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§ 422. Numerical limitations

(a) The Director of Motor Vehicles shall establish maximum numerical limitations for each island on registration licenses and license plates (referred to as "licenses" in the remainder of this section) for drive-yourself cars (which phrase, as used in subsections (a) through (f) of this section, shall not include drive-yourself cars rented or exclusively available for rent to another person for a period in excess of one hundred and eighty (180) days). The Director of Motor Vehicles shall establish the initial numerical limitations under this section by April 15, 1968.

Thereafter, the limitation for each island shall be reviewed and, if determined necessary, amended at least once each year, prior to April 15, beginning with 1969. The original numerical limitations and any annual review or amendment shall be preceded by public notice and hearings, and any such numerical limitations or any amendments thereto (referred to as "limitations" in the remainder of the section) shall be effective upon approval by the Governor. Every limitation under this section shall be based upon the determination by the Director of Motor Vehicles that such limitation is necessary to protect the public safety and welfare. In making the determination, the Director of Motor Vehicles shall consult with such departments and agencies of the Government of the Virgin Islands as he deems necessary, and he shall then consider such factors as traffic safety, traffic flow, and the numerical needs or demand for drive-yourself cars on the respective islands, and all such other factors as he may deem pertinent to the establishment of limitations hereunder.

(b) Each licensee is entitled to the number of licenses to which he was entitled at the time immediately preceding the effective date of the then current limitation. The number of licenses to which each licensee is entitled may be increased as provided in subsection (c) of this section, or may be decreased by forfeiture as provided in subsections (e) and (f) of this section.

(c) In addition to the number of licenses to which each licensee is entitled, each such licensee shall become entitled to additional new licenses as they may become available from time to time. Additional licenses may become available (1) by the termination of a licensee's business license, for valid cause, (2) by a licensee's forfeiture of the right to a license because of his failure to utilize a license as required by law, or (3) by a change in a limitation established by the Director of Motor Vehicles. When additional licenses become available, the Director of Motor Vehicles shall determine the number of such licenses available for distribution, and shall distribute such licenses consecutively in accordance with the list of priority established by subsection (d) of this section.

(d) In order to establish a list of priority of distribution of new licenses under the provisions of this section, the Director of Motor Vehicles, immediately prior to April 15, 1968, shall cast lots on each island among persons who held valid car rental business licenses, under the provisions of chapter 9, Title 27 of this Code, on the respective islands on the effective date of this Act, and whose licenses are valid and effective at the time of the casting of lots. Written notice of the time when and the place at which the lots will be cast shall be served by the Director of Motor Vehicles to each car rental business at least three days before the casting of lots. Any person who obtains a car rental business license after the effective date of this Act shall be assigned to a position on the list of priority according to the time when he notifies the Director of Motor Vehicles that he has obtained a valid license. The Director of Motor Vehicles shall keep the list current, and shall delete the name of any person whose license to engage in the car rental business has terminated, for valid cause. He may not assign to the list the name of any person (1) whose name either already appears, or is affiliated with any partnership or corporation whose name already appears, or (2) who the Director of Motor Vehicles determines has obtained a business license in order to otherwise circumvent the purpose and intent of this subsection.

(e) At the time the Director of Motor Vehicles distributes the available licenses pursuant to subsection (c) of this section, he shall designate reasonable dates, based upon the needs and practices of the car rental industry as established at the public hearings required by subsection (a) of this section, by which dates either (1) every vehicle which is to utilize one of the new licenses must be validly registered, or (2) proof, satisfactory to the Director of Motor Vehicles, that a bona fide order has been placed for the purchase of such a vehicle is presented to the Director of Motor Vehicles. The date specified for registration may not be more than six months after the effective date of the distribution, and the date specified for the submission of proof of a bona fide order may not be more than three months after the date of such distribution. If the vehicle is not registered or if satisfactory proof of a bona fide order is not submitted within the respective time limitations, then the licensee's right to such new license shall be forfeited and the corresponding license shall be further distributed in accordance with the list of priority.

(f) Every licensee shall immediately notify the Director of Motor Vehicles after the transfer, by sale or otherwise, of a validly registered and licensed drive-yourself car. After the initial limitation has been established, such licensee may obtain a replacement license for a new drive-yourself car, which is intended to replace a drive-yourself car validly registered and licensed by such licensee; provided that—

(1) such licensee must return to the Director of Motor Vehicles the license plates from the car to be replaced and the Director of Motor Vehicles shall cancel the registration of the replaced car before he may register the new car;

(2) if a licensee does not utilize a replacement license available under this section, either by validly registering the new drive-yourself car within six months after the transfer of the car to be replaced or by submitting to the Director of Motor Vehicles proof, satisfactory to the Director of Motor Vehicles, that a bona fide order has been placed for the purchase of a replacement car within three months after such transfer, his right to such new license shall be forfeited, and the license shall be distributed in accordance with the list of priority.

(g) A person may transfer, by sale or otherwise, his car rental business, or any part thereof, together with all or any part of the number of licenses to which he is entitled under the then current limitation; except that this subsection does not authorize or entitle a person to transfer, by sale or otherwise, a car rental business license in contravention of the provisions of the last sentence of subsection (d), section 301, Title 27 of this Code.

(h) From January 3, 1968, each registration license for each drive-yourself car shall designate (1) whether the car is for rent for a period of on hundred and eighty (180) days or less, or for a period in excess of one hundred and eighty (180) days, and (2) the island for which it is issued. The registration license and corresponding license plates shall be valid for rent only for the period designated, and only on the island designated and may not be transferred to or used on any other island or any other motor vehicle, except that the Director of Motor Vehicles may assign a license plate number, previously used on a drive-yourself car, which has been replaced, to a motor vehicle which is being registered as a new drive-yourself car. All drive yourself cars shall be operated exclusively on the island for which the registration license and corresponding license plate(s) were issued and shall not be transported for use on any other island.

(i) Any person who violates the provisions of subsection (h) of this section shall be subject to a fine of not less than one thousand (1,000) dollars for each vehicle transported, or revocation of their business license for a period of not less than six (6) months or both.

History

—Added Jan. 3, 1968, No. 2092, § 1, Sess. L. 1967, p. 554; amended Feb. 2, 1968, No. 2094, § 1d-f, Sess. L. 1968, Pt. I, p. 5; Aug. 30, 1995, No. 6077, §§ 2(A), (B), Sess. L. 1995, p. 201; May 19, 2006, No. 6839, § 50, Sess. L. 2006, p. 81.

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