

COMMITTEE ON GOVERNMENT OPERATIONS,  
VETERAN AFFAIRS AND CONSUMER PROTECTION

**BILL NO. 35-0186**

**Thirty-Fifth Legislature of the Virgin Islands**

**October 27, 2023**

An Act repealing and reenacting title 3 Virgin Islands Code, chapter 16, section 274 “Virgin Islands Taxicab Commission,” and enacting in its place “The Division of Transportation and Taxicab Services”; amending title 20 Virgin Islands Code, chapter 37, subchapters I & II relative to the regulation of automobiles for hire and automobile for hire medallion; amending title 20 Virgin Islands Code, chapter 39 section 433(b) directing the Commissioner of the Department of Licensing and Consumer Affairs to review fees, charges and tariffs every three years; amending title 33 Virgin Islands Code, chapter 111, section 3067 to substitute the name, “The Division of Transportation and Taxicab Services”; and providing for the transition of the employees, equipment and supplies to the newly created entity, and for other related purposes

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**PROPOSED BY:** Senators Donna A. Frett-Gregory, Marise C. James,  
Javan E. James, Sr., Carla J. Joseph, and Angel L. Bolques, Jr.

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*Be it enacted by the Legislature of the Virgin Islands:*

**SECTION 1.** Title 3 Virgin Islands Code, chapter 16, section 274 is repealed and reenacted with amendments to read as follows:

**“§ 274. The Division of Transportation and Taxicab Services**

(a) The Division of Transportation and Taxicab Services is established in the Department of Licensing and Consumer Affairs.

(b) The Division of Transportation and Taxicab Services is headed by a Director appointed by the Governor of the Virgin Islands, who shall report to the Commissioner of Licensing and Consumer Affairs.

(c) The Division of Transportation and Taxicab Services is charged with the responsibility for the continuance, further development, and improvement of transportation and taxicab passenger service within the territory and the overall regulation of transportation and taxicabs, transportation and taxicab companies, and transportation and taxicab associations.

(d) There is established within the Department of Licensing and Consumer Affairs, an Advisory Council on Transportation and Taxicab Services, ("the Council"). The Council is composed of the Director of the Division of Transportation and Taxi Services and eight members appointed by the Governor. Three members must be selected from the taxicab industry, one from each island, who are active taxi drivers who own taxi medallions. Three members must be from the transportation service industry, one from each island and must not own a taxi medallion. Two members must be from the public-at-large, one from each district who is not a government employee. The Council shall:

(1) Meet at least quarterly to recommend the adoption, amendment, or revocation of regulations, not inconsistent with the law, for the regulation and control of the transportation, taxicab and automobile for hire industry in the Virgin Islands and make recommendations on rates, fees and tariffs of same;

(2) Make recommendations for the establishment, improvement, and enhancement of tourist attractions in the Virgin Islands particularly related to the transportation, taxicab and automobile for hire industry;

(3) The Council shall, to the best of its ability, represent the views of the transportation, taxicab, and automobile for hire industry members.

(4) The Council members shall receive a per diem and attendance to official meetings of the Council as provided by Title 3, section 65, Virgin Islands Code.

(e) In addition to the other powers and duties granted to it by law, the Division of Transportation and Taxicab Services has the power to:

1           (1) Issue medallions in accordance with the procedures of 20 V.I.C. ch. 37,  
2       subch. II;

3           (2) Issue license plates to owners of automobiles for hire who properly registered  
4       their vehicles with the Motor Vehicle Bureau and in accordance with the procedures of  
5       20 V.I.C. § 339, and who also are owners of medallions as provided in 20 V.I.C. ch. 37,  
6       subch. II;

7           (3) Recommend the adoption, amendment, or revocation of regulations, not  
8       inconsistent with the law, for the regulation and control of the automobile for hire  
9       industry in the Virgin Islands;

10          (4) Make recommendations for the establishment, improvement, and  
11       enhancement of tourist attractions in the Virgin Islands particularly related to the  
12       automobile for hire industry;

13          (5) Cooperate and coordinate its activities with other agencies, public and  
14       private.

15          (6) Receive and investigate complaints, conduct hearings and issue subpoenas  
16       with regard to the conduct of operators of automobiles for hire and impose, through the  
17       Commissioner of the Department of Licensing and Consumer Affairs, administrative  
18       fines and penalties as provided by law;

19          (7) Subject to the jurisdiction and authority vested in the Virgin Islands Police  
20       Department by Titles 3 and 20 of the Virgin Islands Code pertaining to the enforcement  
21       of the laws relating to traffic, highways, and motor vehicles, enforce the laws as they  
22       pertain to the illegal operation of private vehicles by any person or persons as automobile  
23       for hire;

24          (8) Establish standards, conditions, and requirements of transportation and  
25       taxicab service industry;

(9) Establish standards for driver and passenger safety;

(10) Contract with any public or private agency, individual, partnership, association, corporation or other entity, consistent with law, for the provision of services necessary to improve the quality of transportation and taxicab service industry;

(11) Accept grants and donations from public or private entities for the purpose of improving the quality of transportation and taxicab service in the Territory; and

(12) Exercise such other incidental powers that may be necessary for the purposes of its establishment and operation, as are not in conflict with the law.

