



GOVERNMENT OF THE VIRGIN ISLANDS
OF THE
UNITED STATES

-0-

VIRGIN ISLANDS TAXICAB COMMISSION

Judith Wheatley
Executive Director

Ulric Pilgrim
Chairman of the Board

February 11, 2010

Richard Davis, Esq.
Assistant Attorney General
Office of the Attorney General
GERS Building
St. Thomas, US Virgin Islands 00802

Dear Attorney Davis:

Enclosed is the final draft of the Rules and Regulations of the Virgin Islands Taxicab Commission certified as true and correct by Mr. Ulric Pilgrim, Chairman of the Board. I am hoping that these Rules and Regulations could get approved as soon as possible to minimize the frequent challenges. All changes noted have been addressed.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Judith Wheatley".

Judith Wheatley
Executive Director

Enclosure as
stated above

/jw

**RULES AND REGULATIONS
VIRGIN ISLANDS TAXICAB COMMISSION
TITLE 3 V.I.R.R.**

APPROVED:

_____ Day of _____, 2010

JOHN P. deJONGH, JR.

Governor

ULRIC U. PILGRIM

Chairman

Virgin Islands Taxicab Commission

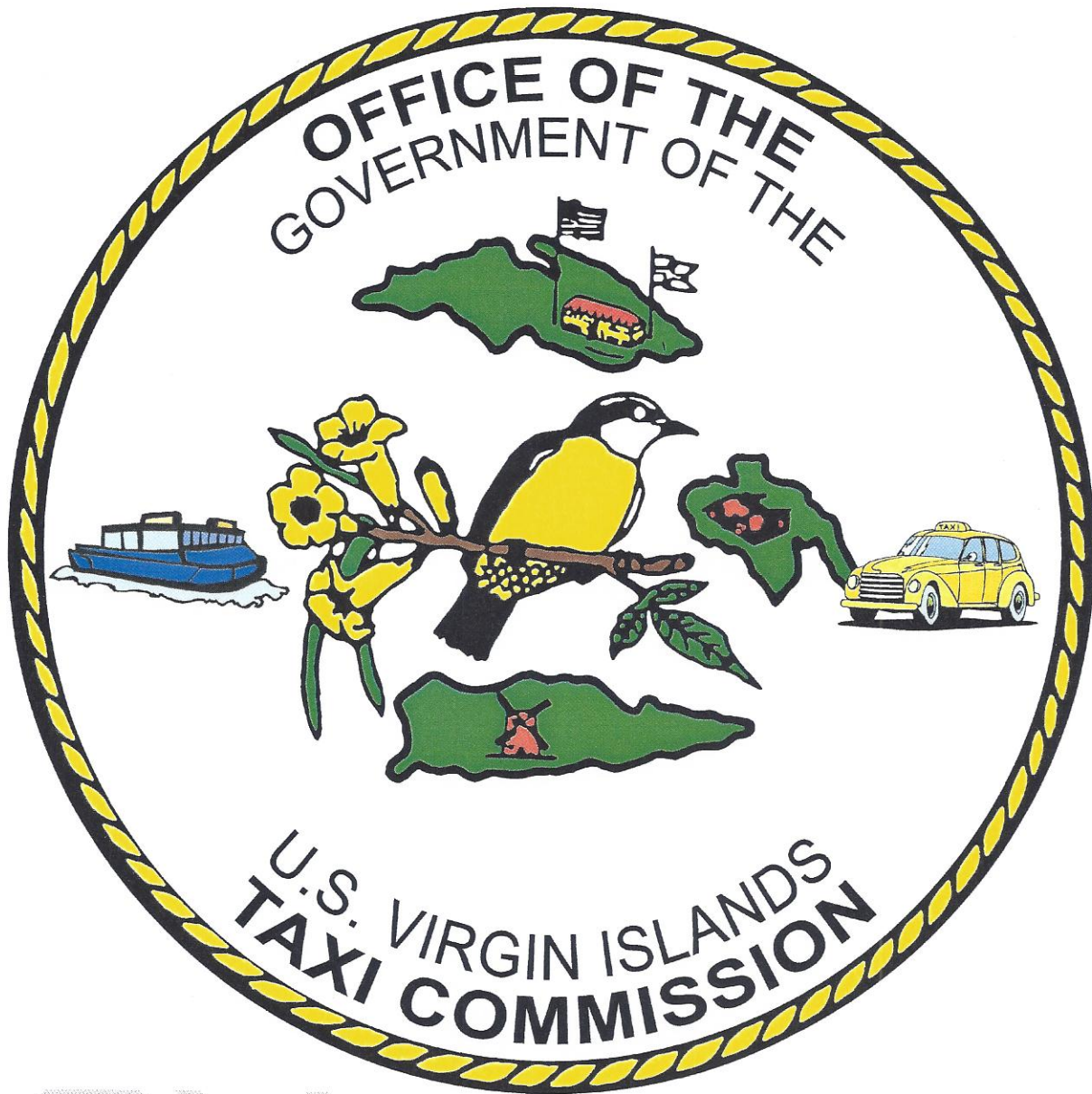
Copy below is hereby certified to be a true and correct
of Rules and Regulations adopted pursuant to authority granted
in 3 V.I.C. Section 274, by:

