

ACT NO. 6287

BILL NO. 23-0082

TWENTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS OF THE UNITED STATES

Regular Session

1999

The Short Term Revenue Enhancement Act of 1999

—0—

BE IT ENACTED by the Legislature of the Virgin Islands:

SECTION 1. This Act shall be known and may be cited as "The Short Term Revenue Enhancement Act of 1999".

SECTION 2. Title 22, Chapter 31, Virgin Islands Code is amended as follows:

1. Section 764, subsection (a), is amended by striking the figure "\$2,500" wherever it appears and inserting the figure "\$10,000" in lieu thereof.

2. Section 779, subsection (a), Virgin Islands Code, is amended by striking the figure "\$2,500" wherever it appears and inserting the figure "\$5,000" in lieu thereof.

SECTION 3. (a) Title 22, Section 659, subsection (b), Virgin Islands Code, is amended as follows:

1. Strike the sum "\$1,500,000" and insert the sum "\$7,000,000" in lieu thereof.

2. Strike the sum "\$500,000" and insert the sum "\$2,500,000" in lieu thereof.

(b) Title 22, Section 759, Virgin Islands Code is amended as follows:

1. Strike paragraph (4) of subsection (a) in its entirety

2. Strike subsection (b) in its entirety.

SECTION 4. Title 22, Section 451, Virgin Islands Code is amended by striking the existing language and inserting the following in lieu thereof:

(a) "Domestic stock insurers may transact different kinds of insurance in the territory upon qualifying therefor and by having paid-in capital and surplus represented by assets, as follows:

	Minimum Capital Required	Minimum Surplus Initially Required
1. Life insurance	\$1,000,000	\$ 500,000
2. Disability Insurance:	1,000,000	250,000
(A) Life and disability Insurance	1,250,000	750,000
3. Property insurance	2,000,000	950,000
4. Marine and transportation insurance	2,500,000	1,250,000
5. Casualty insurance:		
(A) Vehicle only	2,000,000	1,000,000
(B) General casualty	3,000,000	1,500,000
6. Surety insurance:		
(A) Surety	1,000,000	4,000,000
(B) Bail bonds only	500,000	250,000
7. Title insurance:		
In accordance with the provisions of Chapter 49 of this title:		
8. All insurance, except life and title insurance	4,500,000	2,500,000"

(b) Domestic stock insurers engaging in business on the date of enactment of this Act shall have sixty (60) months from the date of enactment to come into compliance

with the minimum paid-in capital and surplus requirements specified in subsection (a) of this Section.

SECTION 5. Title 22, Section 601, Virgin Islands Code is amended by striking the existing language and inserting in lieu thereof the following language:

"Section 601. Fee Schedule

The Commissioner shall collect in advance the following fees:

1. For filing charter documents:
 - a. Original Articles of Incorporation, bylaws \$ 150
 - b. Amended Articles of Incorporation 50
 - c. Filing any such documents in the Office of the Lieutenant Governor 5
2. Certificate of Authority:
 - a. Issuance 1,000
 - b. Renewal 500
 - c. Application processing 200 (non-refundable)
3. Surplus line approval 500
 - a. Re-certification 250
4. Annual Statement:
 - a. Filing of annual statement under Section 222 of this Title 200
 - b. Filing of quarterly statement of taxes under Section 603 of this Title 25
5. Organization of financing of domestic insurers and affiliated corporations:
 - a. Solicitation permit 200

4

6.	Agent's and Solicitor's licenses:	
a.	Issuance	200
b.	Renewal	50
7.	Apprentice Agent's license	40
8.	Filing of Appointment of Agent for Service of Process	25
9.	Broker's license:	
a.	Resident Broker - Issuance	300
b.	Resident Broker - Renewal	100
c.	Surplus Line Broker - Issuance and Renewal	300
d.	Nonresident Broker - Issuance	750
e.	Nonresident Brokers - Renewal	250
10.	General Agent:	
a.	Issuance	500
b.	Renewal	250
11.	Apprentice Solicitor's License	40
12.	Adjuster's License (Independent and Public):	
a.	Issuance	200
b.	Renewal	50
13.	Nonresident Agent:	
a.	Issuance	500
b.	Renewal	250

14.	Examination for license, each examination	25
15.	Miscellaneous Services:	
a.	Filing other documents, each	5
b.	Commissioner's Certificate under Seal	25
c.	Policy forms	5"

SECTION 6. Title 22, Section 656, paragraph (2), Virgin Islands Code is amended by striking the figure "\$100" and inserting the figure "\$300" in lieu thereof.

SECTION 7. Title 22, Section 602, Virgin Islands Code is amended by striking the word "Director" and substituting in lieu thereof the word "Commissioner".

