentious Case Litigation Procedure Act](#).
- (5) Where no objection is raised and a fine for negligence in question is not paid within the period under paragraph (3), the fine for negligence shall be collected in the same manner as delinquent local taxes are collected.

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Korea Welfare Promotion Association for Disabled Persons)

- (1) The Korea Welfare Promotion Association for Disabled Persons, an incorporated foundation, under the former provisions at that time when this Act is in force, shall be deemed as the Korea Welfare Promotion Association

for the people with Disability, an incorporated foundation, under the amended provisions of [Article 29](#).

- (2) The Korea Welfare Promotion Association for Disabled Persons, an incorporated foundation, shall take necessary measures, including the modification of the articles of association, etc. within six months after the enforcement of this Act with the permission of the Minister for Health, Welfare and Family Affairs.

Article 3 (General Transitional Measures concerning Disposition, etc.)

An act made by an administrative agency or an act made to an administrative agency under the former provisions at that time when this Act is in force shall be deemed as an act made by an administrative agency and an act performed in relation to an administrative agency under this Act equivalent to those former provisions.

Article 4 (Transitional Measures concerning Penal Provisions or Fines for Negligence)

When applying the penal provisions or the provisions on fines for negligence to an act made prior to this Act enters into force, the former provisions shall be applied

Article 5 Omitted.

Article 6 (Relations with Other Acts and Subordinate Statutes)

Where the former [Welfare of Disabled Persons Act](#) or its provisions have been cited by other Acts and subordinate statutes at that time when this Act is in force, the provisions of this Act equivalent to those cited shall be deemed to have been cited in place of the former provisions if the provisions equivalent to those cited exist in this Act.

ADDENDUM <Act No. 8652, Oct. 17, 2007>

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

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: *Provided*, That ... <Omitted.>..., the amended parts of the Acts in which enforcement dates have not arrived, though they were promulgated prior to this Act enters into force, among the Acts to be amended under Article 6 of Addenda, shall enter into force on the dates of enforcement of the Acts concerned respectively.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9932, Jan. 18, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force two months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA <Act No. 10220, Mar. 31, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 10255, Apr. 12, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2010.

Articles 2 through 5 Omitted.

ADDENDUM <Act No. 10323, May 27, 2010>

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

ADDENDA <Act No. 10426, Jan. 4, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force nine months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 4 Omitted.

