

**AMENDED RULES AND REGULATIONS
MOTOR VEHICLE FOR-HIRE AUTHORITY
Adopted _____ 2015**

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Sec. 1. – Motor Vehicle For-Hire Authority

The mission of the Authority is to unify the rules and regulations governing motor vehicles for hire engaging in business within the participating municipalities of Harrison County, Mississippi and such other purposes as are set out in the inter-local agreement creating and establishing the Authority by the municipalities of Harrison County. The Authority shall be governed by a Board whose members shall consist of representatives of the municipalities as follows:

- A. Members of the Authority shall be as follows:
 - (1.) One (1) Representative appointed by the governing authorities of the City of D'Iberville, Mississippi;
 - (2.) Four (4) Representatives appointed by the governing authorities of the City of Biloxi, Mississippi;
 - (3.) Two (2) Representatives appointed by the governing authorities of the City of Gulfport, Mississippi;
- B. Interim terms began when appointed by the respective municipalities and end September 30 of the respective years stated below. The initial terms of the Authority Representatives are as follows:
 - Two (2) years for the Representative appointed by the City of D'Iberville (ending September 30, 2016); and three (3) years for the Representatives appointed by the City of Biloxi and the City of Gulfport (ending September 30, 2017).
 - Subsequent terms of the Representatives shall be for a period of three (3) years beginning October 1st and ending September 30th.
- C. Each Representative of the Authority shall hold office until his or her successor has been appointed and has qualified, or until he or she resigns or is removed from office in accordance with the bylaws. Any Representative shall be eligible for reappointment. A Representative may resign at any time by giving written notice to the President of the

Board. Any resignation of a Representative shall take effect upon receipt and acceptance by the Board.

- D. Any Representative who does not attend three (3) consecutive regular meetings of the Authority may be removed from office by the Board upon a majority vote of the Board. Any Representative so removed shall be replaced with an appointment from the governing authority that originally appointed the removed Representative to serve out the remainder of the term of the removed Representative.
- E. Each Representative shall give bond in the sum of not less than Fifty Thousand and 00/100 Dollars (\$50,000), with sureties qualified to do business in Mississippi. The condition of each bond shall be that each Representative will faithfully perform all duties of his or her office and account for all monies or other assets that shall come into his or her custody as Representative of the Authority. The premiums for such bonds shall be an expense of the Authority.
- F. At the initial meeting of the Authority, the authority shall elect a President, a Vice President, and Treasurer. Thereafter, the Authority will annually, at the last meeting of the fiscal year, elect a President, Vice President, and Treasurer 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.
- G. All voting members of the Authority shall serve without salary but shall be entitled to receive per diem as provided for in Section 25-3-60, Miss Code of 1972 (as amended), and actual and necessary expenses incurred while in the performance of any duties as a member of the Authority as provided in Section 25-3-4, Miss. Code of 1972 (as amended).
- H. Interim appointments shall be made only for the balance of the unexpired term remaining. Regular Authority Meetings will be held in a public place to be designated by the Authority. The Authority may otherwise meet upon notice, pursuant to state statute, to each of its members when such special meeting is required to carry out the provisions of this chapter, and a majority of the Authority shall constitute a quorum thereof, as long as the majority of them are voting members. It shall be the duty of the Authority to proceed at once to administer the provisions of inter-local agreement as amended, and for this purpose the Authority shall formulate and cause to be printed such application forms and such other forms as may be required to properly carry out the duties of the Authority.
- I. **Definition of Motor Vehicle for Hire.** The term "motor vehicle for hire" or vehicle for hire, when used herein shall mean 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":
 - (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 that provide free transportation service to guests. However, vehicles operated by hotels/motels which provide transportation services for a fee are not excluded; and

(g) 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.

(h) Motor vehicles operated by currently certified and compliant United States Department of Transportation (USDOT) ground transportation companies.

Sec. 2. – Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessible Vehicle: A vehicle that meets the requirements of the Americans with Disability Act (“ADA”) and is equipped with: a lift mechanism capable of lifting a passenger in a wheelchair from street level into the vehicle or a ramp with a slope that is suitable for a wheelchair passenger to enter the vehicle safely; headroom of sufficient capacity to accommodate wheelchair passengers comfortable, and; wheelchair tie-down, but shall not include transportation of passengers in a recumbent position or on stretchers or beds.

Animal Drawn Vehicle: Any vehicle that is pulled by carriage horses, dray horses, or other draft animals and is used for the purpose of conveying passengers for hire or for advertising or promotional purposes.

Bus: A passenger vehicle designed to seat sixteen (16) or more passengers including the driver.

Certificate of Registration: A certificate issued by the Authority authorizing the holder thereof to conduct a taxicab business in the County.

Cruising: Driving on, over, or along city or county streets and round businesses soliciting passengers for hire or parking for the purpose of soliciting fares.

Driver's Permit: The permission granted by the Authority to a person to drive or operate a taxicab upon the streets of the County.

Executive Sedan: A vehicle with a passenger seating capacity not in excess of eight (8)

passengers including the driver which operates by a prearranged contract or agreement. A vehicle licensed to operate as an *executive sedan* is prohibited from providing any other service defined herein.

Holder: A person to whom a certificate of registration has been issued.

Information Sign or Sticker: An adhesive sign that is posted in vehicle for hire that would inform passengers the rates of fare and the telephone number of the Motor Vehicle for Hire Authority.

Limousine: A motor vehicle designed or constructed to accommodate and transport passengers for hire on a pre-arranged basis only, with an extended seating capacity, and a fixed partition between the driver and passenger seating area. The vehicle shall have additional rear seating capacity, area, and comforts; and shall be designed to transport a minimum of five (5) and not more than fifteen (15) passengers (including the driver).

Limousine Service: A business that utilizes limousines, limousine luxury busses, or executive sedans as vehicles that are not equipped with a meter and operate only on the basis of written or other prearranged contract. A vehicle licensed to operate as a *limousine service* is prohibited from cruising, operating on call or demand, or providing any other service defined herein.

Limousine Luxury Bus: A motor vehicle designed or constructed to accommodate and transport passengers for hire on a pre-arranged basis only, with an extended seating capacity, and a fixed partition between the driver and passenger seating area. The vehicle shall have additional rear seating capacity, area, and comforts; and shall be designed to transport a minimum of sixteen (16) passengers (including the driver).

Long Hauling: The practice of a for-hire transportation driver taking a route other than the most direct or efficient route in order to charge the customer a higher fare.

Manifest: A daily record of all trips made by a driver, showing time and place of origin, destination, the number of passengers and any other information required by the Authority.

