

ACT NO. 9 0 8 3

BILL NO. 36-0209

THIRTY-SIXTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2026

An act amending title 23 Virgin Islands Code, chapter 10 to establish civil penalties for disregarding marine advisories and to create the Territorial Marine Safety Fund

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Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 23 Virgin Islands Code, chapter 10, subchapter I is amended by adding the following new section:

“§1018. Marine advisories; civil penalties

(a) For purposes of this section, “marine advisory” means an official advisory, warning, small craft advisories, recreational marine use advisories, coastal hazard warnings, or similar public safety notices issued by any of the following agencies:

- (1) the United States Coast Guard;
- (2) the National Weather Service;
- (3) the Virgin Islands Department of Planning and Natural Resources (DPNR);
- (4) the Virgin Islands Police Department (VIPD);
- (5) the Virgin Islands Territorial Emergency Management Agency (VITEMA);

and

(b) Any person, whether operating a vessel, engaging in recreational marine activity, or engaging in shoreline or coastal activity, who knowingly or negligently disregards a marine advisory, as defined in subsection (a), and whose actions result in the deployment of emergency response resources, shall be assessed a civil penalty per incident. Each incident requiring emergency response constitutes a separate violation. The civil penalties shall be assessed as follows:

- (1) a first violation is a penalty of \$1,500;

(2) a second violation is a penalty of \$3,000; and

(3) a third violation and any subsequent violations are a penalty of \$5,000 per incident. Each day the violation continues shall constitute a separate offense subject to a penalty of \$5,000.

(c) Citations for violations under this section may be issued by the Commissioner of Police, the Commissioner of DPNR, or their authorized designees. The department head, or designee, of the agency that issues the citation must document all violations, any rescue, recovery, or removal activity, and submit written verification to the Commissioner of Finance prior to the assessment of civil penalties related to the deployment of emergency response services.

(d) Any individual receiving a citation under this section may contest it by filing an appeal with the issuing agency within 20 calendar days of issuance. The agency shall designate a hearing officer to review the appeal and issue a written determination within 30 calendar days. Payment of the penalty is stayed until the final resolution of the appeal. After the final resolution of an appeal, all penalties collected must be remitted by the issuing agency to the Department of Finance for deposit into the Territorial Marine Safety Fund. The decision of the Hearing Officer is final. The appellant may file a Writ of Review to the Superior Court of the Virgin Islands no later than 30 days after the issuance of the Hearing Officer's decision.

(e) There is established in the Treasury of the Virgin Islands a special fund designated the "Territorial Marine Safety Fund," which is separate and distinct and administered by the Commissioner of Finance. The Fund consists of all monies collected from civil penalties imposed under this section.

(f) Monies in the Fund is disbursed at the request of the responding agency as outlined in subsection (a) of this section and must be used solely for:

- (1) the purchase and maintenance of emergency response equipment;
- (2) vessel maintenance and operations; and
- (3) other expenses directly related to marine emergency response.

(g) Nonprofit rescue organizations, including St. Croix Rescue, St. John Rescue, and St. Thomas Rescue are authorized to receive disbursements from the Territorial Marine Safety Fund, and must comply with the provisions of title 2 Virgin Islands Code, section 29 regarding compliance requirements for the receipt of government funds.

(h) The Commissioner of Finance shall maintain a detailed accounting of all monies deposited into and disbursed from the Fund. The Commissioner shall submit an annual report on the financial status of the Fund to the Governor and the Legislature, which must include the total amount of civil penalties collected, the total amount of disbursements made to each agency or authorized recipient, and the unobligated balance of the Fund."

Thus passed by the Legislature of the Virgin Islands on March 18, 2026.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 20th day of March, A.D., 2026.



A handwritten signature in blue ink, appearing to read "Milton E. Potter".

Milton E. Potter
President

A handwritten signature in blue ink, appearing to read "Avery L. Lewis".

Avery L. Lewis
Secretary



Bill No. 36- 0209 is hereby approved.

**Witness my hand and the Seal of the Government of
the United States Virgin Islands at Charlotte Amalie,
St. Thomas, This 26th day of March, 2026 A.D.**

A handwritten signature in blue ink, appearing to read "Albert Bryan Jr.", is written over the printed name.

**Albert Bryan Jr.
Governor**