The Virgin Islands Taxicab Commission



Ulric U. Pilgrim
Chairman

The copy below interprets or applies 3 V.I.C. Section 274, and
20 V.I.C. Section 401 et seq.



Rules and Regulations Handbook

Promulgated By:

The Virgin Islands Taxicab Commission

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Ulric Pilgrim, Chairman of the Board

Judith Wheatley, Executive Director

Published 2010

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I

VIRGIN ISLANDS TAXICAB COMMISSION

274-1 Purpose and Construction of Regulations

These Rules and Regulations are promulgated pursuant to Title 3, Chapter 16, Section 274 of the Virgin Islands Code, herein referred to as “the statute.” These Rules and Regulations are intended to establish uniform and coordinated procedures for the administration of the statute. The interpretation and application of these Rules and Regulations shall be consistent with the policies and mandates of the statute and construed to secure the just, speedy and inexpensive determination of every controversy and matter before the Virgin Islands Taxicab Commission.

274-2 Definitions

As used herein, except when the content otherwise clearly requires:

- a) **MEDALLION:** The instrument whereby a person, company, corporation, or partnership owns an automobile for hire business within the United States Virgin Islands.
- b) **TAXI:** A vehicle, other than a public bus, which has been licensed by the Virgin Islands Taxicab Commission to provide transportation, including tours, to the general public for a fare.
- c) **TOUR OPERATOR:** The provider of transportation and/or pre-packaged outings to specific place(s) which may include pre-paid arrangements
- d) **LIMOUSINE:** Any large luxurious sedan or SUV driven by a chauffeur and for which the principal terms of service are contractually arranged in advance, limited to the manufacturer’s, or remanufacturer’s safe seating capacity. In the absence of one of these two safe seating capacity labels,

the vehicle's seating capacity will be determined by the appropriate U.S. Virgin Islands government agency.

- e) **MEDALLION ACCESSORIES:** Documents necessary for the operation of an automobile-for-hire which shall be in the possession of the operator whenever on duty. They include:
 - i. Certificate of Entitlement
 - ii. Identification Badge
 - iii. Class "C" operator's license
 - iv. Vehicle registration
- f) **ADMINISTRATIVE HEARING:** The mechanism by which the Executive Director will make determinations pertaining to complaints of violations of law and the rules and regulations governing the automobile for hire industry.
- g) **LEASE:** A contract, approved by the Executive Director providing for the use of a medallion owner's (lessor) taxi, tour operator, or limousine plates and Certificate of Entitlement by an automobile-for-hire operator (lessee) for a specified period of time in exchange for rent.
- h) **TOUR:** A trip conducted by a taxi or tour operator with visits to places of established interest for a minimum of two hours for a fare.
- i) **AUTOMOBILE-FOR-HIRE CONTRACT:** An agreement between medallion owner(s) and another party for the purpose of providing transportation service, with the approval of the Virgin Islands Taxicab Commission.
- j) **SEVERE VIOLATIONS:** Any act of violence or the threat thereof, and shall include the third offense of the same nature subject to a two week suspension, or any act that can be tried as a misdemeanor or felony.