Non-Emergency Medical Transport: A vehicle for hire which is engaged by prearrangement; is a van, minivan, bus, or accessible vehicle; and which provides non-emergency transportation service to ambulatory, wheelchair, or disabled passengers to and from medical appointments.

Open Stand: A public place alongside the curb of a street or elsewhere in the County that has been designated by the Authority as reserved exclusively for the use of taxicabs.

Pedicab: A bicycle-like vehicle duly licensed to be operated and used primarily for the purpose of providing for-hire transportation over a route or to a destination and upon which one or more persons may ride as passenger(s) while being propelled exclusively by the manual strength of a company hired person

Person: Includes an individual, a corporation, or other legal entity, a partnership and any unincorporated association.

Prearranged: Transportation that has been arranged or reserved via telephone, facsimile, internet, or smartphone app, at least one hour, prior to the vehicle for hire beginning to render the transportation service and any service ancillary to the transportation such as loading

baggage.

Shuttle Bus: A non-metered van type motor vehicle that has a manufacturer's seating capacity of not less than 16 passengers (including the driver) and is used for the transportation of persons. This classification shall not apply to any motor vehicle otherwise defined as a taxicab, flat-rate vehicle for hire, limousine, or non-emergency medical transport.

Shuttle Vehicle: A non-metered van type motor vehicle that has a manufacturer's seating capacity of not less than 9 passengers and not more than 15 passengers (including the driver) and is used for the transportation of persons. This classification shall not apply to any motor vehicle otherwise defined as a taxicab, flat-rate vehicle for hire, limousine, or non-emergency medical transport.

Shuttle Service: A business offering or providing transportation for hire by a shuttle vehicle when the driver is furnished as part of the service and the service is offered on a prearranged basis, a preapproved regularly scheduled basis, or a preapproved route.

Specialty Limousine: An antique or special interest vehicle that is maintained in excellent condition. "Antique vehicle" shall mean a vehicle that is twenty-five (25) years old or older and is recognized by the Antique Automobile Club of America. "Special interest vehicle" shall mean a vehicle that, due to limited production, outstanding design, unique character, and/or technical achievement, is of special interest. The determination of whether a vehicle qualifies as an antique, classic, or special interest vehicle shall be made by the Authority.

Taxicab: Any metered, on-demand vehicle with a minimum of four (4) doors which carries seven passengers or less (eight including the driver) for-hire where the destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of an initial fee, distance traveled, waiting time, or any combination thereof.

Taximeter: A meter instrument or device attached to a taxicab that measures mechanically or electronically the distance driven and the waiting time upon which the fare is based.

Transportation Network Company (TNC): An individual or organization, whether a corporation, partnership, sole proprietor, or other form, that connects passengers with drivers using Transportation Network Vehicle (as defined by this article) for purposes of providing TNC services by the sole means of an software application or platform.

Transportation Network Company Services (TNC services): The transportation of a passenger beginning from the moment a TNC driver accepts a ride requested by a passenger through a TNC's internet-based software application or platform, continuing while the driver transports a requesting passenger, and ending when the last requesting passenger departs from the TNC vehicle, regardless of whether the application or platform is active during the transportation of a passenger.

Transportation Network Company Vehicle (TNC vehicle): Any motor vehicle being used to provide TNC services through a TNC's internet-based software application or platform. A vehicle operated by a TNC driver while providing TNC services that is:

- (1) Owned or leased by the TNC driver, or otherwise authorized for use by the TNC driver;
- (2) Not certificated as a taxicab, limousine, luxury sedan, shuttle, shuttle bus, or non-emergency medical transport under these Rules and Regulations; and

(3) Not a vehicle which if granted a Certificate of Registration would conform to the definition of a taxicab, limousine, luxury sedan, shuttle, shuttle bus, or non-emergency medical transport.

Transportation Network Driver: a person who uses a Transportation Network Company Vehicle (as defined by this article) to provide TNC services for passengers matched through a TNC's internet-based software application or platform. A TNC driver need not be an employee of a TNC.

Waiting Time: The time during which a taxicab is under the direction of a passenger, and the taxicab is moving slower than the per-mile rate allowed by this article.

Sec. 3. - Penalty for Violation

- A. To provide an additional enforcement mechanism, the participating municipalities may adopt an ordinance declaring that any person or persons who may violate any of the rules or regulations established by the Authority shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than fifty dollars (\$50.00) and/or sentenced up to thirty (30) days in jail, in addition to any revocation, suspension of any permit, license, certificate of registration, or any other documentation issued by the Authority. Failure of any owner or operator to comply with any requirements as to insurance coverage as may be imposed by the Authority shall be cause for revocation or suspension of his/her permit, or a fine not exceeding one thousand (\$1,000.00), or both.
- B. The penalties issued herein shall be in addition to the suspension and revocation penalties of the Authority granted by these Rules. However, the suspension and revocation penalties are considered administrative penalties for a violation or infraction of these Rules. Nothing herein should be interpreted to construe that the Authority has the authority to adjudicate a misdemeanor.

Sec. 4 – Certificate of Registration Required

No individual or company shall operate or permit a vehicle owned or controlled by him or her to be operated as a vehicle for hire upon the streets of the participating municipalities of Harrison County without having first obtained a Certificate of Registration from the Authority. However, persons operating such vehicles for the purpose of servicing or maintaining such vehicles or for other non-passenger ferrying purposes other than personal services are exempted from this regulation.

Otherwise personal use of such vehicles by non-permitted drivers is prohibited. The language of this section notwithstanding, nothing herein is intended to prohibit a driver permitted by this Authority from using a vehicle titled in that driver's name, for which a Certificate of Registration has been issued, for personal purposes.

Sec. 5. - Certificate of Registration

- A. **Company Application.** Before conducting business as a company that owns or operates motor vehicles for hire, such company must be issued a Company Certificate of Registration. In order to secure or renew a company permit, the company applicant shall file an application with the vehicle for hire administrator or designee, and such application shall be verified under oath in a form approved by the Authority. The

Application shall I furnish the name and address of the company as well as all information required by Subsection C below. If the company is a corporation or partnership, the name and address of all officers, shareholders, partners or any principals or owners with an interest greater than five percent (5%) of the company must be listed;

B. Fees. No certificate shall be issued or continued in operation until the holder thereof has paid a nonrefundable annual license fee of \$50.00 for the first vehicle registered plus \$25.00 for each additional vehicle that is operated pursuant to the certificate. Such license fee shall become due on the first day of January each year and shall be paid by January 31 of each year. Certificates applied for or additional vehicles placed in operation after January 31 shall be prorated and paid only for the portion of the calendar year remaining after the date of application.

