

**TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS**

Territory of the Virgin Islands  
REGULAR/SPECIAL SESSION 19\_\_\_\_  
ROLL CALL

Bill No. 23-0006

Date: 12/15/99

Short Title: To create a Virgin Islands Board of General Construction Contractors

**LEGISLATIVE HISTORY**

- (a) Introduced and sent to Committee on.....Date.....
- (b) Reported from Committee and sent to Rules on.....
- (c) Reported from Committee on Rules.....
- (d) Recalled from Committee by Special Order.....
- (e) Adopted on.....
- (f) Rejected on.....
- (g) Vetoed by Governor on.....
- (h) Reconsidered by Legislature and passed or rejected  
over Governor's Veto on.....

| MEMBERS                   | YEA | NAY | NOT VOTING | ABSENT |
|---------------------------|-----|-----|------------|--------|
| BENNERSON, Gregory A.     | 1   |     |            |        |
| BERRY, Lorraine L.        | 2   |     |            |        |
| BRYAN, Adelbert M.        |     | 1   |            |        |
| COLE, Donald "Ducks"      | 3   |     |            |        |
| DAVID, Roosevelt St. C.   | 4   |     |            |        |
| DONASTORG, Adlah "Foncie" | 5   |     |            |        |
| GOLDEN, Violet Anne       | 6   |     |            |        |
| GOMEZ, Judy M.            | 13  |     |            |        |
| GOODWIN, George E.        | 7   |     |            | X CKH  |
| HANSEN, Alicia "Chucky"   |     |     |            | 2 1    |
| JN. BAPTISTE, Norman      | 8   |     |            |        |
| JONES, David S.           | 9   |     |            |        |
| LIBURD, Almando "Rocky"   | 10  |     |            |        |
| PETRUS, Allie-Allison     | 11  |     |            |        |
| RICHARDS Vargrave A.      | 12  |     |            |        |

Certified true and correct

CLERK

*Corrine C. Hodge*



11/30/99 - AMENDED AND REPORTED OUT TO THE FLOOR  
09/22/99 - TABLED AT THE CALL OF THE CHAIR  
07/09/99 - AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES

## BILL NO. 23-0006

### Twenty-Third Legislature of the Virgin Islands of the United States

MARCH 4, 1999

To create a Virgin Islands Board of General Construction Contractors

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#### PROPOSED BY:

Senator Lorraine L. Berry; Co-sponsored by:  
Senators Gregory A. Bennerson, Donald "Ducks" Cole,  
David S. Jones, Roosevelt St. C. David and Violet Anne Golden

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1 BE IT ENACTED by the Legislature of the Virgin Islands:

2 SECTION 1. (a) Title 27 of the Virgin Islands Code is hereby amended by  
3 adding a new Chapter 10 to read as follows:  
4

5 "Chapter 10. Virgin Islands Board of General Construction Contractors

6 Section 321. Board of General Construction Contractors

7 (a) The Virgin Islands Board of General Construction Contractors is hereby  
8 established within the Department of Licensing and Consumer Affairs. The Board shall  
9  
10



1 consist of seven members, including the Commissioner of the Department of Licensing  
2 and Consumer Affairs or his designee as an ex officio member, and six other members  
3 appointed by the Governor with the advice and consent of the Legislature. Each  
4 appointed member shall be a resident of the United States Virgin Islands, and shall have  
5 been a licensed general construction contractor in good standing for at least three (3)  
6 years prior to the date of appointment. Three members shall be residents of the District of  
7 St. Croix, and three members shall be residents of the District of St. Thomas/St. John;  
8 provided, however, that at least two members from each district shall be member  
9 designees of the Association of General Contractors or similar organizations in the  
10 district in which he resides.  
11

12 (b) The Governor shall appoint the Board as follows: two members shall be  
13 appointed for one year; two members shall be appointed for two years, and two members  
14 shall be appointed for three years. Thereafter, all members shall serve terms of three  
15 years, except that any person appointed to fill a vacancy occurring on the Board prior to  
16 the expiration of the term for which his predecessor was appointed, shall be appointed  
17 only for the remainder of such term. Each member of the Board shall continue to serve  
18 until his successor is appointed by the Governor and confirmed by the Legislature. Four  
19 members of the Board shall constitute a quorum.  
20  
21

22 (c) The Board shall elect at its first meeting in each calendar year one of its  
23 members to serve as its Chairman and another member to serve as Vice Chairman.

