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PRODUCT LIABILITY ACT

[Enforcement Date 22. May, 2013.] [Act No.11813, 22. May, 2013., Partial Amendment]

공정거래위원회(소비자안전정보과), 044-200-4419

법무부(상사법무과), 02-2110-3167

Article 1 (Purpose)

The purpose of this Act is to help protect the injured persons and contribute to the improved safety of the citizens' life and the sound development of the national economy by providing for the liability of manufacturers, etc. for damages caused by the defects of their products.

[This Article wholly amended by Act No. 11813, May 22, 2013]

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

1. The term "product" means movables which are industrially manufactured or processed (including movables incorporated into another movables or immovables);
2. The term "defect" means any of the following defects of a product with regard to manufacturing, design or indication or lack of safety ordinarily expected of a product:
 - (a) The term "defect in manufacturing" means the lack of safety caused by manufacturing or processing of any product not in conformity with the originally intended design, regardless of whether the manufacturer faithfully performed the duty of care and diligence with respect to the manufacturing or processing of the product;
 - (b) The term "defect in design" means the lack of safety caused by failure of a manufacturer to adopt a reasonable alternative design in a situation where any damage or risk caused by the product would otherwise have been reduced or prevented if an alternative design had been adopted;
 - (c) The term "defect in indication" refers to cases where damages or risks caused by a product could have been reduced or avoided if a manufacturer had given reasonable explanation, instructions, warnings or other indications on the product but he/she fails to do so;
3. The term "manufacturer" means any of the following persons:
 - (a) A person who is engaged in the business of manufacturing, processing or importing products;
 - (b) A person who indicated that he/she is the person under (a) by putting his/her name, firm name, trademark or any other discernible sign on a product, or a person who made a misleading indication that he/she is the person under (a).

[This Article wholly amended by Act No. 11813, May 22, 2013]

Article 3 (Product Liability)

- (1) A manufacturer shall compensate for damages to the life, body or property of a person caused by

a defect of a product (excluding damages inflicted only to the relevant product).

(2) With respect to any product the manufacturer of which can not be identified, a person who supplies it in a form of sale or lease, etc. for profit shall compensate for the damage referred to in paragraph (1), if he/she fails to inform any injured person or the legal representative of the injured person of the identity of the manufacturer or the supplier within a reasonable period, although he/she knows or would have been able to know the identity of the manufacturer or the person who supplied the relevant product to himself/ herself.

[This Article wholly amended by Act No. 11813, May 22, 2013]

Article 4 (Exemptions)

(1) Where a person who is liable for damages in accordance with the provisions of Article 3 proves any of the following facts, he/she shall be exempted from any liability for damages under this Act:

1. That the manufacturer did not supply the product;
2. That the existence of the defect could not be identified by the state of scientific or technical knowledge of the time when the manufacturer supplied the product;
3. That the defect is attributable to the manufacturer who complied with the standard prescribed by any Act or subordinate statute of the time when he/ she supplied the product;
4. In the case of raw materials or components, that the defect is attributable to the design or the instruction on manufacturing by the manufacturer of the product made of the relevant raw materials or components.

(2) If the person who is liable for damages under the provisions of Article 3 fails to take appropriate measures to prevent damage caused by the defect, although he/she is either aware of or would have been able to know the existence of such defect after he/she supplied the product, he/she shall not be entitled to any exemption referred to in paragraph (1) 2 through 4.

[This Article wholly amended by Act No. 11813, May 22, 2013]

Article 5 (Joint Liability)

Where not less than two persons are liable for the same damages, they shall be liable jointly for the damages.

[This Article wholly amended by Act No. 11813, May 22, 2013]

Article 6 (Restrictions on Special Agreement Concerning Exemption)

Any special agreement intended to exclude or limit any liability for damages under this Act shall be null and void: Provided, That this shall not apply to cases where a person who is provided with any product to be used for his/her own business enters into the said special agreement with respect to damages caused by the product to his/her own business property.

[This Article wholly amended by Act No. 11813, May 22, 2013]

Article 7 (Extinctive Prescription, etc.)

(1) The right of claim for damages under this Act shall be extinguished by the completion of prescription if the injured person or his/her legal representative does not exercise his/her rights within three years from the date on which the injured person or his/her legal representative becomes aware of both of the following facts:

Damages;

The person liable for the damages pursuant to Article (3).

(2) The right of claim for damages under this Act shall be exercised within 10 years from the date on which the manufacturer supplied the product which caused the relevant damages: Provided, That with

respect to damages caused by any substances which are accumulated in the body and, in turn, hurt the relevant person's health, or any other damages the symptoms of which appear after a lapse of a certain latent period, the aforesaid period shall be reckoned from the date on which the damage occurs actually.

[This Article wholly amended by Act No. 11813, May 22, 2013]

Article 8 (Application of Civil Act)

Matters concerning any liability for damages caused by the defect of a product shall be governed by the Civil Act except as otherwise provided for in this Act.

[This Article wholly amended by Act No. 11813, May 22, 2013]

ADDENDA

(1) (Enforcement Date) This Act shall enter into force on July 1, 2002.

ADDENDA <Act No. 11813, May 22, 2013>

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