SECTION 8. Title 22, Section 603, Virgin Islands Code is amended in the following instances:

1. Subsection (a) is amended by striking the existing sentence and inserting the following sentence in lieu thereof :

"(a) 'Commissioner' as used in this section means the 'Commissioner of Insurance'."

2. Subsection (b) is amended by striking the existing paragraph and inserting the following paragraph to read as follows:

"(b) Each insurer shall, on or before the first day of February, May, August and November of each year, pay to the Office of the Commissioner of Insurance a tax of five percent (5%) on the quarterly gross receipts premiums on all types of insurance, except for annuities, transacted in the Virgin Islands or covering risks resident, located or to be performed in the Virgin Islands, less return premiums relating thereto and less reinsurance premiums on such business received from insurance companies authorized to do business in the Virgin Islands."

SECTION 9, Title 22, chapter 55, section 1403, subsection (a), paragraphs (1), (2) and (3), Virgin Islands Code is amended by striking "50%" wherever it appears and inserting "90%" in lieu thereof.

SECTION 10. Title 28, Section 133, Virgin Islands Code, is amended in the following instances:

1. Subsection (c) is amended by striking the sum "\$4.00" and inserting the sum "\$25.00" in lieu thereof.

2. Subsection (d) is amended by striking the sum "50 cents" and "75 cents" and inserting in lieu thereof the sum "\$1.00" and "\$1.25", respectively.

3. Subsection (g) is amended by striking the sum "\$4.00" and inserting the sum "\$20.00" in lieu thereof.

4. Subsection (h) is amended by striking the existing paragraph and inserting a new paragraph in lieu thereof to read as follows:

"(h) For the cancellation of instruments and paid installments, and for the release of all documents, a fee of \$10.00 shall be paid; and for any service not described in this section, a fee schedule shall be established by the Recorder of Deeds and approved by the Lieutenant Governor."

5. Adding a new sub-paragraph (k) to read as follows:

"(k) (i) The following fees shall be paid for the recording of surveys in the Office of the Tax Assessor:

(1) Descriptions	\$ 5.00
(2) Maps	\$10.00
(3) Maps (Sold by Sizes):	
"F", "G", "B", "C", and "D"	\$ 5.00
"A"	\$10.00
(4) Islands Cays	\$10.00
(5) Water Resource Map	\$10.00
(6) Sediment Map	\$10.00
(7) Composite Map	\$10.00
(8) Official Zoning Map	\$10.00
(9) City Map	\$10.00
(10) Island Map	\$15.00
(11) Official Road Map	\$15.00

7

(12) Topography Aerial Map	\$20.00
(13) Attestation of Deeds	
Country and Town Property	\$25.00
Notation Only	\$15.00
Town Property Requiring Measuring Brief	\$15.00
(14) Easements	\$ 5.00
(15) Coastal Zone Map	\$20.00

(ii) The Office of the Lieutenant Governor may, from time to time, amend the fees payable pursuant to subsection (k)(i), as well as establish additional fees related thereto."

6. Subsection (a) is amended as follows:

(a) In subparagraph (1), strike "1.00" and insert "11.00" in lieu thereof.

(b) In subparagraph (2), strike "2.00" and insert "12.00" in lieu thereof.

(c) In subparagraph (3), strike "3.00" and insert "13.00" in lieu thereof.

(d) In subparagraph (4), strike "4.00" and insert "14.00" in lieu thereof.

(e) In subparagraph (5), strike "5.00" and insert "15.00" in lieu thereof.

7. In subsection (e), 1) strike the words "one-half the fee for recording the principal document, but not exceeding \$1.25" and insert in lieu thereof "2.50"; and; 2) after "plus", insert "\$1.00 and".

8. Add a new subsection (l) to read as follows:

"(l) For Assignments of Mortgage and Leasehold Interest for several properties, the recording fees shall be \$25.00 for the document and \$4.00 for each property or unit attached, for certified copies, the recording fees shall be \$10.00 for the first page and \$1.00 for each additional page; for Certificates of Death, the recording fee shall be \$25.00."

SECTION 11. Notwithstanding any other law, the Office of the Lieutenant Governor, Division of Corporations and Trademarks, shall establish, and may amend, a

schedule of specific fees for liens filed pursuant to Title 11A, Virgin Islands Code, Uniform Commercial Code.

SECTION 12. Title 33, section 3085(b), Virgin Islands Code is amended by striking the word "three" wherever it appears and inserting the word "ten" in lieu thereof.

SECTION 13. Title 13, sections 348 and 407(d), Virgin Islands Code is amended by striking "five dollars (\$5.00)" and "\$5" wherever they appear and inserting in lieu thereof "twenty-five dollars (\$25.00)."