24 (d) The Board under the hand of its Chairman and the seal of the Board may  
25 subpoena witnesses and compel their attendance, and it may require the production of  
26



1 papers, records or documents in any inquiry, proceeding or for discovery which may be  
2 instituted by it or be pending before it. Any member of the Board may administer oaths  
3 or affirmations to witnesses appearing before the Board.

4 (e) Each member of the Board shall receive \$50.00 for each day or part thereof  
5 spent in the work of the Board, plus actual travel expenses including meals and lodging.

6 (f) A member of the Board may be removed by the Governor for cause.

7 (g) As used in this Chapter, "Board" means the Virgin Islands Board of General  
8 Construction Contractors and "Commissioner" means the Commissioner of the  
9 Department of Licensing and Consumer Affairs.  
10

11 **Section 322. Unlawful practice of general construction**

12 It shall be unlawful for any person to operate as a general construction contractor  
13 within the Virgin Islands unless he is licensed as provided for in this chapter.

14 **Section 323. License required**

15 Any person wishing to become a general construction contractor in the Virgin  
16 Islands or to engage in any construction trade as a business shall obtain a license to do so  
17 in accordance with the provisions of this chapter.  
18

19 **Section 324. Powers and duties of the Board**

20 The Board shall have the power and duty to:

- 21 (a) adopt an official seal;
- 22 (b) examine , recommend, issue, suspend and revoke licenses under this chapter;
- 23 (c) establish fees to be charged and collected;
- 24
- 25
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1 (d) adopt, amend and repeal rules and regulations and bylaws, not inconsistent  
2 with the provisions of this chapter, upon finding that such are necessary for the  
3 furtherance of the provisions of this chapter, which rules, regulations or bylaws, when  
4 approved by the Governor, shall be deemed to be a part of and of the same effect as this  
5 chapter;

6 (e) employ counsel, subpoena witnesses, and administer oaths;

7 (f) submit to the Governor and the Legislature, through the Commissioner, annual  
8 reports containing a summary of its work, and any other data, which the Governor, the  
9 Commissioner or the Legislature may request:

10 (g) develop and administer the criteria, standards and testing for examination and  
11 determining the competency and qualification of contractors;

12 (h) determine the types and classes of licenses and the qualification for each  
13 applicable license;

14 (i) investigate acts of negligence, wrongdoing, and official complaints filed  
15 through the department of Licensing and Consumer Affairs; and,

16 (j) establish and set the rates basis for fees.

17 **Section 325. Applications for licenses; qualifications**

18 (a) Applications for licenses provided by this chapter shall be forwarded to the  
19 Chairman of the Board and shall be accompanied by satisfactory proof in writing that the  
20 applicant -

21 (1) has resided in the Virgin Islands for twelve consecutive months  
22 immediately preceding his application; and  
23  
24  
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1 (2) is of good moral character as shown by at least three letters of  
2 favorable character testimony; and

3 (3) has had a previous valid license in any other jurisdiction or prior  
4 experience in the field of construction.

5 (b) The residence requirements specified in this section shall not apply to bona  
6 fide residents of the Virgin Islands who have been temporarily absent studying or  
7 practicing as general construction contractors.

8 **Section 326. Examinations and issuance of licenses**

9  
10 (a) Every applicant for a license pursuant to this chapter shall be required to be  
11 tested in writing or orally and by practical examination issued and administered by the  
12 Board to show that he has sufficient knowledge, technical training and administrative  
13 ability to perform, supervise and manage the practice of general construction. The Board  
14 shall administer examinations three times each year on each island. The Board shall also  
15 conduct such investigations as may be proper to determine the character, fitness, and  
16 knowledge of applicants.

17  
18 (b) Within fifteen (15) days after an applicable examination, the Board shall  
19 notify the Commissioner of the names and addresses of all persons who have passed the  
20 examination and of the particular licenses they are entitled to receive. The Commissioner  
21 shall, upon such notification and payment of fees , issue such appropriate licenses.

