

BILL NO. 36-0112

Thirty-Sixth Legislature of the Virgin Islands

July 10, 2025

An act amending title 4 Virgin Islands Code, chapter 31, section 516 increasing the filing fee for general civil complaints in the Superior Court of the Virgin Islands and title 5 Virgin Islands Code, chapter 41, section 426 allowing for the collection of nine percent prejudgment interest when an offer of judgment is filed with the court

PROPOSED BY: Senator Carla J. Joseph

WHEREAS, the median filing fee for civil complaints is approximately \$150 in state courts of general jurisdiction, and \$400 in the federal courts;

WHEREAS, many of these states not only charge a filing fee for complaints, but also a filing fee for any affirmative relief, when defendants counter-sue, cross-sue or sue third-parties;

WHEREAS, civil filing fees range from \$100 to \$315 for small population states such as Hawaii, Idaho, Iowa, Nevada, Vermont, and Wyoming;

WHEREAS, the facilities of the Superior Court in the St. Thomas and St. Croix districts are aging;

WHEREAS, while inflation, the cost-of-living, and interest rates have hit record highs, the court post-judgment interest rate in the Virgin Islands remains at four percent, far outside

the majority of states that utilize post-judgment interest rates at or above nine percent and eight states use post-judgment interest rates at twelve percent or more;

WHEREAS, with the recent rise of the bond market, interest rates, and return on investments, and the further expected rise of the interest rate over the coming years, the Superior Court's judgment interest rate should rise to compensate those wronged for the delay of payment and the full opportunity cost of money; and

WHEREAS, the ability to keep filing fees for the use of capital improvement to the courts would enhance the physical appearance of the court facilities; Now, Therefore,

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 4 Virgin Islands Code, chapter 31, section 516, is amended as follows:

(a) paragraph (7) is amended by striking "or" after "petition" and inserting a comma, by inserting ", cross-claim, counter-claim, or third-party complaint" after "application", and by striking "\$75.00" and inserting "\$150.00", and

(b) At the end of the section by striking "the Treasury of the Virgin Islands " and inserting "a Superior Court capital improvement fund."

SECTION 2. Title 5 Virgin Islands Code, chapter 41, section 426 is amended as follows:

(a) In subsection (a) by striking "4" and insert "9"; and

(b) By adding a subsection (c) as follows:

"(c) A plaintiff, counter-plaintiff, or third-party plaintiff may file a signed Offer of Judgment with the Clerk of Court offering to settle a dispute including non economic or unliquidated damages at any time but not later than 45 days before trial. The defendant has 15 days to accept or reject the offer of judgment. The Plaintiff shall receive pre-judgment interest from the date of the filing of the Complaint at nine per cent per annum

1 if the offer of judgment is rejected, and the verdict at trial is higher than the offer of
2 judgment.”

3 **BILL SUMMARY**

4 This bill increases the filing fee for general civil complaints in the Superior Court of the
5 Virgin Islands to \$150.00, and expands the filing fee to cover all affirmative relief complaints
6 including cross-claims, counter-claims and third-party complaints. It also requires that the fees
7 be placed in a Superior Court Capital Improvement Fund. Further, it allows for the collection
8 of nine percent prejudgment interest by the plaintiff when an offer of judgment is filed with the
9 court, and the verdict at trial exceeds the amount filed.

10 **BR25-0336/July 9, 2025/LMW**