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Chapter No. 936
10/HR40/R2008SG
LO / JP

HOUSE BILL NO. 1737

Originated in House Don Richardson Clerk

HOUSE BILL NO. 1737

AN ACT TO CREATE THE HARRISON COUNTY MOTOR VEHICLE FOR HIRE COMMISSION; TO PROVIDE THE PURPOSE OF THE COMMISSION; TO PROVIDE THE MEMBERSHIP OF THE COMMISSION; TO PROVIDE THE DUTIES AND POWERS OF THE COMMISSION; TO PROVIDE CERTAIN JURISDICTIONAL LIMITATIONS OF THE COMMISSION; TO PROVIDE CERTAIN PENALTIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There is hereby created and established a public body corporate and politic constituting a political subdivision of the State of Mississippi to be known as the "Harrison County Motor Vehicle for Hire Commission" for the purpose of serving the citizens of Harrison County. The commission is created as a means of unifying rules and regulations governing motor vehicles for hire engaging in business within Harrison County by empowering the commission to enact rules and regulations that will be applicable in all six (6) separate political jurisdictions in Harrison County. All rules, regulations and fees adopted by the commission for the governance of motor vehicles for hire shall supercede any rule, regulation and fee adopted by such political jurisdictions in Harrison County pertaining to motor vehicles for hire.

(2) For purposes of this act, "motor vehicle for hire" means when both a driver and his or her vehicle are employed for transportation purposes.

SECTION 2. (1) (a) All powers of the Harrison County Motor Vehicle for Hire Commission shall be exercised by a board of commissioners to be composed of a representative appointed and

confirmed by each of the governing authorities of Harrison County, including all municipalities and the board of supervisors.

(b) Members of the commission shall be as follows:

(i) One (1) commissioner appointed by the governing authorities of the City of Pass Christian;

(ii) One (1) commissioner appointed by the governing authorities of the City of Long Beach;

(iii) One (1) commissioner appointed by the governing authorities of the City of D'Iberville;

(iv) Two (2) commissioners appointed by the governing authorities of the City of Biloxi;

(v) Two (2) commissioners appointed by the governing authorities of the City of Gulfport;

(vi) One (1) commissioner appointed by the Harrison County Board of Supervisors; and

(vii) Two (2) commissioners at large, one of whom must be a minority appointed by the other eight (8) commissioners appointed in this section.

(c) The initial terms of the commissioners shall be as follows: one (1) year for the commissioner appointed by the City of Pass Christian; two (2) years for the commissioners appointed by the City of Long Beach and the City of D'lberville; three (3) years for the commissioner appointed by the board of supervisors; and four (4) years for the commissioners appointed by the City of Biloxi and the City of Gulfport and four (4) years for the commissioners at large. Subsequent terms shall be for a period of four (4) years.

(2) At the initial meeting of the commission, the commission shall elect a president and a vice president. Thereafter, the commission will annually, at the last meeting of the fiscal year, elect a president and a vice president who shall serve in their respective offices for the next fiscal year. The vice president shall act in the absence or disability of the president. The

commissioners shall serve without salary but are entitled to receive per diem pay as provided for in Section 25-3-69, Mississippi Code of 1972, and actual and necessary expenses incurred while in the performance of any duties as a member of the commission as provided in Section 25-3-4, Mississippi Code of 1972.

(3) Any commissioner who does not attend three (3) consecutive regular meetings of the commission shall be subject to removal by a majority vote of the board and shall be replaced with an appointment from the governing authority which originally appointed him or her to serve out the remainder of that term.

(4) The commissioner presiding as president, or president pro tem, at any meeting of the commission shall have the right to vote only to break a tie in the vote of the commissioners present and voting. Each commissioner shall be required to give bond in the sum of not less than Fifty Thousand Dollars ($50,000.00), with sureties qualified to do business in this state, and the premiums on the bonds shall be an expense of the commission. Each bond shall be payable to the State of Mississippi. The condition of each bond shall be that each commissioner will faithfully perform all duties of his or her office and account for all monies or other assets which shall come into his or her custody as a commissioner of the commission.