SECTION 14. Title 13, section 860, subsection (a), Virgin Islands Code, is amended by striking the language "May 1" and substituting in lieu thereof the language "June 30".

SECTION 15. Title 13, section 531, subsection (b), Virgin Islands Code is amended by adding a proviso clause at the end thereof to read "however the first year's estimated tax shall be collected from any corporation except a foreign sales corporation or former FSC, in advance, at the time of the corporation's initial incorporation or qualification to do business in the Virgin Islands."

SECTION 16. Title 13, section 532, Virgin Islands Code is amended in the following instances:

1. Strike "10 per centum" where it appears and insert in lieu thereof "20 percent (20%)".
2. After "tax" where it appears in the third instance, insert "or \$50, whichever is greater,".
3. Strike "per centum" after the figure "1" and insert in lieu thereof "percent, compounded annually,".

SECTION 17. (a) Title 27, section 304, subparagraph (j), Virgin Islands Code, is amended in the following instances:

1. Strike "an affidavit" where it appears and insert in lieu thereof "affidavits".
2. After "Revenue" where it appears add "and the Division of Corporation and Trademarks, Office of the Lieutenant Governor".
3. After "business" where it appears add "or any other business venture,".

(b) Title 27, section 304, subparagraph (k), Virgin Islands Code, is amended in the following instance:

1. After "Revenue" add "and the Division of Corporations and Trademarks, Office of the Lieutenant Governor".

SECTION 18. Title 13, Section 431, subsection (a), Virgin Islands Code, paragraph (16) thereof is amended by striking the words "section 780" and substituting in lieu thereof "sections 780 and 861".

SECTION 19. Title 14, Section 611, Virgin Islands Code, is amended by adding a new subsection (g) to read as follows:

"(g) The Lieutenant Governor shall charge and collect, for the use of the Government of the Virgin Islands, the following fees upon the receipt for filing of certain documents relating to alien corporations:

(1) For filing an acceptance of an appointment as a registered agent pursuant to subsection (b) of this section, a fee of \$25.00 for each appointment shall be paid.

(2) For filing the annual report mandated by subsection (c) of this section, the fee shall be \$400.00."

SECTION 20. (a) Title 22, Section 787, Virgin Islands Code, is amended by designating the existing language as subsection (a) and adding new subsections (b) and (c) to read as follows:

"(b) The Commissioner shall not issue or renew a license to do business to any agent, broker, solicitor or adjuster who fails to present at the time of application for the license or renewal affidavits signed by an authorized officer of the Virgin Islands Bureau of Internal Revenue and the Division of Banking and Insurance, affirming that the applicant has filed and paid all taxes, penalties and interest applicable to the agent, broker, solicitor or adjuster or has satisfactorily made agreement to pay the same.

(c) The Commissioner shall, after ten (10) days notice, revoke any license of any agent, broker, solicitor or adjuster who fails to pay all taxes, penalties and interest due to the Virgin Islands Bureau of Internal Revenue, in connection with the operation of his business activity, or who has not made a satisfactory agreement to pay the same."

(b) Title 33, section 3061a, Virgin Islands Code is repealed.

(c) Title 22, section 603, subsection (d), paragraphs (2), (3) and (4), Virgin Islands Code are repealed and a new paragraph (2) is inserted in lieu thereof to read as follows:

"(2) The remainder of taxes collected shall be deposited into the Insurance Guaranty Fund ("the Fund"), and when the funds exceed the amount required to fund the Insurance Guaranty Fund as specified in Title 33, chapter 111, section 3061, the Commissioner of Insurance shall deposit such excess into the General Fund."

(d) Title 33, section 3061, subsection (a) is amended by striking the last sentence.

(f) Title 33, section 3061, subsection (b), is amended by striking the first paragraph and inserting a new paragraph to read as follows:

"(b) Monies contained in the fund shall be used exclusively for transfer, as required, from amounts then on deposit to the Virgin Islands Guaranty Association, established pursuant to Title 22, chapter 10 of this code, for the purpose of payment by the Association of the obligations of insolvent insurers in accordance with the provisions of Title 22, chapter 10."

SECTION 21. The offices and divisions of the Office of the Lieutenant Governor shall charge a fee of no more than \$25 for issuing certificates and documents, as well as providing information data, for which no fee is specifically prescribed.

SECTION 22. Title 33, section 130, Virgin Islands Code is amended in the following instances:

1. Strike "Fifty percent (50%)" where it first appears and insert in lieu thereof "One-hundred percent (100%)".

2. After the words "Virgin Islands" where it first appears strike the remaining language.

SECTION 23. Notwithstanding any other law, cruise ships anchored or docked at the piers in St. Thomas and St. John may operate their onboard casinos for use by their passengers only.

