

# ACT NO. 9 0 5 4

BILL NO. 36-0123

## THIRTY-SIXTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2025

An act amending title 20 Virgin Islands Code, part II, chapter 43, subchapter I, section 493 making it unlawful for a person who has 0.04 percent or more, by weight, of alcohol in his blood to operate a commercial motor vehicle

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*Be it enacted by the Legislature of the Virgin Islands:*

**SECTION 1.** Title 20 Virgin Islands Code, part II, chapter 43, subchapter I, section 493 is amended as follows:

(a) In subsection (a), add the following new paragraph (3):

“(3) Notwithstanding paragraph (2), it is unlawful for any person who has 0.04 percent or more, by weight, of alcohol in his blood to drive, operate, or be in actual physical control of, a commercial motor vehicle.”

(b) In subsection (c), add the following new paragraph (4):

“(4) Notwithstanding paragraph (1), any person convicted of violating subsection (a)(3), shall be also subject to the following:

(A) A mandatory fine of between \$3,000 and not more than \$5,000 and the possible requirement to perform up to 30 hours of community service, at the discretion of the court, for a first offense.

(B) A mandatory fine of between \$6,000 and not more than \$10,000, and mandatory community service of 60 hours for a second offense within a 10-year period.

(C) A mandatory fine of between \$10,000 and not more than \$15,000, mandatory community service of 100 hours, and mandatory imprisonment for a

term of between 30 days and not more than two years for the third or subsequent offenses within a 10-year period.”

(c) Add the following subsection (h):

“(h) The term “commercial motor vehicle” as used in subsection (a)(3) means any self-propelled or towed vehicle used on public highways in intrastate commerce to transport passengers or property when:

(1) the vehicle has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater; or

(2) the vehicle is designed to carry eight or more passengers, including the driver but not including any commercial motor vehicle licensed, registered and regulated by the Virgin Islands Taxicab Commission; or

(3) the vehicle is used in the transportation of materials found by the Virgin Islands Police Department or the Bureau of Motor Vehicles to be hazardous for the purpose of the Hazardous Materials Act (49 U.S.C. sec. 5101 *et seq.* and transported in a quantity requiring placarding under regulations prescribed by the Secretary of the United States Department of Transportation.”

Thus passed by the Legislature of the Virgin Islands on October 30, 2025.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 31<sup>st</sup> day of October, A.D., 2025.



*Milton E. Potter*

Milton E. Potter  
President

*Avery L. Lewis*

Avery L. Lewis  
Secretary

Bill No. 36-0123 is hereby approved.

Witness my hand and the Seal of the Government of the United States Virgin Islands at Charlotte Amalie, St. Thomas, This 10<sup>th</sup> day of November 2025 A.D.



*Albert Bryan Jr.*

Albert Bryan Jr.  
Governor