

3 V.I.C. § 274

Statutes current through Act 7834 of the 31st Legislature, including all code changes through March 17, 2016

Virgin Islands Code Annotated > TITLE THREE Executive > Chapter 16. Department of Licensing and Consumer Affairs

§ 274. Virgin Islands Taxicab Commission

- (a) The Virgin Islands Taxicab Commission is established as a semiautonomous agency. The Commission is situated within the Department of Licensing and Consumer Affairs for budgetary purposes only.
- (b) The Commission is composed of nine members appointed by the Governor with the advice and consent of the Legislature. Of the seven 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 each 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.
- (c) All members of the Commission 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. Members may be reappointed subject to title 3 Virgin Islands Code section 65a(c) of this title. 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.
- (d) The Commission shall elect a chairperson and a vice-chairperson annually for terms of one year. The chairperson shall preside at all meeting, 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 the vice chairperson, elect any of its members to act as the chair pro tempore. 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 meetings may be held on the call of the Chair or any three members.
- (e) Each member of the Commission who is not a Government employee shall receive the sum of \$75 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.
- (f) **The Commission is charged with the responsibility for the continuance, further development, and improvement of taxicab passenger service within the territory and the overall regulation of taxicabs, taxicab companies, and taxicab associations. 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 this code;**
 - (2) **Issue license plates to owners of automobiles for hire who properly registered their vehicles with the Motor Vehicle Bureau and in accordance with the procedures of Title 20, section 339, of this code, and who also are owners of medallions as provided in Title 20, chapter 37, subchapter II, of this 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, through the Commissioner of the Department of Licensing and Consumer Affairs, 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, taxi inspectors who in addition to the powers granted elsewhere in this code shall have the specific power to issue traffic citations for the unauthorized operation of a taxi, 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 the law.**
- (g) **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.**
- (h) **The Commission may appoint one or more committees.**
- (1) **A committee must consist of no fewer than four members of the Commission.**
 - (2) **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.**
 - (3) **A person aggrieved by any action of a committee may appeal to the Commission for a review of the action within 10 days following notification of the action by a committee.**
- (i) **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.**
- (j) **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.**

History

— Added Oct. 10, 2007, *No. 6968, § 1, Sess. L. 2007*, p. 274; amended July 12, 2011, *No. 7266, § 4, Sess. L. 2011*, p. 119.

Annotations

Notes

HISTORY

Amendments

—2011.

Act 7266, § 4, substituted “taxi inspectors who in addition to the powers granted elsewhere in this code shall have the specific power to issue traffic citation for the unauthorized operation of a taxi, and such other employees as the commission considers necessary to carry out the purpose of its duties; and” for “a taxi inspector and such other employees as the Commission considers necessary to carry out the purpose of its duties; and” following “directors” in subsection (f)(11).

ANNOTATIONS

1. Generally.

The authority to issue medallions is vested by law in the Taxicab Commission. 10 V.I.Op.A.G. 11. (Decided under former section 259 of Title 3.)

Executive Director of the Virgin Islands Taxi Commission does not have the authority to act in lieu of the Commission in making decisions regarding medallion appeals, absent express delegation of authority and powers. 10 V.I.Op.A.G. 11. (Decided under former section 259 of Title 3.)

The general rule at common law is that where some form of discretionary power is vested in the licensing authority, a license may be refused on the ground that the applicant is not of good moral character or is not a suitable person to exercise the privileges granted by the license, even though the statute does not require that applicant to be a fit and proper person. 10 V.I.Op.A.G. 101. (Decided under former section 259 of Title 3.)

A prior felony conviction may be grounds for denying a license provided that the conduct which led to the conviction is relevant to the business for which a license is sought. 10 V.I.Op.A.G. 101. (Decided under former section 259 of Title 3.)

Commissioner of the Virgin Islands Police Department may consider an applicant's past criminal record in determining his fitness for licensure as a taxicab operator. 10 V.I.Op.A.G. 101. (Decided under former section 259 of Title 3.)

2. Confiscation of medallions.

Territorial Court [now Superior Court] lacked subject matter jurisdiction to hear action by former holders of taxi medallions arising out of circumstances under which medallions had been confiscated by Virgin Islands Department of Justice where plaintiffs, in failing to take their grievance first to the Taxi Commission under this section, had failed to exhaust their administrative remedies. *Thomas v. Government*, 26 V.I. 71, 1991 V.I. LEXIS 3 (V.I. Terr. Ct. 1991).

3. Review.

Ten-day time limit set forth in *V.I. Code Ann. tit. 3, § 274(g)*, not the 30-day time limit in V.I. Super. Ct. R. 15(a), applies to petitions for writ of review challenging decisions rendered by the Taxicab Commission. *Jean-Baptiste v. Virgin Islands Taxicab Commission*, — V.I. —, 2016 V.I. LEXIS 61 (V.I. Super. Ct. May 24, 2016).

Because the 10-day time limit in *V.I. Code Ann. tit. 3, § 274(g)* is jurisdictional, not a claims-processing rule, compliance is mandatory to invoke the court's subject matter jurisdiction. Thus, because the petition here was filed 18 days after the date petitioners were notified of the contested decisions rendered by the Taxicab Commission, the court lacked subject matter jurisdiction to consider the merits of their appeal. *Jean-Baptiste v. Virgin Islands Taxicab Commission*, — V.I. —, 2016 V.I. LEXIS 61 (V.I. Super. Ct. May 24, 2016).

Research References & Practice Aids

Hierarchy Notes:

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