SECTION 24. Act No. 5107, Section 4, is repealed; and Title 20, Chapter 47, Virgin Islands Code, is revived pursuant to Title 1, Section 49, Virgin Islands Code, and reenacted to read as follows:

"Chapter 47. Compulsory Automobile Liability Insurance

Section 701. Filing of proof

No motor vehicle shall be registered except upon the filing by the owner of the

vehicle with the Police Commissioner proof of coverage by a satisfactory "owner's" policy of liability insurance, in the manner provided in Section 707 of this chapter.

Section 702. Satisfactory policies

For the purposes of this chapter, a satisfactory policy of liability insurance means a policy issued by an insurance carrier admitted and duly authorized to transact business in the Virgin Islands, to or for the benefit of the person named therein as insured, which policy conforms to the further requirements of this chapter.

Section 703. Owner's policy

An owner's policy of liability insurance, hereinafter referred to as the "motor vehicle liability policy":

(a) shall designate by explicit description, or by other appropriate reference inclusive of the vehicle identification number, all vehicles with respect to which coverage is to be granted; and

(b) shall insure the person named therein and any other person, as an insured, using any such vehicle or vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of such vehicle or vehicles in the Virgin Islands, subject to minimum coverage, exclusive of interest and costs, with respect to each vehicle, as follows:

	Bodily Injury One Person <u>One Accident</u>	Bodily Injury Two or More Persons <u>One Accident</u>	Property Damage <u>One Accident</u>
(1) Private passenger vehicles, trucks with a carrying capacity of three quarter (3/4) ton or less and other passenger carrying vehicles not otherwise listed	\$10,000	\$20,000	\$10,000
(2) Taxicabs, with passenger capacity not exceeding nine, including driver; and rental vehicles	\$10,000	\$25,000	\$10,000

12

	<u>Bodily Injury One Person One Accident</u>	<u>Bodily Injury Two or More Persons One Accident</u>	<u>Property Damage One Accident</u>
(3) Trucks with a carrying capacity exceeding three-quarter (3/4) ton and all other non-passenger vehicles	\$10,000	\$25,000	\$10,000
(4) Buses, except those upon which the Public Services Commission requires higher minimum coverage, with passenger capacity of ten or more, including driver	\$10,000	\$50,000	\$10,000
(5) Motorcycles and other two or three-wheeled motorized vehicles	\$10,000	\$20,000	\$10,000

Section 704. Required statements in policies

(a) The motor vehicles liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter with respect to bodily injury and death or property damage, or both, and is subject to all provisions of this chapter.

(b) The motor vehicle liability policy shall not be required to insure any liability under any workmen's compensation law nor any liability on account of bodily injury to, or death of, an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

(c) The motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(1) Policies may not be canceled or annulled with respect to an accident or occurrence which took place prior to the cancellation or annulment.

(2) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(3) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this Chapter shall constitute the entire contract between the parties.

(d) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of, or in addition to, the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage, the term "motor vehicle liability policy" shall apply to that part of the coverage which is required by this section.

(e) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance; and nothing in this section shall prevent an insured from collecting under any other valid insurance policy, regardless of whether such policy complies with the provisions of this chapter.

(f) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Section 705. Notice of cancellation of policy; suspension of registration license

(a) (1) When an insurance carrier has certified a motor vehicle liability policy in the manner provided in Section 707 of this chapter, the insurer shall not cancel or otherwise terminate the insurance so certified until:

(i) notice of cancellation has been provided to the insured in accordance with the provisions of Title 22, Section 827, Virgin Islands Code; and

(ii) at least fifteen (15) days have elapsed since a notice of cancellation has been sent by certified mail to all parties concerned, including but not limited to the Police Commissioner.

(2) Upon receipt of a notice of cancellation from an insurer, or upon proof from other sufficient evidence that the required insurance has not been provided

or maintained for a motor vehicle, the Police Commissioner shall immediately suspend the registration of such vehicle.

(3) Upon notice of suspension of the registration of a vehicle, the owner shall return the registration sticker, registration license and license plate, as well as the insurance sticker mandated by Section 708 hereof, to the Police Commissioner, Motor Vehicle Bureau, or produce proof of valid insurance. Notice is complete upon the expiration of four (4) days after deposit of such notice in the mail. No person shall possess or display a registration license, registration sticker, insurance sticker or license plate that has been suspended.

(4) Upon the suspension of the registration of a vehicle and after due notice has been given, the Police Commissioner may cause to have removed the license plate, registration sticker and insurance sticker from the vehicle.