HISTORY

Revision Note: Based on Act No. 6968 (Bill No. 27-0018) signed into law October 10, 2007.
(Refer to Title 3 VIC Section 274)

II

COMMISSION MEMBERSHIP

274-21 Composition of Commission Members; Officers

The Commission shall be composed of nine members appointed by the Governor with the advice and consent of the Legislature. Of the nine members appointed:

- (1) Three (3) members must be selected from the taxi industry, one from each island, who are active taxi drivers who own taxi medallions; and
 - (2) Three (3) members must be from the public-at-large who are not government employees, and providing that one (1) member must be a resident of St. Croix, St. Thomas, and St. John respectively.
 - (3) One (1) member who must be retired with a background in law enforcement or the legal profession; and
 - (4) One (1) member who is an employee of the V.I. Department of Tourism, and one (1) member who is an employee of the V.I. Department of Licensing and Consumer Affairs as recommended by their respective Commissioners provided further that one employee shall be a resident of the District of St. Croix, and one employee shall be a resident of the District of St. Thomas-St. John.
- (a) All members of the Commission shall serve a term of three years; except that any person appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed serves only for the remainder of the term. Upon expiration of a member's term, the member serves until the member's successor is appointed and qualified. Vacancies are filled for the unexpired term of a member in the same manner as the initial appointment.

(b) The Commission shall elect a chairperson and a vice-chairperson annually for terms of one year. The chairperson shall preside at all meetings, and the vice-chairperson shall preside in the absence or disability of the chairperson. The Commission may, in the absence or disability of the chairperson and vice-chairperson, elect any of its members to act as the chair pro tempore.

(c) Each member of the Commission who is not a Government employee shall receive the sum of \$75.00 for each day, or part thereof, spent in the performance of official duties and in addition, must be reimbursed for necessary travel, subsistence and other expenses actually incurred in the discharge of duties as a member of the Commission.

274-22 Committees

The Commission may appoint one or more committees.

(a) A committee must consist of no fewer than four members of the Commission.

(b) Before appointing a committee, the Commission shall adopt rules and regulations specifying the duties and responsibilities, powers and authority, including the rules and procedure to be followed for every committee that may be appointed.

(c) A person aggrieved by any action of a committee may appeal to the Commission for a review of action within 10 days following notification of the action by a committee.

274-23 Conduct of Meetings; quorum

Five members of the Commission constitute a quorum for the transaction of business, and the Commission may conduct its business, notwithstanding vacancies, if a quorum is present. The Commission shall meet at such time and place as it may fix and determine. Special meeting may be held on the call of the Chair or any three members.

HISTORY

Revision Note: Based on Act No. 6968 (Act No. 27-0018) signed into law on October 10, 2007. (Refer to Title 3 VIC Section 274)

III

DUTIES AND POWERS

274-31 Duties and Powers of the Virgin Islands Taxicab Commission

(a) In addition to the other powers and duties granted to it by law, the Commission may:

- (1) Issue medallions in accordance with the procedures of Title 20, chapter 27, subchapter 11, of the Virgin Islands Code;
- (2) Issue license plates to owners of automobiles for hire who properly registered their vehicles with the Motor Vehicles Bureau and in accordance with the procedures of Title 20, section 339, of the Virgin Islands Code, and who also are owners of medallions as provided in Title 20, chapter 37, subchapter II, of the Virgin Islands Code;
- (3) Recommend the adoption, amendment, or revocation of rules and regulations, not inconsistent with the law, for the regulation and control of the automobile-for-hire industry in the Virgin Islands
- (4) Make recommendations for the establishment, improvement, and enhancement of tourist attractions in the Virgin Islands particularly related to the automobile-for-hire industry;
- (5) Cooperate and coordinate its activities with other agencies, public and private;

- (6) Receive and investigate complaints, conduct hearings and issue subpoenas with regard to the conduct of operators of automobiles-for-hire and impose administrative fines and penalties as provided by law;**
- (7) Establish standards, conditions, and requirements of taxicab service;**
- (8) Establish standards for driver and passenger safety;**
- (9) 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 taxicab service;**
- (10) Accept grants and donations from public or private entities for the purpose of improving the quality of taxicab service in the Territory;**
- (11) Hire an executive director, a taxi inspector and such other employees as the Commission considers necessary to carry out the purpose of its duties; 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 law.**
- (13) The Commission shall make recommendations to the Governor and the Legislature on all matters relating to the operation, regulation and control of automobiles-for-hire. Recommendations must take the form of written resolutions adopted by a majority of the members of the Commission present and voting when a quorum is present. If a recommendation of the Commission is approved by the Governor and it can be implemented without legislation, the Governor shall, within 30 days after receipt thereof, 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.

