

# ACT NO. 8397

BILL NO. 33-0303

## THIRTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2020

An Act amending title 32 Virgin Islands Code, Chapter 21, Article XIV, sections 604(d), 607(d) and (e), 610 (a) and (c), 625(a) and (c), 634, 637, and 638 relating to Internet Gaming and Gambling licensing and fees requirements and matters related thereto

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**WHEREAS**, the 24<sup>th</sup> Legislature of the Virgin Islands passed Bill No. 24-0046 to, *inter alia*, enact the “United States Virgin Islands Technology Initiative”, to amend Title 32, Chapter 21, Virgin Islands Code, to provide for a new Article XIV to license internet gaming and internet gambling in the Territory; and

**WHEREAS**, on August 2, 2001, the Governor of the Virgin Islands signed into law Bill No. 24-0046 making it Act No. 6419; and

**WHEREAS**, the 24<sup>th</sup> Legislature of the Virgin Islands determined that gaming on the Internet was a new phenomenon with revenues projected to increase substantially in the future; and

**WHEREAS**, the 24<sup>th</sup> Legislature of the Virgin Islands determined that it was in the public’s interest that the Government of the Virgin Islands attain a legally sustainable and stable framework for its operation as an Internet gaming and Internet gambling portal thereby protecting the credibility of the Government, rights of the player and the investment of the licensees and the Master Franchisor; and

**WHEREAS**, the 24<sup>th</sup> Legislature’s intent in enacting Act No. 6419 was to protect persons participating in approved Internet gaming and approved Internet gambling by the licensing and regulation of such services; and

**WHEREAS**, the Virgin Islands Casino Control Commission endeavors to carry out the mandates of Act No. 6419; however, additional time is necessary to do so, and costs to do so have increased; and

**WHEREAS**, the full development of a regulatory system will ensure the integrity needed to provide the Government, through Internet gaming and Internet gambling, with significant needed revenues; Now, Therefore,

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

**SECTION 1.** Title 32 Virgin Islands Code, chapter 21, article XIV is amended in the following instances:

- (a) Subarticle A, section 604, subsection (d) is stricken in its entirety.
- (b) Subarticle B is amended as follows:

(1) Section 607 is amended by striking subsections (d) and (e) in their entirety and inserting new subsections (d) and (e) that read as follows:

“(d) A nonrefundable application fee must accompany the application. For the first year after the commencement of Internet Gaming and Gambling, the nonrefundable application fee is \$25, 000. Thereafter, the amount of the nonrefundable application fee will be established through the regulations promulgated by the Commission. The applicant shall also pay the total costs associated with the investigation of the applicant in addition to the application fee and license fee required by this section.

(e) (1) Once the application for a license has been granted, a license fee must be paid by a time certain set forth by the Commission. For the first year after the commencement of Internet Gaming and Internet Gambling, the license fee is \$50,000. Thereafter, the Commission, through its regulations may increase the license fee as it considers appropriate.

(2) A license is not effective, and the holder of the license may not operate under the license until the license fee is paid.

(3) If an applicant fails to pay the license fee within thirty (30) days of the due date set by the Commission, the Commission shall revoke the license.”

(2) Section 610 is amended as follows:

(A) Subsection (a) is amended by striking “\$10,000” and inserting “\$25,000”.

(B) Subsection (c) is amended by striking “\$10,000” and inserting “\$25,000”, and by striking “\$500” and inserting “\$2,500”.

(c) Subarticle E is amended in the following instances:

(1) Section 625 is amended in the following instances:

(A) Subsection (a) is amended by striking “\$10,000” and inserting “\$25,000”.

(B) Subsection (c) is amended by striking the word “shall” and inserting the word “may”.

(d) Subarticle G, section 634 is amended by striking “\$10,000” and inserting “\$25,000”.

(e) Subarticle H is amended in the following instances:

(1) All the language in section 637 is stricken and replaced with the following language:

“All administrative proceedings must be conducted in accordance with this Article and the regulations promulgated by the Commission not in conflict with this Article.”

(2) Section 638 is amended by striking the last sentence in its entirety and designating the existing language as subsection (a) and adding subsection (b) to read as follows:

“(b) (1) The Commission, upon request, may also hold a hearing to reconsider the denial of an application. The request for reconsideration must:

(A) Be made within 10 days of the Commission’s denial of the application for a license; and

(B) Be based on new information that was not previously available when the initial application was submitted or to correct clear error in fact which lead to the denial of the application.

(2) If the Commission grants a hearing on the applicant’s request for reconsideration, the Commission shall hold a hearing not later than 15 days after receipt of the request unless extended for good cause shown.”

Thus passed by the Legislature of the Virgin Islands on December 11, 2020.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 21<sup>st</sup> day of December, A.D., 2020.



A handwritten signature in blue ink, appearing to read "Novelle E. Francis, Jr.".

Novelle E. Francis, Jr.  
President

A handwritten signature in blue ink, appearing to read "Alicia V. Barnes".

Alicia V. Barnes  
Legislative Secretary



**Bill No. 33-0303 is hereby approved.**

**Witness my hand and the seal of the Government of  
the United States Virgin Islands at Charlotte Amalie,  
St. Thomas, this 31<sup>st</sup> day of December, 2020 A.D.**

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

**Albert Bryan, Jr.  
Governor**