(f) Any person aggrieved by any decision rendered by the Division of Transportation and Taxicab Services may, within 10 days following the date of notice of the decision, file an appeal with the Superior Court of the Virgin Islands.

(g) The Division shall make recommendations through the Commissioner of Licensing and Consumer Affairs to the Governor and the Legislature on all matters relating to the operation, regulation, and control of automobiles for hire, and the transportation and taxicab services industry. Recommendations must take the form of written resolutions adopted by a majority of the members of the Council present and voting when a quorum is present. If a recommendation of the Council is approved by the Governor and it can be implemented without legislation, the Governor shall, within 30 days after receipt of the recommendation, take all necessary and appropriate action for the implementation of the recommendation. The Governor shall submit recommendations requiring legislation for their implementation to the President of the Legislature for consideration by the Legislature at its next regular or special session following receipt of the recommendation.

(h) The Director of the Division of Transportation and Taxicab Services in conjunction with the Advisory Council on Transportation and Taxicab Services shall develop regulations for the transportation and taxicab service industry no later than 120 days upon the enactment

of this section. The Director of the Division of Transportation and Taxicab Services shall present the regulations to the public for a period of 30 days. At the end of the 30 day period, the regulations must be transmitted to the Commissioner of the Department of Licensing and Consumer Affairs to be adopted pursuant to the established law. The Director shall review the regulations annually and submit recommended changes to the Commissioner of the Department of Licensing and Consumer Affairs for adoption.

(i) The Division of Transportation and Taxicab Services in conjunction with the Advisory Council on Transportation and Taxicab Services no later than 120 days upon of this shall recommend fees, charges and tariffs for the transportation and taxicab service industry.

(j) At the end of each fiscal year, the Division shall issue a written report of its activities during the fiscal year through the Commissioner of the Department of Licensing and Consumer Affairs to the Governor and the Legislature. The report must include a detailed summary of all fees collected under title 20 Virgin Islands Code, section 433(b) and an estimate of the monies needed to meet the operating expenses of the Division for the following year.

**SECTION 2.** Title 3, Chapter 14, Section 231; Title 5, Subtitle 3, Part I, Chapter 305, Subchapter I, Section 3561; Title 20 Chapter 33, Section 339; and Title 20, Chapter 36, Section 392(5)(B) are amended by striking Virgin Islands Taxicab Commission” and inserting “Division of Transportation and Taxicab Services” wherever it appears.

**SECTION 3.** Title 20, Chapter 37, Subchapter I, Virgin Islands Code is amended in the following instances:

(a) In section 401(a), first sentence, strike “Virgin Islands Taxicab Commission” and insert “Division of Transportation and Taxicab Services”; strike “Commission” and insert “Division”.

(b) In section 401(a), second sentence, strike “Taxicab Commission” and insert “Director of the Division of Transportation and Taxicab Services”

(c) In section 401(a)(4) strike “Commission” and insert “Director of the Division of Transportation and Taxicab Services” where it appears in the section.

(d) In section 401(a)(5) strike “Commission” and insert “Division of Transportation and Taxicab Services”

(e) In section 401(d) strike “Commission” and insert “Division of Transportation and Taxicab Services” where it appears in the section.

(f) Section 401(i) are stricken in their entirety

(g) In section 401a strike “Taxicab Commission” and insert “Division of Transportation and Taxicab Services” where it appears.

(h) Section 401b in the title of the subsection by striking “Taxicab Commission” and inserting “Division of Transportation and Taxicab Services”

(i) In section 401b(1) strike “Taxicab Commission” and insert “Division of Transportation and Taxicab Services” where it appears.

(j) In section 401b(2) strike the first instance of “Taxicab Commission” and insert “Division of Transportation and Taxicab Services; strike the second instance of “Taxicab Commission” and insert “Commissioner of the Department of Licensing and Consumer Affairs”.

(k) In section 401b(2)(A) strike “Taxicab Commission” and insert “Advisory Council on Transportation and Taxicab Services” and strike “Executive” and insert “of the Division of Transportation and Taxicab Service” after “Director”

(l) In Section 401b(2)(B) strike “Taxicab Commission” and insert “Division of Transportation and Taxicab Services” where it appears.

(m) In section 401b(2)(C) strike “Taxicab Commission” and insert “Division of Transportation and Taxicab Services” where it appears.

(n) In section 401b(2)(D) strike “Taxicab Commission” and insert “Division of Transportation and Taxicab Services” where it appears.

(o) In section 401b(3) strike the second instance of “Taxicab Commission” and insert “Division of Transportation and Taxicab Services” where it appears.

(p) In section 402 strike “Taxicab Commission” and insert “Division of Transportation and Taxicab Services” where it appears.