(14) At the end of each fiscal year, the Commission shall issue a written report of its activities during the fiscal year 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 Commission for the following year.

(b) The Virgin Islands Taxicab Commission is authorized to establish a moratorium on the issuance of class "c" driver's licenses.

HISTORY

Revision Note: Section (a) is based on Act No. 6968 (Bill No. 27-0018) signed into law on October 10, 2007. (Refer to Title 3 VIC Section 274) Section (b) is based on Act No. 7058 (Bill No. 27-0265) signed into law on January 9, 2009.

IV

GENERAL RULES

274-41 General Rules of Taxi Operation

(1) Each medallion owner and/or automobile-for-hire operator is responsible for knowledge of, and full compliance with, the Rules and Regulations promulgated by the Virgin Islands Taxicab Commission, especially as they relate to vehicles, equipment, and the general public.

- (2) Any medallion owner or automobile-for-hire operator who violates any provision of these Rules and Regulations shall be subject to an administrative fine and/or penalty so imposed shall not exceed \$1,000.00 or the revocation of the operator's badge and automobile for hire plates. No penalty shall be imposed without previous notice and an opportunity for a fair hearing.**
- (3) Each medallion and operator shall be registered with the Virgin Islands Taxicab Commission. A medallion owner shall not allow the use of his automobile-for-hire plates without prior notification to, and approval by the Executive Director.**
- (4) Each license plate issued by the Virgin Islands Taxicab Commission shall designate the island for which it is issued and is VALID ONLY on the island designated.**
- (5) Two copies of all taxi contracts and concession (bids) agreements shall be submitted to the Virgin Islands Taxicab Commission for approval. All taxi concessions must be registered and licensed through the Virgin Islands Taxicab Commission.**
- (6) All organizations, groups, corporations, companies or associations formed for the purpose of an AUTOMOBILE-FOR-HIRE enterprise shall be registered by the Virgin Islands Taxicab Commission. This registration shall include the names of all participating medallion owners, automobile-for-hire operators, all officers, the business address and the type(s) of service to be provided.**
- (7) A medallion owner and/or automobile-for-hire operator shall be responsible for safeguarding all licensing accessories. Any accessory lost, stolen, or mutilated shall be reported by submitting a written notarized statement to the office of the Virgin Islands Taxicab Commission. Said medallion owner or automobile-for-hire operator shall comply with the requirements set forth by the Virgin Islands Taxicab Commission for replacement of licensing accessories.**
- (8) No gift or gratuity of any description shall be given to any**

representative of the Virgin Islands Taxicab Commission by an applicant, an automobile-for-hire operator, a medallion owner, or anyone acting on his/her behalf.

- (9) Official notice will be taken of any misconduct, deceit, fraud, subterfuge, or actions of an automobile-for-hire operator which is against the best interest of the public, even though not specifically mentioned in the rules.

274-42 Rules Governing Automobile-for-hire operators

An automobile-for-hire operator while on duty:

- (1) Shall be clean, neat in dress and in person. (No tank tops, cut-offs, slippers, shirt-tails hanging out, shorts, or sexually provocative attire will be tolerated)
- (2) Shall not smoke while carrying passengers.
- (3) Shall not drink intoxicating liquor or beer.
- (4) Shall not be in possession of any controlled substances, drug paraphernalia. If found guilty of possession of a controlled substance under Title 19, Virgin Islands Code, Section 607, shall in addition to any and all other penalties provided by law, have his/her driver's license or driving privileges revoked for a period of two years.
- (5) Shall be courteous to passengers and shall not use profane, vulgar, or indecent language or gestures.
- (6) Shall remain within 6 feet of his/her vehicle while parked at a taxi stand.
- (7) Shall not sit in any part of his/her vehicle, except the operator's seat, and shall not permit anyone who is not a passenger to sit anywhere in the vehicle.

(8) Shall give his/her name and identification badge number upon request to a passenger, police officer, or an authorized representative of the Virgin Islands Taxicab Commission.

(9) Shall be in possession of all medallion accessories including:

- (a) Certificate of Entitlement**
- (b) Identification Badge**
- (c) Class "C" operator's license**
- (d) Vehicle registration**
- (e) Fare schedule**

(10) Shall not allow anyone to use his/her medallion accessories, nor use anyone else's.