C. Maintaining Company Certificate. In order to obtain and maintain a company certificate to operate or engage in the business of operating vehicles for hire, the company must:

- i. Maintain a telephone number that is monitored twenty four (24) hours a day for emergency contact by the vehicle for hire administrator, or designee, or law enforcement, and an e-mail address for citizen complaints or concerns;
- ii. Maintain a log, listing the full name, date of birth, home address, telephone number, and Mississippi driver's license number of each driver affiliated with the company;
- iii. Maintain a log listing the year, make, model, license plate number, vehicle identification number, a copy of the current valid vehicle registration, and a copy of the vehicle inspection form;
- iv. Maintain the proper amount of insurance as provided in these Rules and Regulations;
- v. Warrant and represent to the MVFHA and to its participating municipalities as follows:
 1. That each vehicle and driver affiliated with its Company (whether by direct employment, contract, or assignment) is in compliance with the Rules and Regulations set forth herein.
 2. That each vehicle has been inspected in accordance with the requirements of these Rules and Regulations
 3. That each vehicle is covered by a policy or policies of insurance in accordance with the requirements of these Rules and Regulations
 4. That the company has investigated the criminal background of each driver affiliated with its Company (whether by direct employment, contract, or assignment) and that they have no affiliated driver who's criminal record revealed a violation of the items outlined in Article II, Section 2.
 5. That the company has investigated the driving history of each driver affiliated with its Company (whether by direct employment, contract, or assignment), by and through the Department of Motor Vehicles for each state in which that driver has lived in the preceding 3 years and that the company has no affiliated driver who's driving record revealed a driving history that includes a conviction, guilty plea, or plea of nolo contendere to any of the offenses outlined in Article II, Section 2. D & E.

6. That each driver affiliated with its Company (whether by direct employment, contract, or assignment) meets the requirements for the issuance of Drivers Permit outlined in Article II, Section 2, and A-G.
 7. That each driver affiliated with its Company (whether by direct employment, contract, or assignment) has been tested for the presence of illegal drugs or other substances by a drug screening facility approved by the Authority and that the Company has permitted no individual to drive a vehicle for hire within its control who has tested positive for the presence of illegal substances.
 8. That the company periodically conducts random drug tests of its affiliated drivers; and, that in the event a driver tests positive for presence of illegal substances, that the company no longer permits that driver to drive or operate a vehicle for hire.
- vi. Maintain records, available for inspection upon request by the administrator, verifying each Representation and Warranty made pursuant to these Rules.
 - vii. Maintain records, available for inspection upon request by the administrator or designee, pursuant to a complaint received or if the administrator has a reasonable basis to suspect that a company or driver is violating the requirements of these rules and regulations. The records shall include, but not be limited to, records pertaining to the permitted/certified drivers, vehicle inspection record, daily logs, and the rates charged are in compliance.
 - viii. Implement a zero-tolerance policy on the use of drugs or alcohol applicable to all drivers, and provide notice of the policy to all company drivers and to the public. In addition, the company shall provide notice to the public on the procedure for reporting a driver the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride. The company shall cooperate with the administrator, or designee, during the pendency of the investigation. The administrator, or designee, is authorized to conduct compliance audits of any company authorized to operate under this Article through which all records referenced above shall be made available to the Administrator immediately upon request

D. **Duration and Renewal.** Company Certificates of Registration shall be valid for a period of one year. However, the duration of validity for a Company Certificate of Registration that is issued after February 1 of a particular calendar year shall be prorated so that the Company Certificate expires on January 31 of the following year. Otherwise all Company Certificates will expire on January 31 of each calendar year.

E. **Holds and Moratoriums.** The Authority shall have the authority to issue temporary holds or moratoriums on the issuance of Certificates of Registration.

Sec. 6. - Transfer of Certificate of Registration.

No Certificate of Registration may be sold, assigned, hypothecated, mortgaged or otherwise transferred without the consent of the Authority.

Sec. 7. - Suspension or Revocation of Certificate of Registration; Causes; Appeals.

A. **Suspension.** Upon a finding of due cause, as defined in Subsection (b) of this Section,

the Motor Vehicle for Hire Authority shall revoke or suspend any company certificate which has been granted or which may hereinafter be granted by the Authority. Prior to suspension or revocation, the company shall be served notice by certified mail or hand delivery of the proposed action to be taken and shall have an opportunity to present evidence as to why the company permit should not be revoked or suspended pursuant to the Complaint and Hearing Resolution Procedures outlined in Exhibit D attached to these Rules and Regulations and made a part hereof.

- B. Causes for revocation or suspension.** Due cause for revocation or suspension of a company certificate of registration shall include but shall not be limited to the following:
- i. Any violation of these rules
 - ii. The failure of the company to maintain any of the general qualifications applicable to the initial granting and maintenance of the company certificate as set forth in Section
 - iii. Obtaining a company certificate by providing false information;
 - iv. Conviction by a court of competent jurisdiction of any shareholder, officer, partner, member, principal or owner of any corporation, partnership, firm or association holding a five percent (5%) interest or more in the entity, of any of the following: criminal homicide, rape, sexual battery, aggravated battery, burglary, aggravated assault, kidnaping, robbery, child molestation, lewd and lascivious acts, armed trespassing, carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the above, or possession, sale, distribution, or manufacturing of illegal substances.
 - v. Allowing any person to operate a company's designated vehicle for hire, or operate on the company's digital platform, without an active driver permit or credential, or when said person's permit or credential has been suspended or revoked.
- C. Appeals.** If the Authority refuses to grant an operator's permit or license to an applicant, or reinstate a suspended or revoked license, or if any individual fees aggrieved by a decision under this article, an appeal may be taken as provided in EXHIBIT D attached to these Rules and Regulations and made a part hereof.

Sec. 8. – Vehicle Equipment and Maintenance; Inspections

- A. All Companies shall, before causing or permitting a vehicle for hire to be operated in the participating municipalities of Harrison County shall have such vehicle or vehicles thoroughly examined and inspected by an ASE (Automotive Service Excellence) Certified Technician with certifications in a minimum of three (3) areas to include Engine, Brakes, and Suspension & Steering who must certify that the vehicle is safe to be operated as a Motor Vehicle for Hire and that it meets the safety standards articulated in Exhibit C.
- B. The inspection form and parameters shall be promulgated by the Authority and include a date stamped photograph of the front, rear, right side, and left side of the vehicle.
- C. Every vehicle for hire operating under this article shall be inspected annually not more than thirty (30) days prior to the application (initial and renewal) the Company Certificate of Registration
- D. Vehicles for hire are to be kept in clean, sanitary and undamaged condition. Every vehicle for hire operating under this article shall present a favorable appearance and be free from offensive odors. Vehicles that have been damaged, whether or not they

remain roadworthy, shall be restricted from operating. All vehicles are subject to inspection at any time by the Authority or a designee of the Authority.

