

TESTIMONY OF CHRIS LIMOUSINE, LLC BEFORE THE COMMITTEE ON
GOVERNMENT OPERATIONS, VETERAN AFFAIRS, AND CONSUMER PROTECTION
ON BILL NO. 35-0251

SEPTEMBER 24, 2024

Good morning chair Carla Joseph, other members of the 35th Legislature and the listening public. My name is Pedro K. Williams. I am an attorney licensed in the Virgin Islands and appear here today on behalf of my client, Chris Limousine, LLC. The managing member for Chris Limousine, LLC, Chris Elizee, is currently off island due to medical issues and has asked me to appear and testify on his behalf.

By letter dated August 28, 2024, Mr. Elizee was asked to testify on Bill No. 35-0251, “an act amending Title 3 Virgin Islands Code, Chapter 16, Section 274 relating to the changing of the name of the Virgin Islands Taxicab Commission to the Virgin Islands Taxicab and Limousine Commission and giving oversight authority to the Virgin Islands Taxicab and Limousine Commission over limousine services operators, and for other related purposes.” I had previously conveyed to you, madam chair, Mr. Elizee’s status, and you indicated that it was permissible for me to appear and testify on his behalf.

We have reviewed the above referenced Bill and offer the following comments:

First, the Bill attempts to transfer regulatory authority over limousine services to the current V.I. Taxicab Commission. Of course it begs the question as to why we would want to add additional regulatory authority to a body that by most accounts, appears to be dysfunctional. Unless and until the Taxicab Commission is properly functioning, we question whether additional duties and responsibility should be given to that entity.

Second, while at first blush, it might appear that limousine services and taxicab should be regulated by the same entity, we do not believe the facts support that position. Current and past practices have shown that members of the taxi community and limousine services are generally at odds and from the Taxi’s perspective are viewed as competitors. As such, we question the wisdom of having an entity that has historically regulated taxi operations, with Commissioners who are familiar with that industry, to now regulate operators who may be viewed as competitors.

Third, limousines services are currently regulated by the Department of Licensing and Consumer Affairs (DLCA), the same department that some have suggested should assume the responsibilities of the Taxicab Commission. While the current regulatory scheme has not been without its challenges, we believe the regulation of limousine services should remain as is. We are aware that for some time DLCA has been preparing rules and regulations for limousine services. And although we have not seen any of the draft proposals, we are assured that the limousine operators’ community would have input before any proposed regulation is adopted.

Fourth, as it relates to the draft bill, I am not sure that the Bill accomplishes its purposes by simply changing the name of the commission. It appears to me that more substantive changes must be made to the Code to effectuate the purposes of the Bill.

For example, various sections of the V.I. Code addresses “automobiles for hire,” and utilizes that term to determine qualifications for the commission. However, it should be abundantly clear that limousines operate much differently than the traditional “automobiles for hire.” In this industry, limousine services are pre-arranged. The service is a “full service” operation. It involves not only transportation from point A to point B but tours, excursions, and other services. Those services generally involve the movement of large groups of individuals. The users of those services require a certain level of service that is uniform and consistent; not hired on the spot.

Again, much more than the name in the title must be changed/amended in order to effectuate the Bill’s purposes.

As drafted, the Bill does not provide for any limousine operators to serve on the Commission as the law currently provides for taxi operators to serve on the Commission.

There are no provisions to hire a limousine inspector similar to a taxi inspector as provided in 3 VIC § 274 (f)(11).

We recommend that wherever the term “automobile(s) for hire” is used throughout the Code the term “limousine operator” should be added.

There needs to be corresponding changes and amendments to Title 20 VIC § 401, Chapter 37 et al, as well as other provisions of the Code, that address the Taxicab Commission, in order to make the applicable provisions consistent.

Automobiles for hire are subject to Taxi tariffs. Whereas, limousines are governed by the contractual relationship between the parties.

Automobiles for hire require a medallion pursuant to 20 VIC § 407, whereas limousine operators do not currently require medallions.

Section 3 of the proposed Bill is confusing and unclear. It is unclear what “until such time that legislation has been enacted,” means. Would the adoption of this Bill trigger that provision? Also, what does “under the supervision of the Virgin Islands Taxicab Commission” mean. Would the Taxicab Commission have all of the powers and authority as the Department of Licensing and Consumer Affairs? Should a semi-autonomous agency like the Taxicab Commission have all of the powers of a central government agency? And if so, what is the difference between that agency being a government agency and it being a semi-autonomous government entity? These and other questions need to be addressed.

Further, Subsection (b) of Section 3 of the proposed Bill calls for recommendations for legislation to regulate the limousine services industry. Again, the Bill as drafted is not clear as it seems to me legislation would need to be enacted first and then the Commission would issue rules and regulations under its general rule making authority. I’m not sure the Legislature wants to be in the business of drafting rules and regulations for industries.

Madam Chair, we welcome the opportunity to provide these limited comments to Bill No. 35-0251, and are available to respond to any questions that you and other committee members might have.