(11) Shall not change, deface, or conceal, in any manner, any entry on his/her identification card, fare schedule, or any other medallion accessory.

(12) Shall not induce, or attempt to induce a person to hire his/her vehicle by knowingly giving misleading information as to the time and/or place of arrival or departure of a carrier, or the location of any building or place, or the distance between two points.

(13) Shall report immediately to the police, any attempt to use his/her automobile-for-hire to commit a crime or escape from the scene of a crime. Furthermore, he/she is expected to cooperate with Law Enforcement Officers in the performance of their duty.

(14) Shall not refuse a passenger unless the passenger is intoxicated and disorderly, or possession of a pet or animal (other than a seeing-eye dog) that is not properly and adequately secured in a kennel case or other suitable container. There shall be NO CHARGE for the seeing-

eye dog or pet.

(15) Shall not refuse a passenger unless the off-duty sign is displayed before a new customer requests his/her services. An operator is authorized to display the off-duty sign when carrying his/her last passenger or awaiting such passengers enroute to their destination.

(16) Shall not refuse a passenger, unless the person is carrying an article or package which would cause a vehicle to become stained or foul smelling or otherwise damage the interior of the vehicle.

(17) Whenever a passenger's belongings are lost in an automobile-for-hire, the operator shall try to locate the passenger or take it to the Office of the Virgin Islands Taxicab Commission.

274-43 **Rules Governing the Operation of Automobiles-for-hire**

(a) Taxis may be alternately operated in one of three ways as follows:

(1) Picking up and discharging passengers whose destinations are in the same general direction, charging individual fares, unless passengers are travelling as a group.

(2) Transporting a contracting person or group from one point to another without stops for other soliciting persons that may be encountered enroute. Persons requesting a taxi for themselves only shall pay the private rate as stated on the official tariff. Passengers must be informed of this before departure.

(3) Exclusively conducting a tour.

(b) Automobiles-for-hire SHALL NOT pick up passengers at any bus stop unless hailed. You are required to pull off the roadway completely to pick-up and/or discharge passengers.

- (c) All taxis shall have an on-duty/off-duty sign posted. When on-duty, taxis are required to pick up all passengers except in areas where a taxi contact is awarded.

HISTORY

Revision Note: Refer to Title 20 VIC, Chapter 35, Section 378 for drug offenses.
Refer to Title 20 VIC, Chapter 33, Section 339.
Refer to Title 20 VIC, Chapter 37, Section 401 et. seq.

V

Vehicle and Equipment

274-51 Responsibility for vehicle and equipment

- (1) An automobile-for-hire shall be kept clean and neat in appearance at all times.
- (2) An automobile-for-hire shall be subject to inspection at any time while on duty.
- (3) An automobile-for-hire shall have the following equipment, as directed:
 - (a) An identification badge prominently displayed on the right hand sun visor. The automobile-for-hire operator shall appear as in his/her photograph displayed on the badge. If the operator's appearance changes, a new photograph shall be submitted immediately.
 - (b) The Certificate of Entitlement shall be placed alongside the identification badge.

- (c) An off-duty/on-duty sign prominently displayed on the dashboard visible to anyone standing in front of the vehicle.
- (d) A functional dome light is mandatory for all vehicles registered as a taxi.
- (e) A fare schedule shall be made available to a passenger for verification upon request.

HISTORY

Revision Note: Refer to Title 20 VIC, Chapter 37, Section 401 et. seq.

VI

TAXI STAND PROCEDURES

274-61 Taxi Stand Procedures

- (1) A taxi parked at a taxi stand shall be on duty.
- (2) Upon entering a taxi stand, a taxi shall take the rear position in line. Overcrowding or backing into a feed line is prohibited. The first taxi shall be designated without discretion for the next fare.
- (3) Taxis are not to be repaired or washed while at a taxi stand, except emergency minor repairs.
- (4) All taxi stands are to be registered with and monitored by the Virgin Islands Taxicab Commission.
- (5) Temporary taxi stands and procedures established by the Virgin Islands Taxicab Commission shall supersede previously designated taxi stands.

- (6) A taxi operator shall not cruise for the purpose of soliciting passengers within fifty (50) feet of an authorized, occupied taxi stand.
- (7) A taxi operator at a taxi stand is forbidden, after receiving a passenger, from waiting for additional passengers.
- (8) Upon finding out a passenger's destination, a taxi operator is obligated to deliver the passenger to that destination.