(5) A quorum for any meeting of the commission shall be the majority of total membership of the commission, excluding vacant positions. All business of the commission shall be transacted or authorized by the vote of the commission.

(6) The commission shall conduct regular meetings as set forth in its bylaws. The commission shall establish rules and regulations regarding its meetings and may amend such bylaws, rules, and regulations as may be necessary to conduct the business of the commission.

SECTION 3. (1) The commission shall prepare a budget consistent with its bylaws estimating its expenses and revenue needs for each forthcoming fiscal year at least ninety (90) days prior to the beginning of each fiscal year.

(2) The commission shall have the authority to receive and spend funds from any source.

SECTION 4. (1) The commission shall have the right and powers necessary to carry out the purposes of this act including, but not limited to, the following:

(a) To adopt and enforce rules and regulations governing motor vehicles for hire which operate within Harrison County. These rules and regulations may include charges and fees to be paid to the commission both by operators of motor vehicles for hire and by businesses engaged in the motor vehicle for hire industry;

(b) To adopt rules and regulations establishing rates of fare and charges authorized to be imposed by operators and businesses subject to the commission's jurisdiction;

(c) To adopt rules and regulations requiring routine inspections of motor vehicles for hire and establishing applicable fees for conducting said inspections;

(d) To adopt rules and regulations prohibiting the transfer of any permit, license, certificate of registration, or any other documentation issued by the commission;

(e) To adopt rules and regulations regarding the suspension or revocation of any permit, license, certificate of registration, or any other documentation issued by the commission. Any person whose permit, license, certificate of registration, or other documentation issued by the commission has been suspended or revoked may appeal to the circuit court from such order in the manner provided for appeals from orders of the governing authority of municipalities, but such appeal shall not operate as a supersedeas of the order;

(f) To adopt rules and regulations requiring registration and numbering of vehicles utilized as a motor vehicle for hire within Harrison County;

(g) To sue and be sued in its own name and to enjoy all the protections, immunities, and benefits provided by the Mississippi Tort Claims Act, as it may be amended from time to time;

(h) To maintain office space at such place or places within the boundaries of Harrison County as the commission may determine;

(i) To own or lease real or personal property;

(j) To invest monies of the commission on such terms and in such manner as the commission deems proper;

(k) To apply for, accept, and utilize grants, gifts, and other funds from any source for any purpose necessary in support of the purpose of this act;

(1) To employ and terminate staff including, but not limited to, attorneys and consultants as may be necessary;

(m) To enter into contracts for all operational needs of the commission including, but not limited to, contracts for conducting inspections of vehicles and for conducting background checks of applicants;

(n) To request, receive, view, and retain copies of any criminal record pertaining to any applicant for a permit, license, certificate of registration, or any other documentation issued by the commission;

(o) To enter into contracts with any person or any public agency in furtherance of any of the purposes authorized by this act. Any such contract may extend over any period of time, including a term which extends beyond the term of the majority of the existing commissioners, notwithstanding any provision or rule of law to the contrary, may be upon such terms and for such consideration, nominal or otherwise, as the parties thereto shall

agree and shall be binding upon the parties thereto according to its term;

(p) To contract with any governing authorities within Harrison County under any terms mutually agreed to by the parties to carry out any powers, duties, or responsibilities granted by this act, or by any other laws to such governing authority;

(q) To acquire insurance for the commission's property, real or personal, to insure against all risks as any insurance may, from time to time, be available; and

(r) To apply for, contract for, accept, receive, and administer gifts, grants, appropriations and donations of money, materials, and property of any kind, including loans and grants from the United States, the state, a unit of local government, or any agency, department, district, or instrumentality of any of the foregoing, upon any terms and conditions as the United States, the state, a unit of local government, or any agency, department, district, or instrumentality of any of the foregoing shall impose.