(5) Any person whose vehicle registration has been suspended under this section shall pay a fee of \$50.00 at the end of such suspension for return of the insurance sticker, registration sticker, license plate, and registration license.

(b) When an insured has filed with the Police Commissioner a motor vehicle liability policy pursuant to the terms of Section 707 of this Chapter, the insured shall not cancel the policy until (i) the sticker required by Section 708 of this Chapter has been returned to the Motor Vehicles Bureau; and (ii) a copy of the insured's canceled motor vehicle registration license has been provided to the insurance company or its agent.

(c) An insurance company or its agent shall not be obligated to refund any unearned premium for cancellation of a policy unless the insured has complied with the provisions of subsections (a) (3) or (b) of this Section.

Section 706. Chapter not to affect other policies

This Chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ, or on his behalf, of vehicles not owned by the insured.

Section 707. Certificate of insurance as proof

Proof of coverage by satisfactory liability insurance shall be furnished by filing with the Police Commissioner, the written certificates of any insurance carrier admitted and duly authorized to do business in the Virgin Islands, certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of coverage by satisfactory liability insurance. Such certificate, the form of which shall be prescribed by the Commissioner of Insurance, shall designate by explicit description or by appropriate reference all vehicles covered thereby, and shall give the effective date of such motor vehicle liability policy, which date shall (i) be the same as or earlier than the

effective date of the certificate, and (ii) terminate upon the policy's expiration; provided, however that the policy shall provide coverage for at least one (1) year.

Section 708. Mandatory display of sticker

(a) In addition to the filing of a certificate of insurance pursuant to Section 707 of this chapter, the owner of a motor vehicle who is required to provide proof of insurance for the registration or operation of such vehicle shall affix to the vehicle, in a manner prescribed by the Police Commissioner pursuant to regulation, an identifying sticker showing that the vehicle is covered by the required insurance.

(b) The term "sticker" means that item described in regulations promulgated by the Police Commissioner when such item is whole, intact and legible.

(c) A temporary sticker or card of insurance coverage may be displayed for a period not to exceed thirty (30) days during which time the owner of the vehicle shall secure the sticker required by subsection (a). Temporary stickers or cards shall be issued only by the Virgin Islands Police Department, Motor Vehicles Bureau, or an authorized motor vehicles dealer, when a valid insurance policy or binder is in effect.

(d) The form, content, and location in which the sticker required by subsection (a) of this Section shall be affixed, as well as the form, content and manner of display of temporary cards or stickers, shall be prescribed by the Police Commissioner by regulation.

(e) All stickers and cards issued pursuant to this Section shall be the property of the issuer and shall be affixed by the owner to the vehicle covered by the required insurance only during such time as the insurance which it represents remains in full force and effect. Every vehicle owner shall immediately remove from such vehicle any sticker or card representing insurance which he knows, or has reason to know, has been terminated, canceled, impaired, or is otherwise ineffective. Such knowledge may be inferred from evidence of the notice required in Title 22, Section 827, Virgin Islands Code.

(f) The owner of any vehicle who has insurance in force and has been issued a sticker or card required by subsection (a) of this section, but who fails to display the sticker or card shall be fined not more than \$50.00.

(g) The owner of any vehicle who fails to remove a sticker or card when he knows, or has reason to know that the insurance it represents is not in full force and effect shall be fined not less than \$50.00, nor more than \$500.00, and may be imprisoned not less than 10 days, nor more than 90 days.

(h) The owner of any motor vehicle who has affixed to the vehicle a sticker or card which he knows, or has reason to know is fraudulent or counterfeit, or which he

knows, or has reason to know, belongs to another vehicle on which it is displayed, shall be fined not less than \$250.00 nor more than \$1,000.00, and may be imprisoned not more than 6 months.

(i) Any person who manufactures, produces, distributes or transfers any false, fraudulent, counterfeit, or otherwise invalid insurance sticker or card which purports to be a sticker or card required by subsection (a) of this section shall be fined for each such sticker or card distributed not less than \$500.00, nor more than \$2,000.00, and may be imprisoned not more than 2 years.

Section 709. Commissioner of Insurance to administer chapter

The Commissioner of Insurance, charged with the administration and enforcement of the provisions of this Chapter, shall be authorized to:

(a) Require filing with his office by insurance carriers admitted and duly authorized to do business in the Virgin Islands such rates, rating plans, rating schedules and every other rating rule or modification which the carriers are using or proposing to use for motor vehicle liability insurance under the provisions of this chapter.

(b) Establish surcharges for high risk drivers in accordance with the moving violations point system, as well as provide guidelines for the application of discount points and incentives for insureds with good driving records.