HISTORY

Revision Note: Refer to Title 20 VIC, Chapter 37, Section 401 et. seq.

VII

HEARINGS

274-71 Administrative Hearings

Administrative hearings are authorized by Title 20, Virgin Islands Code, Chapter 37, Section 401b, subsection 2. The Executive Director or Chairman of the Board shall conduct Administrative hearings for the purpose of making determinations of complaints and to impose administrative fines and/or penalties for violations of the Rules and Regulations governing the Automobile-for-hire industry.

Procedure:

- (a) Administrative hearings shall be conducted by the Executive Director, or the Chairman of the Board.
- (b) A medallion owner and/or automobile for hire operator shall answer, as directed, all communications from the Virgin Islands Taxicab Commission, and shall answer all pertinent questions

directed to him/her at any hearing. When his/her presence is required, he/she shall bring his/her Class "C" operator's license, identification badge, and Certificate of Entitlement with him/her.

- (c) Prior notice and the opportunity for a fair hearing will be provided any person accused of violating these Rules and Regulations. Failure to respond to initial notification will result in the issuance of a subpoena by the Virgin Islands Taxicab Commission.
- (d) A respondent is entitled to legal counsel at any hearing.
- (e) Any person willfully failing to pay a fine or appear before the Executive Director, or Chairman of the Board shall be subject to an administrative fine or penalty not to exceed \$1,000.00 or the revocation of the operator's badge and automobile for hire plates.
- (f) Medallion accessories are subject to revocation or suspension after a third offense by an automobile-for-hire operator, except in cases where the Office of the Taxicab Commission deems it necessary to do so immediately, due to the severity of the violation.
- (g) Administrative hearing proceedings shall be instituted by the filing of a formal written complaint, or issuance of a Taxi Ticket, followed by notification from the Virgin Islands Taxicab Commission to the respondent of the alleged violation(s).
- (h) In cases where the complainant is not a resident of the Virgin Islands, an affidavit (witnessed and notarized), shall serve as an exponent for the complainant.
- (i) Hearings need not be conducted in accord with the technical rules of evidence and witnesses, provided it is the sort of evidence on which reasonable persons are accustomed to rely.
- (j) Any person charged with a taxi offense within the authority of the hearing officer and upon signing a plea of guilty and waiver of trial, and pay the fine established for the offense charged. He shall, prior to such a plea, waiver, and payment, be informed of his right to an administrative hearing, that his signature to a plea of guilty will have the same force and effect as a court

judgment, and that the record of his conviction will be sent to the Police Commissioner. A decision of the hearing officer, including his findings of facts and conclusions of law shall become final five (5) days after it is filed with the Taxicab Commission.

(k) Any person aggrieved by any decision rendered by the Commission may, within 10 days following the date of notice of the decision, file an appeal with the Superior Court of the Virgin Islands.

274-72 Suspension or Revocation

Any person found guilty of the same infraction three (3) times within a period of one year, shall have his Class "C" operator's license and other medallion accessories automatically suspended for a minimum of one (1) week.

HISTORY

Revision Note: Refer to Title 3 VIC, Section 274, and Title 20 VIC, Chapter 37, Section 401 et. seq.

VIII

PENALTIES

274-81 Penalties

The Virgin Islands Taxicab Commission, by published order to be prominently posted in the place where the fines are to be paid, shall specify by suitable schedules the amount of the fines to be imposed for first, second, and subsequent offenses, designating each offense specifically in the schedules.

HISTORY

Revision Note: Refer to Title 20 VIC, Chapter 37, Section 401 et. seq.

