

COMMITTEE ON GOVERNMENT SERVICES,
CONSUMER AND VETERANS' AFFAIRS

BILL NO. 31-0389

Thirty-first Legislature of the Virgin Islands

August 18, 2016

An Act amending title 20 Virgin Islands Code, chapter 37 adding section 401c requiring mandatory continuing transportation education for taxi operators

PROPOSED BY: Senator Marvin A. Blyden

1 **WHEREAS**, continuing, professional education of taxi operators serves to improve the
2 administration of transportation services and benefits the public interest; and

3 **WHEREAS**, regular participation in continuing transportation education programs will
4 enhance the professional skills of tour operators and taxi drivers, afford them periodic
5 opportunities for professional self-evaluation, and improve the quality of transportation services
6 rendered to the public; and

7 **WHEREAS**, all licensed taxi operators must participate in the requisite number of hours
8 of study as set forth in this Act, and failure to do so will result in their suspension from the operation
9 of taxi and renewal of a taxi operator's license; Now, Therefore,

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

2 **SECTION 1.** Title 20 Virgin Islands Code, chapter 37 is amended by adding section 401c
3 to read as follows:

4 “**§401c** (a) The Virgin Islands Taxi Cab Commission shall establish the Continuing
5 Transportation Education Committee charged with the responsibility for implementation and
6 administration of this section. The Commission Continuing Transportation Education Committee
7 shall:

8 (1) Accept the certification forms to be filed annually by each licensed
9 taxi operator.

10 (2) Conduct a compliance audit during the month following the end of
11 each reporting period.

12 (3) Review and approve Continuing Transportation Education “CTE”
13 courses and activities.

14 (4) Report at least annually to the Committee on Government Services
15 Consumer & Veterans’ Affairs of the Legislature or other committee having
16 jurisdiction and quarterly to the Taxi Cab Commission, on the operation,
17 compliance and effectiveness of the program.

18 (b) (1) Beginning January 1, 2017, unless otherwise ordered by the Taxicab
19 Commission every active, licensed taxi operator shall complete and certify attendance at a
20 minimum of 10 hours per year of approved Continuing Transportation Education courses, of which
21 two hours must be in the area of general customer service skills, three hours of Virgin Islands
22 History and Culture, and two hours of designated historic travel areas and their history. Areas of
23 study must include familiarity with local and federal laws concerning transportation services and

1 safety. Each member shall complete the required courses during the period of January 1 through
2 December 31 of the same year.

3 (2) In an effort to provide flexibility in fulfilling the annual requirement, a one
4 year carry-over of credit hours is permitted, so that accrued credit hours in excess of one
5 year's requirement may be carried forward from one year to meet the requirement for the
6 next year. A member may carry forward a maximum of six credit hours, two of which, if
7 earned in general customer service skills, may be counted toward the two hours required
8 in general customer service skills or professionalism. Hours in excess of the minimum
9 requirements defined in this paragraph may not be carried forward for credit beyond the
10 one year provided for in this section.

11 (3) The continuing education for taxi operators requirement may be met either
12 by attending courses or completing any other continuing transportation education activity
13 automatically approved for credit as provided in this section, including self-study, use of
14 approved video or audio tapes, computer based resources, or participation in transportation
15 educational activities involving correspondence technology or teaching. No credit is given
16 for activities not specifically enumerated in this section.

17 (c) Unless exempt as provided in this section, each active licensed taxi operator shall
18 submit to the Virgin Islands Taxi Cab Commission on or before January 31 of each year, a
19 Certification of Attendance certifying that the operator has attended mandatory Continuing
20 Transportation Education courses for the minimum number of hours required during the previous
21 year ending December 31. No operator may submit a Certification of Attendance after January 31
22 without approval of the Taxi Cab Commission upon written request by the operator.

1 (1) A member may submit a Certification of Attendance form provided to the
2 attendees at the Continuing Education Transportation course or by the Taxicab
3 Commission.

4 (2) Every active licensed operator is responsible for ascertaining whether or not
5 the particular course satisfies the requirements of this section.

6 (d) (1) A newly licensed taxi operator is not exempt from filing a certification for
7 the reporting period in which the taxi operator is first admitted. A newly licensed operator is a
8 person who has not previously been a taxi operator recognized by the Virgin Islands Taxicab
9 Commission.

10 (2) A taxi operator who has been granted a waiver from compliance with the
11 requirements of this section is exempt from filing a certification for the period for which
12 the waiver is granted.

13 (A) An operator seeking a waiver from the requirements for a reporting
14 year must submit a written petition, with any appropriate or required material or
15 documentation, such as doctors' letter, medical records, to the Virgin Island
16 Taxicab Commission.