Sec. 9. – Vehicle Classification and Liability Insurance.

- A. No Certificate of Registration shall be issued or continue in operation unless there is in full force and effect a liability insurance policy for each vehicle affiliated with the Company, and or operating by and through the Company, in the amount specified for each category and a commercial general liability insurance policy. Such policy shall be in the name of the Company and inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder or his employees, subcontractors, or agents. The policy or proof, thereof, shall be filed in the office of the Authority, and the policy shall be issued by an insurance company authorized to do business in the state.
- B. The insurance policy or proof thereof filed with the Authority as required by this section shall contain a provision or endorsement to the effect that the policy shall not be canceled for any cause by either party thereto unless and until 10 days' written notice is given to the Authority, and that such 10 days' notice, when given, shall commence to run from the date notice is actually received at the Authority. The Authority shall be listed on the policy as to be notified by the insurance company of any policy limit changes, cancelation, or lapses of coverage. Failure to have liability insurance in force on any vehicle authorized to be used by the holder is cause for revocation and cancellation of the Certificate of Registration. The Authority and the cities of the participating municipalities shall be listed as an additional insured on all insurance policies.
- C. Vehicle Classifications are determined by passenger carrying capacity (specifications include the driver):
 - a. Category "A" Accessible Taxicabs and non-taxicab vehicles of eight (8) passengers or less \$500,000 CSL
 - b. Category "B" Nine (9) to fifteen (15) passengers \$1,500,000 CSL
 - c. Category "C" Sixteen (16) or more passengers \$5,000,000 CSL
 - d. Category "T" Non-Accessible Taxicabs
 - i. Bodily Injury: One hundred thousand dollars (\$100,000.00) each person
 - ii. Three hundred thousand dollars (\$300,000.00) each occurrence
 - iii. Property damage liability fifty thousand dollars (\$50,000.00) each occurrence
 - iv. In lieu of subparts i., ii., and iii., hereinabove, bodily injury and property damage combined with limits of \$350,000 per occurrence.
 - e. General Liability Insurance - All Accessible Vehicles shall maintain a general liability policy in the amount of no less than \$500,000 per occurrence shall be required for the operation of an Accessible Vehicle.
 - f. Insurance requirements for TNCs and TNC vehicles are outlined in Article VI, Section 2

Sec. 10 - Vehicle Registration

- A. A Company must register any vehicle for hire operating in the participating municipalities of the Motor Vehicle For Hire Authority with the Authority before causing or permitting the vehicle for hire to be operated. In order to register a vehicle for hire, the Company must provide the Authority with a copy of the vehicle title, the vehicle year, make, model,

vehicle identification number, and license tag number for the current year; the Company must also furnish the Authority proof of insurance coverage in the required amounts through a policy written by an insurance company authorized to do business in the state, as well as a copy of the policy itself and proof of compliance with the inspection requirements set forth herein which includes a copy of the certification referenced above in Sec .8.

- B. However, the requirement of Vehicle Registration may be waived provided that the Company through which, or under which, authority the vehicle is operating, indemnifies and holds harmless, the participating municipalities of the Motor Vehicle For Hire Authority, the Motor Vehicle for Hire Authority, their respective officials, council members, and Board members from any and all liability or damage (including attorney fees) arising from or resulting from damage or harm caused by
- i. a safety defect in any vehicle for hire affiliated with or operating by and through the authority of the Company and or
 - ii. the failure of a vehicle for hire affiliated with or operating by and through the authority of the Company to comply with the requirements of these rules and regulations
 - iii. the inaccuracy, untruth, incompleteness, misrepresentation or breach of any representation made pursuant to these Rules and Regulations;

AND

the Company, with which a vehicle for hire is affiliated, or through which it is operating, posts with the Authority, a Surety Bond, in favor of the participating municipalities of the Motor Vehicle For Hire Authority, the Motor Vehicle for Hire Authority, their respective officials, council members, and Board members, which secures the prompt payment of the indemnity provided above. Said bond shall be in the amount of \$500,000.00 per vehicle the Company allows to operate by and through the authority of the Company as a vehicle for hire in the participating municipalities of the authority. Said bond must be valid and irrevocable for the period for which the Company possesses a Certificate of Registration.

- C. In the event that the bond referenced in subsection B above is not renewed at the time a Company seeks to renew its Certificate of Registration, any drivers which the Company seeks allow to operate as drivers of vehicles for hire, under its authority must be registered and certificated as provided herein

Sec. 11. – Method of Payment and Receipts.

All company vehicles and TNC vehicles must provide an option for payment by credit card either by swiping the card or by electronic card payment. Cash may be accepted. All vehicles must provide for written receipts to passengers either in print or electronic form. Hand-written receipts are not allowed. All Taxicabs must also comply with Sections 10 and 11 of Article III.

Sec. 12. - Advertising on Vehicles.

With the approval of a majority vote of the Authority, a company or individual owning or

operating a vehicle for hire to permit advertising matter to be affixed to or installed in or on such vehicle for hire. Authority reserves the right of refusal and has right to order removal of advertising. Signage that obstructs the view of the driver or passenger(s) and is, in the opinion of the Authority, a safety hazard is prohibited.

Sec. 13. - Refusal of Passenger to Pay Legal Fare.

It shall be unlawful for any person to refuse to pay the legal fare of any vehicle for hire after having hired the vehicle, and it shall be unlawful for any person to hire any vehicle with the intent to defraud the person from whom it is hired of the value of such service.

Sec. 14. No Smoking Policy; Other Driver and Vehicle Standards.

Smoking is prohibited in any vehicle for hire. No Smoking signs will be posted in the vehicle in a location visible to passengers. All drivers are prohibited from smoking in their vehicles at any time—i.e., their vehicles must be smoke free vehicles, and no driver may not smoke within fifty (50) feet of the exterior of their vehicle.

In order to pick up or deliver any passenger to the Gulfport-Biloxi International Airport or to any private business, all drivers must adhere to the rules and standards of conduct, decorum, dress and personal hygiene that may be established by the Airport or any such private business and specifically pertaining to Motor Vehicles for Hire.

Sec. 15. Enforcement of Articles; Dispute Resolution.

Enforcement of all provisions of Articles I, II, III, IV, and V and Exhibits A, B, C and D of these Rules and Regulations and the resolution of all disputes arising out of these Rules and Regulations shall be according to the provisions of Exhibit D and applicable state law.

Sec. 16 – Gulfport-Biloxi International Airport Rules & Procedures.