(c) Make such reasonable rules and regulations consistent with the provisions of this chapter, necessary to effect the purposes thereof.

Section 710. Post application of chapter

This chapter shall not apply with respect to any accident, or judgment arising therefrom, or violation of the motor vehicle laws of the Virgin Islands, occurring prior to the effective date of this chapter; provided, however, that insurers are not precluded from imposing surcharges in accordance with previously filed or subsequently filed and approved rates.

Section 711. Chapter not to prevent other remedy

Nothing in this chapter shall be construed as preventing the plaintiff in any action of law, from relying for relief upon any other remedy provided by law.

Section 712. Owners, registrants or operators of motor vehicles; violations; penalties

Any owner or registrant of a motor vehicle registered in this territory who operates or causes to be operated, a motor vehicle upon any public road or highway in this territory without motor vehicle liability insurance coverage required by this chapter

and any other who operates or causes a motor vehicle to be operated and who knows or should know from the attendant circumstances that the motor vehicle is without motor vehicle liability insurance coverage required by this chapter shall be subject, for the first offense, to a fine of not less than \$250.00, nor more than \$500.00. Upon subsequent conviction, he shall be fined not less than \$500.00, nor more than \$1,000.00, and shall forfeit his right to operate a motor vehicle upon the roads and highways of this territory for a period of not less than thirty (30) days, or more than two (2) years from the date of his conviction.

Section 713. Exemptions

The provisions of this chapter shall not apply to motor vehicles owned by either the Government of the Virgin Islands and its instrumentalities, or the United States Government; however, such exemption shall not alter in any way any tort liability which may be established against either of the governments."

SECTION 25. Title 22, Section 823, Virgin Islands Code is amended as follows:

(1) The existing section shall be designated as subsection (a).

(2) A new subsection (b) shall be added to read:

"(b) In addition to any penalties which may be imposed by the Commissioner, any agent who issues a false, fraudulent, counterfeit or otherwise invalid binder shall be fined, for each binder issued, not less than \$500.00 nor more than \$2,000.00, and may be imprisoned not more than two (2) years."

SECTION 26. Title 20, Chapter 45, Virgin Islands Code, is amended by adding a new Section 555 to read as follows:

"Section 555. Limitation on recovery of non-economic damages in motor vehicle cases

(a) The total amount recoverable for non-economic damages for any injury to a person in an action arising out of a motor vehicle accident may not exceed seventy-five thousand dollars (\$75,000); provided, however, that this limitation shall not apply upon a finding of gross negligence or willful conduct.

(b) For the purposes of this section, non-economic damages include:

- (1) pain and suffering;
- (2) physical impairment;
- (3) disfigurement; and

(4) other not-pecuniary damages recoverable under the tort laws of this Territory."

SECTION 27. Title 33, Section 3051a, Virgin Islands Code, is amended in subsection (c) by adding a new paragraph (5) to read:

"(5) fees collected pursuant to Title 20, Chapters 47 of this code."

SECTION 28. (a) Sections 24, 26, 27 and 29 of this Act shall take effect 180 days after the enactment of this Act; however, such effective date shall be automatically extended for an additional 60 days if the Commissioner of Insurance finds and reports to the Legislature that insufficient insurance capacity exists in the Territory to accommodate the mandatory requirements of this Act.

(b) In accordance with Title 20, Chapter 47, Virgin Islands Code, all motorists in the Territory shall obtain motor vehicle liability insurance.

(c) Property and casualty insurers agents licensed to do business in the Virgin Islands that are engaged in the writing of primary motor vehicle liability insurance in the Territory shall issue automobile policies or endorsements to individual automobile policies, which policies or endorsements have been approved in accordance with Title 22, section 810, Virgin Islands Code.

(d) Property and casualty insurers licensed to do business in the territory that are actively engaged in the writing of primary motor vehicle liability insurance coverage in the Territory shall provide motor vehicle liability insurance coverage to any eligible person seeking such coverage; provided, however, that an insurer, for just cause, may petition the Commissioner of Insurance for an exemption from this requirement. Any insurer who fails to offer such coverage and has not obtained an exemption shall be fined not less than \$500.00, nor more than \$1,000.00, and may have its license suspended or revoked pursuant to law. Further, any property and casualty agent who fails to offer such coverage, regardless of whether he is acting in concert with an insurer and absent receiving an exemption from the Commissioner, shall be fined not less than \$200.00, nor more than \$500.00, and may be subject to other regulatory penalties. For the purposes of this subsection, an "eligible person" shall mean a person duly licensed to operate a motor vehicle in the Virgin Islands. The Commissioner of Insurance shall promulgate rules and regulations setting forth the requirements for just cause and the qualifications for exemptions not inconsistent with any law.