22  
23 (c) Any person who fails to pass an examination may apply for reexamination  
24 after the expiration of sixty (60) days upon payment of the regular examination fee. No  
25  
26



1 person shall be allowed to sit for the examination more than (2) times in any calendar  
2 year.

3 (d) All examinations and any accompanying information issued by the Board, to  
4 carry out the provisions of the chapter, shall be issued in English and Spanish.

5 **Section 327. Requirements for licensure**

6 Applicants for licenses pursuant to this chapter shall:

7 (a) file with the Board proof that he carries all insurance required by law  
8 including, but not limited to Workmen's Compensation and adequate public liability  
9 and automobile insurance, and that he is financially responsible.

10 (b) show that he maintains a regular place of business at a physical address in the  
11 Virgin Islands.

12 **Section 328. Use of licensee's name by another**

13 No person who has obtained a license pursuant to this chapter shall allow his  
14 name or the business in whose name the license was issued to be used by another person  
15 or company either for the purpose of obtaining required permits or for doing business or  
16 work under such license.

17 **Section 329. Bonds** (a) Every person licensed under the provisions of this  
18 chapter shall execute and deposit with the Commissioner a bond in a sum of not less than  
19 \$10,000.00 and with such number of U.S. Treasury listed and rated sureties as the Board  
20 may determine, to be conditioned upon the faithful performance of all work in accordance  
21 with applicable building codes and regulations, that such licensee will pay all fines and  
22 penalties properly imposed upon him for violation of the provisions of this chapter and  
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1 any other applicable law, and that the Government of the Virgin Islands shall be  
2 indemnified and held harmless from the consequences of any and all acts of said licensee  
3 during the period covered by such bond.

4 (b) No license issued pursuant to this chapter shall be valid unless a bond is  
5 executed and deposited as provided by this section. Pursuant to the powers granted by  
6 section 324 of this chapter, the Board may, by regulation, uniformly increase the amount  
7 of any bond required by this section.  
8

9 **Section 330. Fees**

10 The fee for taking each examination to be licensed as a general construction  
11 contractor shall be set by the Board but shall not be less than \$50.00. Such fee shall be  
12 paid to the Department of Licensing and Consumer Affairs prior to the examination.  
13

14 **Section 331. Revocation or suspension of licenses**

15 (a) The Board may refuse to grant, or may suspend, revoke or refuse to renew any  
16 license if the holder has -

17 (1) secured such license by any misrepresentation;

18 (2) demonstrated a level of competence manifestly inconsistent with the  
19 retention of the license in question;

20 (3) engaged in fraudulent business activities or in misleading advertising  
21 practices;

22 (4) violated a provision of this chapter;

23 (5) committed an act of gross negligence or condoned such an act by an  
24 employee of his;  
25  
26



1 (6) failed to adequately and properly supervise employees in compliance  
2 with recognized safety standards as applicable to local and federal agencies having  
3 oversight and jurisdiction;

4 (7) failed to secure each required inspection of building construction in  
5 order to ascertain compliance with the Uniform Building Code, CABO Building  
6 Code and any other rules, regulations, applicable provisions and standards as they  
7 may apply or is amended hereafter; and,  
8

9 (8) failed to perform construction in conformance with standards  
10 established by the Uniform Building Code, CABO Building Code and any other  
11 rules, regulations, applicable provisions and standards as they may apply or is  
12 amended hereafter.

13 **Section 332. Charges against licensee; hearing**

14  
15 (a) Any person aggrieved by an action of a licensee may file charges as set forth  
16 above against the licensee. Such charges shall be in writing and shall be sworn to by the  
17 person making them and shall be filed with the secretary of the Board. All charges,  
18 unless dismissed by the Board as unfounded or trivial, shall be heard by the Board after  
19 completing any necessary investigation.

20  
21 (b) The time and place for the hearing shall be fixed by the Board and a copy of  
22 the charges together with a notice of the time and place of hearing shall be personally  
23 served on or sent by certified mail to the last known address of the licensee at least fifteen  
24 (15) days before the date fixed for the hearing.  
25  
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1 (c) At any hearing the accused licensee shall have the right to appear personally  
2 and by counsel to cross-examine witnesses appearing against him and to produce  
3 evidence and witnesses in his own defense.