17 (B) An operator shall, whenever practicable, file the petition before the
18 January 31 reporting deadline for the year the operator seeks a waiver. Failure to
19 file a petition in a timely manner may be considered by the Taxicab Commission
20 in determining whether to grant a waiver.

21 (C) A waiver may not be granted unless good cause is shown.

22 (D) The filing of any petition for waiver tolls the running of any time
23 limit set forth in this section up to, but not to exceed, 30 days.

1 (3) An operator who has been granted an extension from compliance with the
2 requirements of this section is exempt from filing a certification for the period for which
3 the extension is granted.

4 (A) An operator seeking an extension from the requirements for a
5 reporting year must submit a written petition, together with any appropriate or
6 required material or documentation such as doctors' letter, medical records, to the
7 Taxicab Commission.

8 (B) An operator shall, whenever practicable, file the petition before the
9 January 31 reporting deadline for the year the operator seeks an extension. Failure
10 to file a petition in a timely manner may be considered by the Taxicab Commission
11 in determining whether to grant an extension.

12 (C) An extension may not be granted unless good cause is shown.

13 (D) The filing of any petition for extension tolls the running of any time
14 limit set forth in this section up to, but not to exceed, 30 days.

15 (e) During the month following the annual reporting deadline, the Taxicab
16 Commission shall conduct a random audit of at least 15% of the active taxi operators to determine
17 compliance with this section.

18 (1) After completion of the random audit, the Virgin Islands Taxicab
19 Commission shall send a Notice of Delinquency to each operator found to have violated
20 this section for any prior year.

21 (2) No later than 90 days following the receipt of the Notice of Delinquency,
22 the operator shall submit a Certification of Attendance, certifying that the operator has
23 taken course hours necessary to meet the annual requirements of this section for the
24 relevant year, along with a payment of a delinquency fee of \$50. If the operator fails to

1 submit the requisite Certification of Attendance sufficient to permit retroactive compliance
2 with this section, the Virgin Islands Taxicab Commission Continuing Transportation
3 Education Committee shall file a Notice of Non-Compliance with the Virgin Islands
4 Taxicab Commission.

5 (3) Failure to take steps to certify compliance with this section within 90 days
6 after receiving the Notice of Delinquency results in automatic suspension of the operator
7 by the Virgin Islands Taxicab Commission.

8 (4) In order to be reinstated, an operator suspended for violating this section
9 must file a petition for reinstatement with the Virgin Islands Taxicab Commission along
10 with a reinstatement fee of \$200. The petition for reinstatement must include a
11 Certification of Attendance certifying that the suspended operator has completed the course
12 hours necessary to meet the annual requirements of this section for the relevant year.

13 (5) A suspension for violating this section does not relieve the delinquent taxi
14 operator of the responsibility to attend annual CTE programs.

15 (6) A taxi operator who makes a materially false statement in any document
16 filed with the Virgin Islands Taxicab Commission is subject to appropriate disciplinary
17 action.

18 (f) The following CTE courses are automatically approved for credit:

19 (1) Live CTE programs where there is an instructor in the room with the
20 participants offered by the federal or local Government in the Virgin Islands, or by the
21 Virgin Islands Taxicab Commission;

22 (2) Self-study courses listed for automatic approval by the Virgin Islands
23 Taxicab Commission;

1 (3) Courses or activities approved by the National Transportation Safety Board
2 (NTSB); and

3 (4) Courses or activities offered by the University of the Virgin Islands or the
4 Department of Tourism at the request of the Taxicab Commission.

5 (g) (1) In addition to formal courses conducted in a class or seminar setting,
6 approved self-study courses involving the use of video or audio tapes, computer resources such as
7 CD-ROM and internet, or correspondence courses such as satellite and teleconference, may be
8 used to satisfy the credit requirements of this section. Taxi operators who seek credit for self-study
9 courses shall submit, with the required certification of attendance form, the program schedule or
10 agenda and course syllabus or statement describing the subject matter. If the program does not
11 cover a recognized transportation safety topic, the member must attach a statement of how the
12 course relates to his practice. The Virgin Islands Taxicab Commission shall make available to all
13 taxi operators a list of self-study courses that will be automatically approved for credit.

14 (2) Taxi operators who teach approved courses or deliver lectures on specific
15 subjects, must be given credit for the time spent in preparation and time spent teaching or
16 lecturing. A taxi operator seeking credit for teaching or lecturing must obtain prior approval
17 from the Virgin Islands Taxicab Commission. Taxi operators who seek credit for teaching
18 or lecturing shall submit, with the required certification of attendance form, the course
19 syllabus, lecture outline or statement describing the subject matter. Once credit has been
20 given for teaching a course or delivering a lecture, no further credit may be given for a
21 subsequent delivery of the same material to a different audience.

22 (h) To be approved for credit, the CTE course or activity must satisfy the following:

