

**THIRTY-SIXTH LEGISLATURE OF THE
U.S. VIRGIN ISLANDS
COMMITTEE ON HOUSING,
TRANSPORTATION, AND
TELECOMMUNICATIONS**

Chairman: The Honorable Marvin A. Blyden

Virgin Islands Police

Department, USVI

April 8, 2026

Good morning to the Chair, The Honorable Marvin A. Blyden, Legislative body and Staff, Members of the VIPD Team, and to the listening and viewing audience. My name is Alexander A. Moorehead, IV, Lieutenant and Commander of the St. Croix District Motor Carrier Safety Unit (MCSU) of the Office of Highway Safety for the United States Virgin Islands Police Department. I come before you on behalf of Police Commissioner Mario M. Brooks to discuss **Bill No. 36-0109**, an act amending Title 33 Virgin Islands Code, Chapter 111 to establish the Inspection and Safety on Public Highways Fund; amending Title 20 V.I.C., Chapter 39, Section 435 relating to the collection of fees, amending Title 20 V.I.C., Chapter 41, Section 461 relating to equipment and inspection of vehicle requirements, and Title 20 V.I.C., Chapter 38, Section 416 relating to motor vehicle

restrictions for the car rental industry as presented by Senator Angel L. Bolques, Jr.

The VIPD respectfully submits this testimony to express concern and opposition to the bill as currently drafted. While the intent—to improve public highway safety, streamline inspections, and create a dedicated fund—is well intended, the bill in its present form introduces significant conflicts with federal law and threatens the integrity of the Virgin Islands’ commercial motor vehicle (CMV) inspection system.

PURPOSE AND SCOPE OF BILL NO. 36-0109

Bill No. 36-0109 aims to:

1. Create the “Inspections and Safety on Public Highways Fund” (33 V.I.C. § 3100hh) to collect all inspection-related revenues.
2. Amend Title 20 § 435 to direct these revenues into the new fund.
3. Reenact Title 20 § 461 to update vehicle inspection requirements, limit mandatory inspections to selected vehicle types, and authorize private repair shops to perform inspections.
4. Amend Title 20 § 416 to require car rental agencies to ensure vehicle safety and compliance before operation.
5. Permit online registration renewals and introduce an emissions inspection program by December 2024.

These objectives reflect the Legislature’s commitment to improving efficiency, service delivery, and roadway safety. However, several of these provisions conflict with federally mandated inspection requirements that govern the Virgin Islands’ participation in the Motor Carrier Safety Assistance Program

(MCSAP).

FEDERAL AND TERRITORIAL COMPLIANCE FRAMEWORK

Under 49 CFR § 390.5T, a *Commercial Motor Vehicle (CMV)* is defined as any vehicle that:

- Has a gross vehicle or combination weight rating of 10,001 lbs or more;
- Transports more than 8 passengers (including the driver) for compensation;
- Transports more than 15 passengers not for compensation; or
- Transports hazardous materials in quantities that require placarding.

Pursuant to 49 CFR §§ 350.201, 385.309, and 396.23, only inspectors certified under the Commercial Vehicle Safety Alliance (CVSA) and trained through the Motor Carrier Safety Assistance Program (MCSAP) are authorized to perform or certify inspections of these vehicles. These requirements maintain uniformity and compliance under the US Department of Transportation (USDOT) - Federal Motor Carrier Safety Administration (FMCSA).

Within the Virgin Islands, the Motor Carrier Safety Unit (MCSU) of the VIPD is the only entity legally authorized to conduct *commercial motor vehicle (CMV)* inspections consistent with MCSAP standards.

However, it is necessary to clarify that:

- The MCSU currently holds exclusive authority to perform commercial vehicle inspections in the Territory.
- No individual or agency in the Virgin Islands currently holds federal certification to inspect for-hire or passenger-carrying vehicles under CVSA standards.

This distinction is critical. Expanding inspection authority to uncertified

private auto repair facilities, as proposed in Section 461(f) of the bill, would place the USVI in direct violation of federal law. Any such inspections would be invalid for commercial or passenger-carrying vehicles under FMCSA oversight.

IMPORTANCE OF CERTIFIED ENFORCEMENT AND INSPECTIONS

Currently, roadside inspections conducted by the MCSU identify serious safety concerns that directly affect public safety. Data illustrates this ongoing need for qualified inspection oversight:

- **FY 2024:** 16.4% of inspections (134 of 816) resulted in *Out-of-Service* orders.
- **FY 2025:** 20.9% (164 of 786) resulted in OOS orders.
- **FY 2026 Q1:** 16.2% (32 of 197) resulted in OOS orders.