4 (d) No license shall be suspended or revoked except upon the agreement of at  
5 least four (4) members of the Board.

6 (e) The losing party shall reimburse the prevailing party for all reasonable costs,  
7 expenses and attorneys' fees. The Board shall promulgate rules and regulations  
8 establishing reasonable costs, expenses and attorneys' fees.  
9

10 **Section 333. Revocation and Reapplication**

11 A person whose license has been revoked may become eligible not earlier than  
12 one (1) year from the date of said revocation for a new license upon meeting all of the  
13 requirements of this chapter.

14 **Section 334. Appeal**

15 (a) Any person aggrieved by an action of the Board in revoking, suspending, or  
16 refusing to issue his or its license may appeal such action to any court of competent  
17 jurisdiction in the Virgin Islands within thirty (30) days after the date of such action. No  
18 such appeal may stay the action complained of unless specifically ordered by the court in  
19 the event the aggrieved party fails to file its appeal with the court within thirty days, the  
20 Board's findings and ruling shall be final.  
21

22 (b) Upon appeal, every finding, decision and determination by the Board as to  
23 questions of fact shall be deemed final in the absence of conclusive evidence showing to  
24  
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26



1 the court fraud or that the decision of the Board was not based on substantial evidence in  
2 the record.

3 **Section 335. Penalties**

4 Whoever violates any provisions of this chapter or any rule or regulation  
5 thereunder shall be fined not less than \$1,000.00 for each and every violation or act of  
6 non-compliance."  
7

8 (b) Notwithstanding subsection (a) of this section, the Virgin Islands Board of  
9 General Contracting Contractors, as established under subsection (a) of this section, shall  
10 issue a license to an applicant without examination, after making a determination that an  
11 applicant has practiced as a general construction contractor in the Virgin Islands for at  
12 least five (5) years prior to the passage of this Act and has not had any official complaints  
13 filed against the applicant and is in good standing with the Department of Licensing and  
14 Consumer Affairs.  
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16  
17 BR99-0319/February 4, 1999/ :mr  
18 Reviewed by: YLT  
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*Sen Liburd Amendment # 23-412*  
*Seconded by Sen Berry. Objection Sen. Bryan*  
*Adopted*

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS  
 Territory of the Virgin Islands  
 REGULAR/SPECIAL SESSION 19\_\_\_\_  
 ROLL CALL

Bill No. 23-0006  
 Short Title: \_\_\_\_\_

Date: 12/15/99

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- (h) Reconsidered by Legislature and passed or rejected  
 over Governor's Veto on.....

| MEMBERS                   | YEA | NAY | NOT VOTING | ABSENT |
|---------------------------|-----|-----|------------|--------|
| BENNERSON, Gregory A.     | 1   |     |            |        |
| BERRY, Lorraine L.        | 2   |     |            |        |
| BRYAN, Adelbert M.        |     |     | 1          |        |
| COLE, Donald "Ducks"      | 3   |     |            |        |
| DAVID, Roosevelt St. C.   | 4   |     |            |        |
| DONASTORG, Adlah "Foncie" | 5   |     |            |        |
| GOLDEN, Violet Anne       | 6   |     |            |        |
| GOMEZ, Judy M.            | 7   |     |            |        |
| GOODWIN, George E.        | 8   |     |            |        |
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| LIBURD, Almando "Rocky"   | 10  |     |            |        |
| PETRUS, Allie-Allison     | 11  |     |            |        |
| RICHARDS Vargrave A.      | 12  |     |            |        |

12      1      2  
*Corine G. Hodge*  
 Certified true and correct  
 CLERK



Drafted or Reviewed  
By Legal Counsel

AMENDMENT TO BILL NO. 23-0006

OFFERED BY ALMANDO "ROCKY" LIBURD

Bill No. 23-0006 is amended as follows:

1. On Page 2, Section 1, subsection (b), line 8, after "St. Thomas/St. John", add  
",one of whom shall be a resident of St. John".

Amendment No. 23-412/December 14, 1999/amp