The Gulfport-Biloxi International Airport (the “Airport”) has the authority to establish rules and procedures as to govern motor vehicles for hire operating at the Airport. These rules and regulations may supersede the minimum specifications of the Authority’s rules and regulations. Specifically, fares originating or terminating at the Gulfport-Biloxi International Airport shall not exceed the maximum rate for the locations specified on the Airport Rate Map as established by the Gulfport-Biloxi Regional Airport Authority (Exhibit B). All vehicles must post the Airport Rate Map in the vehicle in a location visible to passengers.

Sec. 17. – Existing Certificates of Registration & Driver Permits

All certificates of registration and driver permits in effect on the date of the adoption of these Amended Rules and Regulations of the MVFHA shall continue to be valid until the dates of renewal required under these Amended Rules and Regulations.

ARTICLE II. – DRIVER REGULATIONS

1. – Drivers Permit Required
2. – Application for Driver’s Permit;
3. – Temporary Permit
4. – Display of Permit and Badge
5. – Transfer of Driver’s Permit or Badge
6. – Suspension or Revocation of Driver’s Permit; Reporting Requirements
7. – Dress Code/Hygiene
8. – Customer Service Training
9. – Random Drug Testing
10. - Accessible Vehicle Endorsement
11. – Driver Complaints and Dispute Resolution

Sec. 1. - Drivers Permit Required.

- A. No person shall drive or operate on behalf of vehicle for hire company for the transportation of passengers within the participating municipalities, or on a TNC's digital platform, or to cause or permit any other person to drive or operate a vehicle for hire without first obtaining a drivers permit for the operation of a motor vehicle for hire from the administrator or designee; or without having been certified to operate a motor vehicle for hire on behalf of a company or on the company's digital platform.
- B. However, the requirement of obtaining drivers permits may be waived provided that:
 - a. The Company, with which a driver is affiliated indemnifies and holds harmless, the participating municipalities of the Motor Vehicle For Hire Authority, the Motor Vehicle for Hire Authority, their respective officials, council members, and Board members from any and all liability or damage (including attorney fees) arising from or resulting from damage or harm caused by
 - a driver of a vehicle for hire driving under the influence of alcohol or under the influence of drugs or other illegal substances; or
 - The failure of a driver of a vehicle for hire affiliated with or operating by and through the authority of the Company to comply with the requirements of these rules and regulations
 - the inaccuracy, untruth, incompleteness, misrepresentation or breach of any representation made pursuant to these Rules and Regulations;

AND

- b. The Company, with which a driver is affiliated posts with the Authority, a Surety Bond, in favor of the participating municipalities of the Motor Vehicle for Hire Authority, the Motor Vehicle for Hire Authority, their respective officials, council members, and Board members, which secures the prompt payment of the indemnity provided above. Said bond shall be in the amount of \$500,000.00 per vehicle the Company allows to operate by and through the authority of the Company as a vehicle for hire in the participating municipalities of the authority. Said bond must be valid and irrevocable for the period for which the Company possesses a Certificate of Registration.

- c. In the event that the bond referenced in subsection b above is not renewed at the time a Company seeks to renew its Certificate of Registration, any drivers which the Company seeks allow to operate as drivers of vehicles for hire, under its authority must be registered and certificated as provided herein

Sec. 2. - Application for Driver's Permit

In order to secure a driver's permit, an applicant must provide the following information on a form (application) provided by the Authority. The applicant must:

- A. Be a minimum of 18 years of age.
- B. Possess and maintain a current driver's license issued by the State of Mississippi. The license class must be applicable to the vehicle for hire being driven.
- C. Be a citizen of the United States or an alien admitted for permanent residence who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.
- D. For a period of three (3) years prior to the date of application not have been convicted of:
 - i. Driving under the influence of intoxicating beverages or drugs; or
 - ii. Violation of any ordinance or law, other than minor traffic offenses, in connection with the operation of a motor vehicle.
- E. For a period of three (3) years prior to the date of application not have more than three (3) moving violations;
- F. Not have been convicted within the seven (7) years previous to the date of application for the violation of any of the following criminal offenses of the state or any other state or of the United States: aggravated battery, burglary, aggravated assault, kidnapping, robbery, lewd and lascivious acts, armed trespassing, carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the offenses listed in this Subsection, or been convicted within the last seven (7) years of any felony in the commission of which a motor vehicle was used, perjury or false swearing in making any statement under oath in connection with application for a driver's permit, any felony involving theft, or possession, sale, distribution, and/or manufacturing of a dangerous or controlled substance.
- G. Applicants who have been convicted or served any time, probation, or parole for a criminal offense of homicide, rape, sexual battery, child molestation, criminal solicitation to commit, or criminal attempt to commit any of these offenses must have their complete criminal history reviewed and approved by the MVFHA Board.
- H. **Application.** An applicant may apply for a driver permit by completing a form provided by the administrator, or designee, establishing the applicant meeting the requirements of this Article.
- I. **Investigation.** The Authority shall make inquiry into the background and history of the applicant, which shall include, but not be limited to, a criminal background investigation, drug testing and a driving record investigation. If found satisfactory, the applicant may receive a Authority issued identification badge/card, which shall have a number and the name of the Authority thereon, as well as a permit to drive a vehicle for hire within the participating municipalities. The number shown on the badge/card and the permit/Certificate shall be the same.
The applicant may choose to apply for a background investigation, drug screen, and motor vehicle report through the Authority the fee structure adopted by resolution to

cover the costs of such investigation. The applicant may also choose to submit a certified copy of a background investigation from a third party source that is approved and nationally accredited, obtain a motor vehicle report from the Mississippi Department of Public Safety (no more than 10 days old), and submit the results of a five (5) panel drug screen through an approved vendor in Gulfport, Biloxi, or D'Iberville, MS. The results of the drug screen must be sent directly from the vendor and be received within twenty-four hours of application.

- J. **Issuance of Permit.** Upon approval by the administrator, or designee, or certification by the for hire company, the driver shall be issued:
 - i. A driver permit badge from the administrator, or designee; or
 - ii. A digital credential, accessible through the company's digital platform, from the for hire company, indicating that the driver was certified by the company. The credential shall include the following information:
 - 1. The name and/or logo of the company;
 - 2. The name of the driver;
 - 3. The license plate number associated with the vehicle that the driver has been authorized to use.
- K. **Permit Duration.** Driver Permits shall be valid for a period of one year from the date of issuance, unless revoked or suspended pursuant to these Rules.
- L. **Permit Fees.** All applicants must pay a nonrefundable annual driver application fee of \$10. However, any company may elect to pay a flat fee of \$2,000 annually, which shall serve as a fee in lieu of the driver application fee collected for all driver applicants applying to operate a vehicle for hire on behalf of, or in connection with, the company for that year.
- M. **Driver Permit Application Instructions and Forms.** Driver Permit application instructions and forms shall be prescribed by the Authority and shall include any and all necessary release forms needed to investigate the applicant.

