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Chapter No. 901
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HOUSE BILL NO. 1345

Originated in House  Clerk

HOUSE BILL NO. 1345

AN ACT TO AMEND CHAPTER 936, LOCAL AND PRIVATE LAWS OF 2010, AS AMENDED BY CHAPTER 959, LOCAL AND PRIVATE LAWS OF 2012, TO PROVIDE THAT BEFORE ANY RULE, REGULATION OR FEE IS IMPOSED BY THE HARRISON COUNTY MOTOR VEHICLE FOR HIRE COMMISSION, THE COMMISSION SHALL RECEIVE APPROVAL OF THE HARRISON COUNTY BOARD OF SUPERVISORS FOR SUCH RULE, REGULATION OR FEE; TO REVISE THE DEFINITION OF "MOTOR VEHICLE FOR HIRE" AS USED IN THIS ACT; TO PROVIDE THAT THE BUDGET OF THE COMMISSION SHALL BE VOTED ON AND APPROVED BY THE SUPERVISORS; TO AUTHORIZE THE BOARD OF SUPERVISORS TO ABOLISH THE COMMISSION IF CERTAIN NOTICE IS GIVEN; TO EXTEND THE DATE OF REPEAL FROM JANUARY 31, 2013, TO JULY 1, 2014; AND FOR RELATED PURPOSES.

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

SECTION 1. Chapter 936, Local and Private Laws of 2010, as amended by Chapter 959, Local and Private Laws of 2012, is amended as follows:

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, and approved by the Harrison County Board of Supervisors, 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 * * * any motor vehicle, animal-drawn vehicle, pedicab or other vehicle designed or used for the transportation of passengers for hire, the charges for the use of which are determined by agreement, mileage or by the length of time for which the vehicle is engaged. The following are excluded from the definition of "motor vehicle for hire" under this act:

(a) Limousines or any other vehicle owned solely by a funeral home and used for the performance of funeral services. However, if the limousine or other vehicle owned by a funeral home is used for other transportation-for-hire purposes for which a fee is charged, such vehicle is not excluded;

(b) Ambulances and other medical transport service vehicles; however, nonemergency transportation vehicles are not excluded;

(c) Vehicles provided by an employer or an employee association for use in transporting employees back and forth between the employees' homes and to the employers' place of business, with employees reimbursing the employer or employee association in an amount calculated to offset the reasonable expenses of operating the vehicle;

(d) Vehicles owned and operated for the purpose of transporting the driver and/or others on a prearranged basis between their homes and places of employment or places of common destination and only charging a fee calculated to reasonably cover expenses (i.e. carpool, vanpool, etc.);

(e) Vehicles owned and operated by the federal or state government, by a political subdivision of the state or by a person under contract with the county or any city within the county for operation of the vehicle;

(f) Vehicles owned and operated by hotels/motels which provide free transportation service to guests. However, vehicles operated by hotels/motels which provide transportation services for a fee are not excluded; and

(i) Vehicles owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers.

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'Iberville; 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 of Supervisors of Harrison County 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. The budget prescribed in this subsection shall be voted on and approved by the Harrison County Board of Supervisors prior to adoption of such budget by the commission.

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

Section 4. Subject to the approval of the Harrison County Board of Supervisors, the commission shall have the right and powers necessary to make any rule and enforce any rule, regulation or fee to carry out the purposes of this act * * *.

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Section 5. (1) * * * The Board of Supervisors of Harrison County is authorized to abolish the commission; however, before such abolishment may occur, the board shall give a sixty (60) day notice of its intent to all cities within the county.

(2) * * * If at anytime the Board of Supervisors of Harrison County elects to abolish the commission, as authorized under this subsection, each city within Harrison County may adopt ordinances for the regulation of motor vehicles for hire.

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Section * * * 6. This act shall stand repealed from and after * * * July 1, 2014.

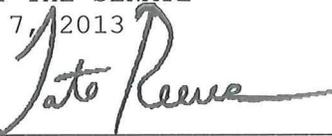
SECTION 2. This act shall retroactively take effect and be in force from and after January 31, 2013.

PASSED BY THE HOUSE OF REPRESENTATIVES
January 29, 2013



SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
February 7, 2013



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

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