These findings confirm that nearly one in five commercial vehicles inspected were unsafe to operate. Such results demonstrate the necessity of federally guided inspection procedures administered by properly trained personnel.

North American Standard (NAS) inspection Levels I–VII examine everything from driver documentation and braking systems to fuel leaks, steering mechanisms, and passenger safety. Without adherence to NAS protocols and inspector certification, inspection consistency and data accuracy cannot be guaranteed—and the safety of Virgin Islands roadways could be compromised.

AREAS OF CONCERN IN BILL NO. 36-0109

1. Omission of the Motor Carrier Program: The bill does not acknowledge the existence or role of the Motor Carrier Safety Unit (MCSU), the Territory's sole federally recognized enforcement body for commercial motor vehicle inspections.
2. Delegation of Federally Controlled Authority: Section 461(f) authorizes uncertified repair facilities to perform inspections and issue Certificates of Inspection, contrary to the requirements in **49 CFR § 396.23(b)**.
3. Certification Deficiency related to For-Hire and Passenger Vehicles:
While the MCSU possesses inspection authority, no qualified inspector currently holds certification to inspect for-hire or passenger-carrying vehicles. Extending such authority to unqualified entities would make inspections non-compliant and unenforceable.
4. Risk to Data Integrity: Allowing multiple, privately operated inspection points without centralized access control or state validation increases the risk of inconsistent or fraudulent inspection documentation.
5. Lack of Direct Funding for MCSAP Functions: Although the fund proposed in § 3100hh centralizes revenue, it does not dedicate budgetary support to the MCSU for the federally mandated functions necessary to maintain MCSAP compliance—such as inspector training, data management, or the

establishment of weigh stations which are critical and necessary for the territory.

RECOMMENDATIONS

With the interest of preserving both public safety and federal compliance, the VIPD respectfully recommends that the Committee amend Bill No. 36-0109 in the following manner:

1. **Codify MCSU Authority**: Clearly identify the VIPD's *Motor Carrier Unit* as the sole entity authorized to perform inspections of commercial motor vehicles under local and federal law. This would also require mandating a minimum of five (5) full time inspectors (a commander and four inspectors) in each district to ensure effective unit operations.
2. **Mandate Inter-Agency Coordination**: Require a formal Memorandum of Understanding (MOU) between the Bureau of Motor Vehicles (BMV) and the MCSU to manage shared inspection and registration data securely.
3. **Adopt Federal Definitions**: Incorporate 49 CFR § 390.5T definitions for key vehicle classifications—"Commercial Motor Vehicle," "Vehicle for Hire," and "Passenger-Carrying Vehicle"—to ensure statutory consistency with federal requirements.

4. **Dedicated Fund Support for Compliance Activities:** Amend

33 V.I.C. § 3100hh(c) to allocate a portion of the new fund specifically for:

- Inspector training and certification through the CVSA.
- Development of weigh-stations and inspection facilities in each district.
- Acquisition of safety equipment and inspection vehicles.
- Continued integration of Virgin Islands inspection data with FMCSA systems.

5. **Restrict Inspection Issuance to Certified Personnel:** Limit all certificates

of inspection for federally regulated vehicles to personnel who hold recognized federal motor carrier inspection certification.

CONCLUSION

Honorable Chair and members of the Committee, **Bill No. 36-0109** seeks to strengthen road safety and create a more efficient inspection structure—objectives that every enforcement body shares. However, advancing the bill *as currently drafted* would place the Virgin Islands in conflict with federal motor carrier safety regulations, jeopardize highway safety funding, and expose the Territory to potential liability for invalid inspections.

To achieve both modernization and compliance, the bill should be returned to committee for amendment, ensuring that:

1. **The Motor Carrier Safety Unit’s exclusive authority is clearly established.**

- 2. Certified inspectors remain the only personnel authorized to inspect commercial and for-hire vehicles; and**
- 3. Inspection fund revenues directly support enforcement, training, equipment, and safety infrastructure in accordance with federal law.**

With these revisions, the Legislature can accomplish the bill's core intent—improving safety, accountability, and regulatory efficiency—while maintaining full compliance with FMCSA and safeguarding the traveling public.

Thank you for your time and for considering this testimony.

My team and I are available for any questions.