Sec. 3. – Temporary Permits.

Temporary permits will not be issued. However, in the event that the Authority Administrator is out of the office for five or more consecutive days, the Authority Chairman or his or her designee shall have the authority to issue a thirty (30) day permit. The Authority Chairman is vested with absolute discretion in exercising this authority; however, in no case may a permit be issued upon evidence of an applicant's inability to qualify as otherwise set forth herein.

Sec. 4. – Display of Permit Badge and Certificate.

The driver shall display the permit or credential in a manner that is visible to the passengers of the vehicle while the vehicle is operating, or make available at a minimum the driver's name, photograph, make, model, and license plate number to the passenger through the company's digital platform. The driver shall present the permit or credential upon request to a law enforcement officer, the administrator or designee, or GBRAA airport personnel upon request. If the driver maintains a digital credential, upon a traffic stop, the driver shall provide law enforcement with access to a device containing the information required to be maintained as part of the driver's digital credential and an

electron record sufficient to establish that the trip in question was prearranged through a digital platform

Sec. 5. - Transfer of Driver's Permit or Badge.

- A. **No Transfer among Individuals.** It shall be unlawful for any driver who secures a driver's permit and badge/card to transfer such permit and badge/card to any other driver, or for any person to use the permit or badge/card of another person while driving or operating a vehicle for hire.

Sec. 6. - Suspension or Revocation of Drivers Permit; Reporting Requirements.

- A. **Grounds.** The Authority may prohibit an individual from operating or continuing to operate a vehicle for hire; and it may revoke or suspend a drivers permit and demand the return of the permit and certificate, upon proof that the such driver or the holder of such permit, was guilty of or commits any of the following while operating or providing services in connection with a motor vehicle for hire governed by these Rules and Regulations:
- i. The failure of the driver to maintain any and all of the general qualifications applicable to the initial issuance of a permit or credential as defined in this article;
 - ii. Obtaining a permit or credential by providing false information;
 - iii. Refusing or failing to submit to a drug screening at the request of the administrator, or designee, shall be due cause for revocation with no reapplication for a period of one (1) year.
 - iv. Criminal homicide, rape, sexual battery, aggravated battery, burglary, aggravated assault, kidnaping, robbery, child molestation, lewd and lascivious acts, armed trespassing, carrying a concealed firearm, criminal solicitation to commit any of the above, criminal attempt to commit any of the above, or possession, sale, and/or distribution of an illegal or controlled substance.
 - v. Charging a fare contrary to those fares established and approved by these rules and regulations;
 - vi. Whenever it shall appear that the driver has disorders characterized by lapses of consciousness or other mental or physical disabilities affecting his or her ability to drive safely.
 - vii. Being intoxicated or under the influence of liquor, or suffering impaired driving ability due to the use of prescription or nonprescription drugs;
 - viii. Disturbing the peace;
 - ix. Carrying or possessing illegal drugs or any weapons in violation of the law;
 - x. Knowingly driving a vehicle that has safety defects;
 - xi. Committing three moving violations within one year;
 - xii. Driving any such vehicle for hire which has not been registered or for which insurance is not carried as required by this article;
 - xiii. Failing to have a current and valid commercial driver's license;
 - xiv. Failing to comply with all Airport, city, county, state and federal laws or regulations or any provision of this article;
 - xv. Allowing a driver, without a permit issued by this Authority, to operate a Motor Vehicle for Hire other than drivers who are transporting or testing

- Motor Vehicle for Hire for service or maintenance purposes.
- xvi. Service Conduct Complaint made by Customer/Passenger made in writing and signed by the Customer/Passenger with their name, address, and telephone number.
- xvii. Knowingly engaging in acts to deceive the public.
- xviii. Conviction of any crime

B. Reporting Requirements.

1. Any driver who receives a ticket for any moving violation or is arrested and charged with a crime or is convicted of a crime must report such occurrence to the Authority immediately after the arrest and conviction. Failure to do so may result in the suspension or revocation of that person's driver permit.
2. Companies holding Certificates of Registration issued by the Authority must report the following:
 - i. Issuance of a ticket to an affiliated driver for any violation.
 - ii. The arrest or charging of a crime of an affiliated driver.
 - iii. The conviction of a crime by an affiliated driver
 - iv. An accident involving a motor vehicle for hire owned or controlled by a company.
 - v. The termination of affiliation of a driver from the Company.
3. Companies must report the occurrences described in Section 6.B.2 above immediately after having obtained knowledge of the circumstance. Failure to do so may result in the suspension or revocation of the Company's Certificate of Registration.

C. Suspension or Revocation.

1. Upon receipt of evidence of any violation of this article by a driver's permit holder, the Authority Administrator shall notify such permit holder that the revocation or suspension of his/her permit is under consideration and shall request the holder to submit documentary evidence or written statements relevant to the issue. The presentation of such evidence and consideration of suspension shall be done pursuant to the Complaint Resolution Procedure outlined in Exhibit D
2. Upon a drug related arrest of a driver holding a driver's permit issued by the Authority, the driver's permit of the individual arrested shall be automatically suspended without Authority action. If such a driver voluntarily submits to a drug test to be arranged by the Authority Administrator, and paid for by the permit holder, and the drug test reveals that the holder tests negative for illegal substances, the suspension may be lifted pending legal adjudication of the charges. The arrested Permit Holder will, like all other Permit Holders, be subject to random drug tests pending legal adjudication of the charges. Upon legal adjudication of the charges, further suspension or revocation of the permit will be considered by the Authority at their next scheduled meeting.

Sec. 9. Random Drug Testing

The Authority Administrator is authorized to require and arrange random drug tests of Driver's Permit Holders and or drug tests upon reasonable suspicion of cause for such tests.

Sec. 10. Accessible Vehicle Endorsement

Driver Permit holders must submit evidence of formal training in regard to accessible vehicle operation and passenger assistance. Training must include a review of all legal requirements that apply to the transportation of persons with disabilities, passenger assistance and safety procedures, securing wheelchairs and other mobility devices, and sensitivity awareness.

Section 11. Driver Complaints and Dispute Resolution

All complaints, grievances, and disputes by or against drivers shall be resolved according to the provisions of Exhibit D and applicable state law.