SECTION 29. Title 20, Virgin Islands Code, is amended by adding a new Chapter 51 to read as follows:

"Chapter 51. Moving Violations Point System

Section 801. Establishment of point system; suspension of license

(a) A system shall be established to improve highway safety by identifying those drivers whose have repeatedly been convicted of moving violations. The system shall encompass a procedure by which every person convicted of a motor vehicle moving violation shall be assessed one (1) or more violation points according to the schedule set forth in Section 803. A person who accumulates twelve (12) or more violation points at any time shall have his driving privileges suspended for a period of not less than six (6) months upon petition to the Court by the Police Commissioner; provided, however, that points shall not be tallied for violations occurring more than three years prior thereto. A suspension under this subsection shall be in addition to any other suspension of driving privileges required by the Virgin Islands Code; provided, however, that such suspensions may run concurrently. Subsequent to the six-month suspension of driving privileges and upon reinstatement thereof, a person's total point count shall be reduced to zero.

(b) If a person is not convicted of any moving violations during a calendar year, the Police Commissioner shall deduct three (3) points from that person's total. A maximum of three (3) points may be deducted in any calendar year. However, such a deduction may not reduce the person's total point count to less than zero.

(c) In addition to the penalties set forth in subsection (a) above, any person convicted of a motor vehicle moving violation which results in an accident shall pay a \$25.00 fee and participate in a three (3) hour driving education course to be administered by the Virgin Islands Police Department. The course shall be taught by certified driving instructors at facilities operated by the Police Department; provided, however, that no instructor shall be hired as a full-time government employee for the purposes of this subsection. Instructors shall be paid a per diem of \$75.00 from monies appropriated from the Police Crime Fighting and Equipment Fund, established pursuant to Title 33, Section 3051a, Virgin Islands Code. Upon the successful completion of the driver education course, each participant shall be issued a Driver's Certificate evidencing participation in the program and shall have four (4) points deducted from his accumulated total. The Police Commissioner shall establish rules and regulations for the administration of the driver education course, inclusive of criteria pertinent to the certification of the course's instructors.

(d) Any person convicted of a moving violation which does not result in an accident, may voluntarily participate in the driver's education course set forth above upon payment of the \$25.00 fee. Upon satisfactory completion of the course, the moving violation charged will be expunged from the driver's record; provided, however, that a driver may have only one conviction expunged from his record within a twelve-month period.

Section 802. Release of records

The Commissioner of the Police Department shall, upon payment of a reasonable fee to be determined by the Commissioner, certify to any person the number of violations points accumulated by that person, or any other person during the previous three (3)

years. Such certification shall include any reduction in violation points to which the person is entitled.

Section 803. Schedule of points

The following number of violation points shall be assessed against persons convicted of motor vehicle moving violations under this Code, or any rule or regulation promulgated pursuant to this Code:

- | | | |
|----|---|-----------|
| 1. | Carrying more than one (1) person on a motorcycle designed for one (1) - Title 20, Section 465(d), Virgin Islands Code | 2 points |
| 2. | Operating a motorcycle without a protective helmet- Title 20, Section 465(e), Virgin Islands Code | 2 points |
| 3. | Title 20, Section 466, Virgin Islands Code: | |
| | (a) Failure to wear safety belt | 3 points |
| | (b) Failure to restrain an infant or a toddler under the age of five by use of a specially designed seat | 6 points |
| 4. | Failure to obey the direction of a police officer - Title 20, Section 491(b), Virgin Islands Code | 3 points |
| 5. | Failure to observe traffic signals-Title 20, Rules and Regulations 491-252, Virgin Islands Code | 2 points |
| 6. | Failure to yield to pedestrians in a crosswalk; and passing a vehicle yielding to pedestrians in a crosswalk-Title 20, Rules and Regulations 491-252 and 491-283, Virgin Islands Code | 3 points |
| 7. | Operating a motor vehicle in a reckless manner- Title 20, Section 492, Virgin Islands Code | 9 points |
| 8. | Driving while under the influence of intoxicating liquors or controlled substances-Title 20, Section 493, Virgin Islands Code | 12 points |
| 9. | Exceeding the speed limit by thirty (30) miles per hour or more-Title 20, Section 494, Virgin Islands Code | 10 points |