(2) (a) Before any change is made to a fee or regulation, as authorized by this section, the commission shall publish in at least one (1) newspaper as defined in Section 13-3-1, having general circulation within the county a public notice that describes the proposed change to the fee or regulation for a period of thirty (30) days for comments concerning the proposed change in the fee or regulation. In addition to the public notice, the commission shall mail thirty (30) days before the public hearing, prescribed in this section, to any individual or owner or operator of a motor vehicle for hire the proposed change in any fee or regulation that may impact such owner or operator.

(b) During the comment period, the commission shall conduct at least one (1) public hearing concerning the proposed changes. The commission shall publish twice in at least one (1) newspaper as defined in Section 13-3-1, having general circulation within the county, a notice conspicuously displayed containing the

time and place of the hearing and the location where the proposed change is available for review. After the public hearing, the commission shall consider all comments and relevant data presented at the hearing before final adoption of proposed fees or regulations. The failure of any person to submit comments within the time period established by this subsection shall not preclude action by the commission.

(3) Notwithstanding the duties, responsibilities, and authority of the commission defined in this section, the commission shall have neither authority nor jurisdiction over railroads operated within or through Harrison County, parochial school buses, rental cars, car pools, vehicles subject to the jurisdiction of the Public Service Commission or the Interstate Commerce Commission, or vehicles owned by or operated while under contract with a public transportation system or other public agency.

SECTION 5. (1) No person may drive or operate motor vehicles for hire within the geographic boundaries of Harrison County unless he or she shall first have been licensed so to do by the commission. The commission may adopt rules and regulations establishing standards for the determination of whether it is in the best interest of the health, welfare, and safety of the citizens of the State of Mississippi to grant any individual an operator's license or permit.

(2) The commission may require the applicant for an operator's permit or license to give a reasonable bond to guarantee the faithful observance of the law as well as the rules and regulations established by the commission.

(3) If the commission refuses to grant an operator's permit or license to an applicant, an appeal may be taken to the circuit court, in the manner provided by law for appealing from other orders of the governing authorities of municipalities, and the questions to be tried upon appeal will be as to whether the best

interest of the health, welfare, and safety of the citizens of the State of Mississippi would be served by permitting said applicant to pursue such vocation in Harrison County.

SECTION 6. (1) No permit, license, certificate of registration, or any other documentation shall be issued by the commission to the owner or operator of any motor vehicle owned or operated for hire in Harrison County, unless and until such owner or operator shall have filed with, and the same has been approved by, the commission, an insurance policy, or certificates of insurance in lieu thereof, issued by some insurance company authorized to transact business in this state, in an amount required by the commission, conditioned to pay any final judgment against the owner or operator for personal injuries or property damages resulting from or arising out of the use, maintenance or operation of the motor vehicle.

(2) The insurance policy or bond, filed with the commission as required by this section, shall contain a provision or endorsement to the effect that the same shall not be cancelled for any cause by either party thereto unless and until ten (10) days' written notice thereof shall have been given to the commission.

SECTION 7. The commission is authorized and empowered to negotiate, enter into and promulgate reciprocity agreements with other political subdivisions concerning the licensure and permitting requirements for motor vehicles for hire.

SECTION 8. (1) Any person or persons who may violate any of the rules or regulations established by the commission shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than Two Hundred Dollars ($200.00) in addition to any revocation or suspension of any permit, license, certificate of registration, or any other documentation issued by the commission.

(2) To provide additional enforcement mechanisms, the Harrison County Board of Supervisors as well as any municipality within Harrison County may adopt an ordinance making it a

misdemeanor to violate any of the rules or regulations established by the commission. Any such misdemeanor violation may be prosecuted either in the Justice Court of Harrison County, by the commission or the county or in the municipal court in the municipality in which the infraction occurred by the municipality.

SECTION 9. This act shall take effect and be in force from and after its passage, and shall stand repealed on December 31, 2012.

PASSED BY THE HOUSE OF REPRESENTATIVES
March 27, 2010

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
April 21, 2010

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

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