ARTICLE III. – TAXICABS

Sec. 1. - Insignia on Vehicles; Identification of Vehicles; Posting of Rates of Fare

Sec. 2. - Taximeter

Sec. 3. - Rates of Fare Established

Sec. 4. - Solicitation, Acceptance and Discharge of Passengers; Prohibited Acts

by

Driver

Sec. 5. - Open Stands—Establishment; Use by Taxicabs

Sec. 6. - Service Standards

Sec. 7. - Manifests

Sec. 8. - Electronic Communication Device

Sec. 9. - Service Requirements for People with Disabilities (ADA)

Sec. 10 - Methods of Payment

Sec. 11 – Receipts.

Sec. 1. - Insignia & Identification of Vehicles; Posting of Rates of Fare; Age of Vehicles.

- A.** Each taxicab shall bear on the outside of each front or each rear door, in permanently affixed letters not less than four inches in height, the name and telephone number of the Company under which the Certificate of Registration for that vehicle for hire is (or is to be) issued, and in addition, may bear an identifying design approved by the Authority.
- B.** No taxicab covered by the terms of this article shall be licensed whose color scheme, identifying design, monogram, or insignia to be used thereon shall, in the opinion of the Authority, conflict with or imitate any color scheme, identifying design, monogram or insignia used on a taxicab or other vehicle for hire already operating under the rules and regulations of the Authority, in such a manner as to be misleading or tend to deceive or defraud the public. If, after a license has been issued for a taxicab under this article, the color scheme, identifying design, monogram, or insignia thereof is changed, in the opinion of the Authority, to be in conflict with or to imitate any color scheme, identifying design, monogram or insignia used by any other person, owner or driver, in such a manner as to be misleading or tend to deceive the public, the license or certificate covering such taxicab shall be suspended or revoked.
- C.** Each taxicab shall bear on the outside of the front, the back and both sides of the vehicle in an easily noticeable location, in permanently affixed or painted letters of three inches in height, the number found on the Vehicle Certificate of Registration issued to each such vehicle, identified as such.
- D.** Each taxicab shall bear on the outside of each front or each rear door, in permanently affixed letters not less than one inch in height, the rates of fare as prescribed by this article.
- E.** Each taxicab interior shall bear an Information Sign or Sticker provided by the Authority informing passengers the rates of fare and the telephone number of the Authority. The Information Sign or Sticker shall be posted in a location clearly visible to all passengers.
- F.** Affixed to the roof of each taxicab shall be an illuminated dome light not less than four (4) inches in height, bearing the word “TAXI”, “TAXICAB”, “CAB” or the company name

(Effective April 1, 2015).

Effective January 1, 2016, a vehicle having a vehicle age of (10) model years or older shall be prohibited from operating as a vehicle for hire.

Sec. 2. – Taximeter.

All taxicabs operated under the authority of this article shall be equipped with taximeters in accurate operating condition, with a lighted face that can be easily read at all times by the passenger. Every taximeter must be inspected by a certified taximeter installer and certified at installation, at the time of any change in rates, and within one (1) year of the last inspection. A Certificate of Inspection must be issued by a qualified taximeter repair service upon each inspection. A copy of the Certificate of Inspection must remain in the taxicab at all times. The Authority Administrator may, upon inspection of the vehicle, require recalibration and certification of the meter by a certified taxi meter installer. Additionally, every vehicle for which a Certificate of Registration is issued shall be subject to a random inspection of its taximeter. Such random inspections shall be conducted at the instance of and by the Authority Administrator.

Sec. 3. - Metered Rates of Fare Established.

- A. No owner or driver of a taxicab shall charge a sum for the use of a taxicab greater than the rates prescribed and outlined in EXHIBIT A – RATE SCHEDULE and in EXHIBIT B – Gulfport-Biloxi International Airport Rate Map which shall apply to all trips from and to the Airport. However, any owner or driver of a taxicab may transport passengers at a prearranged flat rate or hourly rate mutually agreeable to all parties to the agreement, which must be in writing signed by all parties prior to the trip commencement and a copy of which must be provided in writing to all parties.
- B. Airport Fares – Any fare or flat-rate set by the Airport shall supersede the rates set in place by this article so long as the trip originates or terminates at the Airport.
- C. Requests for increases and for decreases in metered rates shall be submitted in writing to the Authority. The Authority shall, within 30 days after receipt of such request, call a meeting to consider the approval or denial of the request.
- D. Every taxicab operated under this article shall clearly display the authorized and maximum rates of fare in such place as to be in view of all passengers. Driver shall use most direct/reasonable route to passenger'(s) destination unless passenger specifies a specific route. Under most circumstances, the most reasonable route will be the route that results in the lowest fare. Drivers are prohibited from long-hauling.

Sec. 4. - Solicitation, Acceptance and Discharge of Passengers; Prohibited Acts by Driver.

- A. **Prohibited Solicitation.** No driver shall solicit patronage in a loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any person, or follow any person for the purpose of soliciting patronage. Taxicabs staging or

operating on private and or local government property shall abide by the property owner's rules regarding solicitation, so long as they do not conflict with these Rules and Regulations.

- B. **Receipt and Discharge of Passengers.** Drivers of taxicabs shall pull up to the right-hand sidewalk as nearly as possible, or, in the absence of a sidewalk, to the extreme right hand side of the roadway, and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right hand or left hand sidewalk, or side of the roadway in the absence of a sidewalk. The driver of the taxicab shall not be held responsible for the unassisted, unauthorized, voluntary exit of a passenger from the taxicab, but shall be responsible for providing the opportunity to safely enter and exit as required in this subsection.
- C. **Solicitation of Passengers of Other Common Carriers.** No owner or driver of a taxicab shall solicit passengers at the terminal or designated boarding and alighting points on the fixed routes of any other common carrier.
- D. **Additional Passengers.** No driver shall permit any other person to occupy or ride in a non-accessible taxicab unless the person first employing the taxicab shall consent to the acceptance of the additional passenger. No charge shall be made for an additional passenger except when the additional passenger rides beyond the previous passenger's destination, and then only for the additional distance so travelled. No driver shall permit any persons, except individuals employing the vehicle to occupy or ride in the vehicle unless such person is undergoing training to be a driver.
- E. **Maximum Number of Passengers.** No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab permits as stated in the inspection permit for the vehicle issued by personnel authorized by the Authority.
- F. **Refusal to Carry Passenger.** No driver shall refuse or neglect to convey any orderly person upon request, unless previously engaged or unable or forbidden by the provisions of this article to do so.
- G. **Prohibited Acts.** No company, agent, or driver of a taxicab shall engage in the solicitation of business for any hotel, nor attempt to divert patronage from one hotel to another. No company, agent, or driver shall engage in the sale or solicitation of any product or service from or through the use of a vehicle for hire other than the transporting of passengers.
- H. **Haggling Prohibited.** No company, agent, or driver shall engage in the act of solicitation or haggling in a public forum in an attempt to discount, undercut or otherwise subvert a competitor's fare for the purpose of obtaining a customer's business. Arguing or other disruption in a public forum is prohibited.
- I. **Responding to Calls of other Companies Prohibited.** It shall be a violation of this article for any taxicab driver or driver to answer a call other than one made directly to the taxicab company by which he or she is employed or their agent, or to use or possess with the intent to use, for the purpose of answering a call for taxicab service other than one made to such taxicab company, a radio scanner or any other device, regardless of the form of technology, that permits the monitoring of taxicab dispatch communication other than taxicab dispatch communication from the taxicab company which employs

such driver.