- (a) Exceeding the speed limit by fifteen (15) miles per hour but not more than twenty-nine (29) miles per hour 8 points
- (b) Exceeding the speed limit by not more than fourteen (14) miles per hour 4 points
10. Failure to drive at a minimum speed-Title 20, Section 494a, Virgin Islands Code 2 points
11. Meeting; passing; turning; signals-Title 20, Section 495, Virgin Islands Code:
- (a) Failure to keep left 3 points
- (b) Improper passing 3 points
- (c) Improper turns 3 points
- (d) Failure to signal 3 points
- (e) Improper passing of a school bus 8 points
12. Failure to yield to an emergency vehicle-Title 20, Section 495a, Virgin Islands Code 3 points
13. Operating a motor vehicle with an excess number of passengers; riding outside vehicle-Title 20, Section 498, Virgin Islands Code 2 points
14. Failure of a motor vehicle to meet load, height and width requirements-Title 20, Section 500, Virgin Islands Code 2 points
15. Negligent operation of a motor vehicle-Title 20, Section 503, Virgin Islands Code:
- (a) Operating a motor vehicle in a negligent manner - no accident involved 3 points
- (b) Operating a motor vehicle in a negligent manner - property damage involved 4 points
- (c) Operating a motor vehicle in a negligent

- | | | |
|-----|---|-----------|
| | manner - injury involved but not property damage | 6 points |
| | (d) Operating a motor vehicle in a negligent manner - property damage and injury involved | 8 points |
| 16. | Negligent homicide by means of a motor vehicle- Title 20, Section 504, Virgin Islands Code | 12 points |
| 17. | Accidents-Title 20, Section 541, Virgin Islands Code | 8 points |
| | (a) Leaving the scene of an accident which does not result in personal injury | 8 points |
| | (b) Leaving the scene of an accident which results in personal injury | 12 points |
| 18. | For any other moving violation of which the driver is convicted under the provisions of the Virgin Islands Code or the Virgin Islands Rules and Regulations | 2 points |

Section 804. Collection of fees

All fees collected pursuant to this Chapter, as well as those collected in accordance with Chapter 47 of Title 20, shall be deposited in the Police Crime Fighting and Equipment Fund, established pursuant to Title 33, Section 3051a, Virgin Islands Code.

Section 805. Post application of chapter

Points shall not be assessed with respect to any violation of the motor vehicle laws of the Virgin Islands, occurring prior to the effective date of this Chapter."

SECTION 30. (a) Title 33, chapter 3, section 42, subsection (a), paragraph I, Virgin Islands Code, is amended in the following instances:

1. Under Beers of foreign manufacturers, per reusable keg of 1382.4 ounces, or the equivalent, strike the figure "7.68" and insert in lieu thereof the figure "7.98".
2. Under Beers manufactured in the United States per reusable keg of 1382.4 ounces, or the equivalent, strike the figure "5.14" and insert in lieu thereof, the figure "5.44".

3. Under Carbonated drinks in reusable canisters, strike the figure "3%" and insert in lieu thereof, the figure "4%".

(b) The revenues realized from the increases provided under subsection (a) shall be deposited into the Athletic Fund, established pursuant to Section 3010 of this Title, for the purpose of funding inter-islands travel for athletic teams from the United States Virgin Islands.

SECTION 31. Title 19, Section 1556, subsection (c), Virgin Islands Code is amended in the proviso clause at the end thereof by striking "reasonable fees for receiving them" and insert in lieu thereof "not less than two dollars (\$2.00) per commercial truck load of waste and one dollar (\$1.00) per truck load of waste".

SECTION 32. Title 32, Chapter 11, Section 208, Virgin Islands Code is amended by inserting the phrase "or any other pari-mutuel event" between the words "races" and "from".

SECTION 33. Act No. 6269, Section 22(b), sub-paragraph 3, is amended by striking "608(a)" and inserting in lieu thereof "608a".

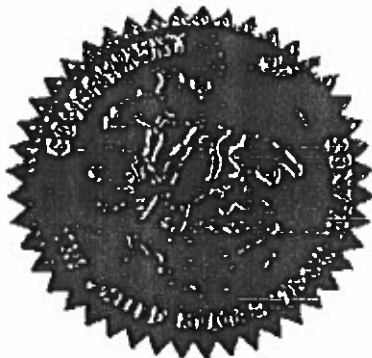
Thus passed by the Legislature of the Virgin Islands on July 21, 1999.

Witness our Hands and the Seal of the Legislature of the Virgin Islands this 5th Day of August, A.D., 1999.



Vargrave Richards
VARGRAVE A. RICHARDS
President

[Signature]
ROOSEVELT ST. C. DAVID
Legislative Secretary



THE ABOVE BILL IS HEREBY APPROVED.

WITNESS MY HAND AND THE SEAL OF THE GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS AT CHARLOTTE AMALIE, ST. THOMAS, THIS 17th DAY OF AUGUST, A.D., 1999.

Charles W. Turnbull
CHARLES W. TURNBULL
GOVERNOR