(q) In section 403 strike “Taxicab Commission” and insert “Division of Transportation and Taxicab Services” where it appears.

(r) In section 404 strike “Taxicab Commission” and insert “Division of Transportation and Taxicab Services” where it appears.

**SECTION 3.** Title 20, Chapter 37, Subchapter II, Virgin Islands Code is amended in the following instances:

(a) In the subsection heading insert “and Certificate” after the word “Medallion”.

(b) In Section 407(a) insert “or certificate” after the word “medallion”.

(c) In Section 407(b) strike “Taxicab Commission” and insert “Division of Transportation and Taxicab Services” where it appears.

(d) In section 407(c) strike the first two instances of “Taxicab Commission” and insert “Division of Transportation and Taxicab Services”; add “inclusive of the medallions for veterans” at the end of the third sentence in the section.

(e) Add a new subsection (e) that reads as follows:

“(e) (1) Tour operators must obtain a certificate from the Division of Transportation and Taxicab Services prior to being issued a business license to conduct business in the Territory.

(2) The Division of Transportation and Taxicab Services shall sell to any person, company, corporation, or partnership who owned on October 1, 2023, a tour operator

1 service business license, one certificate for each vehicle owned and registered to provide  
2 tour operator service. The cost of the certificate is exclusive of any other business license  
3 fees imposed by the Department of Licensing and Consumer Affairs. The revenues from  
4 the sale under this section must be deposited in the Taxi License Fund established in Title  
5 33, Chapter 111 of the Virgin Islands Code.”

6 (f) In section 408 strike “Taxicab Commission” and insert “Division of Transportation  
7 and Taxicab Services” where it appears.

8 (g) In section 408 strike “Taxicab Commission” and insert “Division of Transportation  
9 and Taxicab Services” where it appears.

10 (h) In section 410 strike “Taxicab Commission” and insert “Division of Transportation  
11 and Taxicab Services” where it appears.

12 (i) In section 411 strike “Taxicab Commission” and insert “Division of Transportation  
13 and Taxicab Services” where it appears.

14 (j) In section 412 strike “Taxicab Commission” and insert “Division of Transportation  
15 and Taxicab Services” where it appears.

16 (k) In section 413(d) strike “not more than” and insert “at least”

17 **SECTION 4.** Title 20, Chapter 39, Virgin Islands Code is amended in the following  
18 instances:

19 (a) Section 433(b) is amended by striking “Virgin Islands Taxicab Commission” and  
20 inserting “Division of Transportation and Taxicab Services” in its place; Adding a new sentence  
21 that reads “The Commissioner of the Department of Licensing and Consumer Affairs shall  
22 review fees, charges and tariffs every three years, and by regulation has the authority to increase  
23 fees, charges and tariffs by no more than 50% without first obtaining the approval of the  
24 Legislature of the Virgin Islands.”

(b) Section 433(c)(2) is amended by striking “Peace Officer Training” and inserting “Taxi License” in its place.

(c) Section 435(b) strike “Virgin Islands Taxicab Commission” and insert “Division of Transportation and Taxicab Services”.

**SECTION 5.** Title 33, Chapter 111, Virgin Islands Code is amended in the following instances:

(a) Title 33, Chapter 111, Section 3067(a) of the Virgin Islands Code is amended by inserting a “s” at the end of the word “section” and inserting “and 433” before “435”.

(b) Title 33, Chapter 111, Section 3067(b) of the Virgin Islands Code is amended by striking “Virgin Islands Taxicab Commission” and inserting “Division of Transportation and Taxicab Services of the Department of Licensing and Consumer Affairs”.

**SECTION 6.**

(a) The Executive Director of the Taxicab Commission shall continue as the Director of the Division of Transportation and Taxicab Services until a Director is appointed. The Executive Director of the Taxicab Commission shall provide the necessary assistance for the orderly transition of the Division of Transportation and Taxicab Services.

(b) All employees, equipment, supplies, and materials of the Virgin Islands Taxicab Commission are transferred to the Division of Transportation and Taxicab Services of the Department of Licensing and Consumer Affairs.

(c) The employees salaries, fringe benefits, seniority, classification and working conditions shall be protected.

(d) All unexpended balance of appropriations, allocations or other funds of the Virgin Islands Taxicab Commission are reappropriated, reallocated and made available, as applicable, to the Division of Transportation and Taxicab Services of the Department of Licensing and

Consumer Affairs, as established under this Act, for the execution of its powers and duties, and employment of its personnel.

### **BILL SUMMARY**

This bill repeals title 3 Virgin Islands Code, chapter 16, section 274 “Virgin Islands Taxicab Commission,” and enacts in its place “The Division of Transportation and Taxicab Services” and amends various sections of the Virgin Islands Code pertaining to the Virgin Islands Taxicab Commission. The bill provides for the transition of employees, equipment and supplies. The bill also directs the Commissioner of the Department of Licensing and Consumer Affairs to review fees, charges and tariffs every three years.

**BR23-0544/October 17, 2023/NS**