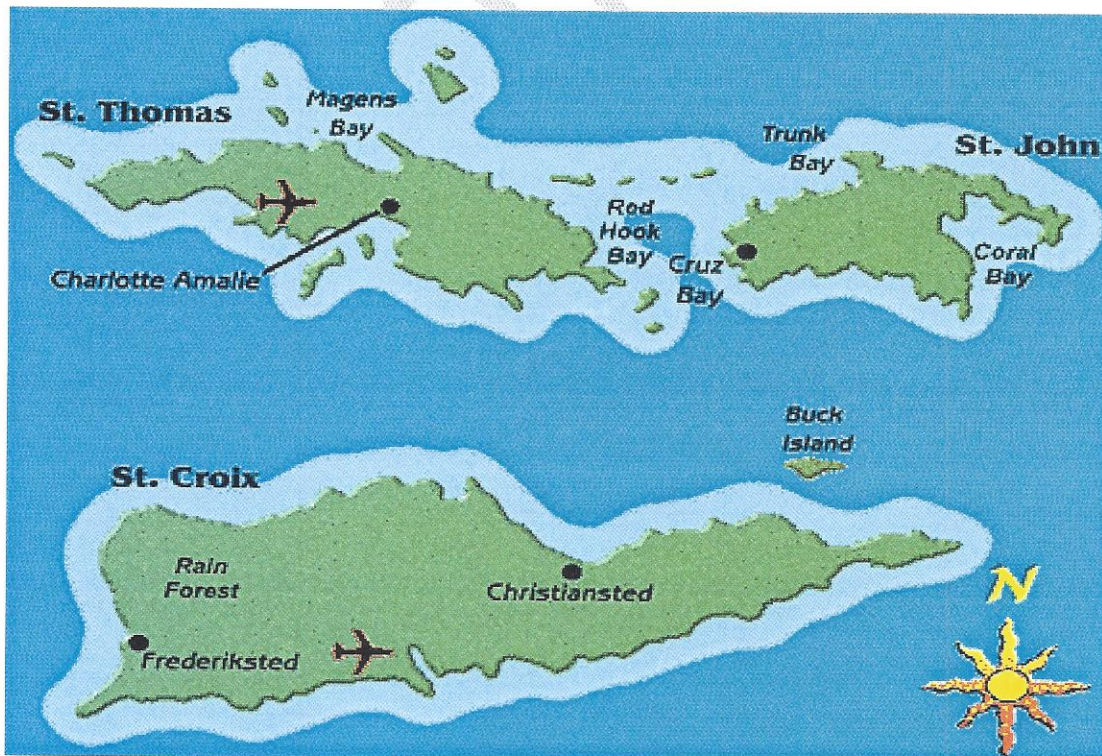
IX RATES

274-91 Official Tariff

The official rates to be collected for the service of automobiles-for-hire shall be fixed by the Virgin Islands Taxicab Commission.

HISTORY

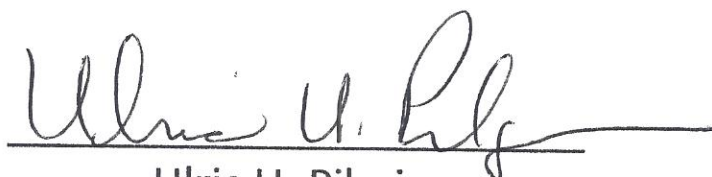
Revision Note: Refer to Title 20 VIC, Chapter 37, Section 404.



The above Rules and Regulations of the Virgin Islands
Taxicab Commission are hereby approved:

Approved:

2/11/2010
Date


Ulric U. Pilgrim
Chairman

Pursuant to the powers vested in me by Section 11 of the
Revised Organic Act of 1954, the above Rules and Regulations
of the Virgin Islands Taxicab Commission are hereby approved.

Approved:

Date

John P. deJongh, Jr.
Governor

CERTIFICATION

Having found compelling circumstances pursuant to 3 V.I.C. 938, the public interest requires that these Rules and Regulations of the Virgin Islands Taxicab Commission become effective without the delay of prior publication. These Rules and Regulations shall become effective upon this _____ day of _____, 2010.

John P. deJongh, Jr.
Governor



GOVERNMENT OF THE VIRGIN ISLANDS
OF THE
UNITED STATES
-O-
VIRGIN ISLANDS TAXICAB COMMISSION

Judith Wheatley
Executive Director

Ulric Pilgrim
Chairman of the Board

Copy below is hereby certified to be a true and correct copy of Rules and Regulations adopted, pursuant to the authority granted in 3 V.I.C. Section 274, by the Virgin Islands Taxicab Commission. The copy below interprets or applies 20 V.I.C. Section 401 et seq., as it pertains to the Regulation of Automobiles For Hire.

Dated: 1/18/10

Ulric U. Pilgrim
Chairman, Virgin Islands Taxicab Commission

APPROVED:

Dated: _____

Vincent Frazer, Esq.
Attorney General of the U.S. Virgin Islands

Dated: _____

Honorable John P. deJongh, Jr.
Governor of the U.S. Virgin Islands