

Lawmakers Move Forward With Bill Lowering Alcohol Limit for Commercial Drivers and Banning Under-21 Drinking and Driving

Sen. Ray Fonseca's bill makes it illegal for commercial drivers to operate with a BAC of 0.04% or higher and bans anyone under 21 from driving with alcohol in their system, aligning territorial law with federal standards to improve safety on local roads.

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The Committee on Homeland Security, Justice, and Public Safety has green-lit Senator Ray Fonseca's bill that seeks to make it unlawful for a person who has 0.04 % or more, by weight, of alcohol in his/her blood to operate a commercial motor vehicle. These restrictions are captured in Bill [36-0123](#), which also makes it unlawful for a person under the age of 21 who has any detectable amount of alcohol in his/her blood to operate a motor vehicle.

To date, one DUI-related road fatality has been recorded in the territory in 2025.

The bill is an attempt to “strengthen our laws against impaired driving, particularly for individuals operating commercial motor vehicles,” said Sen. Fonseca. Impaired driving, as he is aware, “dramatically increases crash risk,” and his bill will “prevent tragedies before they happen.” The size and weight of commercial vehicles mean that collisions could be “catastrophic.” Despite the legal drinking age in the USVI being 18, Bill 36-0123 aligns with “federal safety thresholds.”

“Because federal law is considered the supreme law of the United States, there is a legitimate interest in making sure territorial laws are not created in conflict with federal statutes,” noted Attorney General Gordon Rhea. “By reducing the BAC limit for commercial drivers, the territory can help protect the lives and property of its citizens,” he agreed. Mr. Rhea also reminded lawmakers that “all states have zero tolerance laws for underage drivers, reducing the legal BAC for drivers under 21 to 0.02% or lower.”

“There are no legal concerns with the Legislature making it unlawful for anyone under the age of 21 to drive, operate, or be in physical control of a motor vehicle with a detectable amount of alcohol in their system,” the AG further explained.

For Daphne O’Neal of the Office of Highway Safety, Bill 36-0123 is an “important step towards improving roadway safety.” However, Ms. O’Neal argued that even minimal amounts of alcohol in the system could be dangerous. She encouraged the adoption of a “zero BAC limit for commercial vehicle drivers” given the “heightened responsibility associated with operating commercial vehicles.” Doing so would “provide VIPD with clear statutory authority to take action when CMV drivers exhibit any measurable impairment,” explained Ms. O’Neal.

She also suggested that a zero-tolerance approach be applied to drivers under 18, considering the territory’s legal drinking age. “Given the size of our territory, just our roads and everything, I think that zero tolerance should be considered,” Ms. O’Neal told a curious Senator Dwayne DeGraff.

Arthur Joseph, commander of VIPD’s Traffic Investigations Bureau, agreed. “If you’re operating a commercial vehicle and you’re under any amount of alcohol, you are not going to be the victim. Everybody else will be.” He supported Senator Clifford Joseph’s sentiment that recreational drugs should also be approached from a zero-tolerance stance. “If you want to protect our citizens and the business owners who allow these people to drive their vehicles, we must be responsible with the legislation,” Commander Joseph warned.

The Bureau of Motor Vehicles is currently in the process of developing a Commercial Drivers’ License which will require drivers to enroll in a qualification program. “In that program, the individuals must comply and will be educated about the use of alcohol and marijuana,” explained Commander Joseph.

Individuals found in violation of Bill 36-0123 could risk having their license suspended for 12 months in addition to existing punishments. For drivers without a license, the issuance of one could also be suspended for 12 months. Currently, driving while intoxicated is a misdemeanor punishable by up to one year of imprisonment or fine of not less than \$500 or \$700 if the offense involves an accident, or both.

Now forwarded to the Committee on Rules and Judiciary, Bill 36-0123 is expected to act as a proactive measure and a metaphorical guardrail against impaired driving on the territory’s roads.