Sec. 9. – Service Requirements for People with Disabilities (ADA)

- A. Taxicab drivers shall comply with all applicable laws relating to accommodation of service animals.
- B. A taxicab shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.
- C. A taxicab shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible TNC service in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if one is available.
- D. Taxicab drivers cannot refuse to serve a person with a disability who can use taxicab vehicles;
- E. Taxicab drivers cannot charge higher fares or fees for carrying individuals with disabilities and their equipment than are charged to other persons;
- F. Taxicab drivers must provide assistance with the stowing of mobility devices (wheelchairs, walkers, etc.).
- G. Taxicab drivers are prohibited from asking a passenger about her or his disability.
- H. Service Animals: Taxicab drivers are prohibited from refusing to allow service animals to enter the vehicle as well as prohibited from refusing to serve a disabled individual with a service animal.
- I. Nothing herein shall be implied to supersede any applicable state or federal law or regulation, the standards of which are hereby incorporated by reference.

Sec. 10 – Methods of Payment.

- A. Every taxicab certificate holder shall require its drivers to accept cash and all major credit, debit, and charge cards (collectively “credit cards”) as method of payment for services rendered and shall accept any and all risk of nonpayment. No additional charge shall be levied against a passenger for use of credit cards, nor shall any passenger be refused service for their use of credit cards. Certificate holders or drivers shall not set a minimum or maximum charge for any credit card transaction. Drivers shall provide all credit card paying customs with a truncated copy of their sales draft or charge receipt clearly showing the amount and the date of the transaction, certificate holder’s name and telephone number, the driver’s taxi number, and the transaction’s authorization approval code. The truncated sales draft or receipt shall not include the credit card’s expiration date or any more than the last four (4) digits of the card’s number.
- B. Every taxicab shall be equipped with a fully-functioning wireless device that provides a secure credit card processing method, satisfies all Payment Card Industry Data Security Standard (“PCI DSS”) requirements, and (i) encrypts any information transmitted to authenticate a Credit Card payment transaction for approval, (ii) generates a truncated printed sales draft or charge receipt, and (iii) accepts cards affiliated with all major credit card associations including, but not limited to, MasterCard, Visa, American Express, and Discover Network. Manual imprinting machines and hand written transaction documentation are prohibited.

Sec. 11. - Receipts.

Upon request of any passenger of a vehicle for hire, the driver thereof is required to and shall furnish a written receipt with the vehicle permit number or registration number required to have been obtained and assigned under the provisions of this article, the amount of the fare charged, the date issued, the company name, and the vehicle for hire driver's permit number. The receipt must be generated from the vehicle's taximeter or the vehicle's Mobile Data Terminal. Handwritten receipts are prohibited. Electronic receipts are permitted if the passenger voluntarily accepts an electronic receipt in lieu of a written receipt.

ARTICLE IV. – LIMOUSINES, EXECUTIVE SEDANS, SHUTTLES, SHUTTLE BUSES, AND NON-EMERGENCY MEDICAL TRANSPORTATION

Sec. 1. – Applicability

Sec. 2. – Insignia on Vehicles

Sec. 3. - Rates of Fare

Sec. 4. - Solicitation of Passengers

Sec. 5. - Maximum Allowable Age of Vehicles

Sec. 6. – Special Events Permit

Sec. 1 – Applicability

Vehicles for hire are excluded from these rules and regulations only if they are regulated by the Mississippi Department of Transportation and specifically satisfy one of the following definitions:

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross weight of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Has a manufacturer's specified capacity to transport eleven (11) passengers or more (including the driver).

Sec. 2. - Insignia on Vehicles.

- A. **Limousines & Executive Sedans.** Each limousine or luxury sedan shall bare a vanity plate on the front of the vehicle with the name and/or logo of the Company Certificate of Registration holder (company name). This requirement shall be waived if the vehicle bares the company name permanently affixed to both sides of the vehicle.
- B. **Shuttles, Shuttle Buses, and Non-Emergency Medical Transportation.** Each vehicle shall bear the following insignia:
 - i. Each vehicle shall bear on the outside of each front or each rear door, in permanently affixed letters not less than six inches in height, the name and telephone number of the Company under which the Certificate of Registration for that vehicle for hire is (or is to be) issued, and in addition, may bear an identifying design approved by the Authority.
 - ii. Each shall bear on the outside of the front, the back and both sides of the vehicle in an easily noticeable location, in permanently affixed or painted letters of three inches in height, the number found on the Vehicle Certificate of Registration issued to each such vehicle, identified as such.
 - iii. Each shuttle or shuttle bus interior shall bear an Information Sign or Sticker provided by the Authority informing passengers the rates of fare and the telephone number of the Authority. The Information Sign or Sticker shall be posted in a location clearly visible to all passengers.
- C. No vehicle covered by the terms of this article shall be licensed whose color scheme, identifying design, monogram or insignia to be used thereon shall, in the opinion of the Authority, conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle already operating under the Rules and Regulations of the Authority, in such a manner as to be misleading or tend to deceive or defraud the public. If, after a license has been issued for a vehicle under this article, the color scheme,

identifying design, monogram or insignia thereof is changed, in the opinion of the Authority, to be in conflict with or to imitate any color scheme, identifying design, monogram or insignia used by any other person, owner or driver, in such a manner as to be misleading or tend to deceive the public, the license or certificate covering such vehicle shall be suspended or revoked.

Sec. 3. - Rates of Fare.

- A. No certificate holder, owner or driver of vehicle certificated under this article shall utilize the vehicle other than in accordance with the current schedule of rates filed by that holder or owner with the Authority on the basis of hourly rates, a per passenger charge, or other prearranged method.
- B. At all times any vehicle certificated under this article is operated, the driver and owner of a vehicle operated shall cause a schedule of the rates of such vehicle to be posted in a conspicuous location in the vehicle, or have the schedule of rates of such vehicle to be available for inspection upon demand.
- C. Any holder or owner may change his schedule of rates by notifying the Authority of the amount of the new rates 30 days in advance of the effective date of such change; however, during the 30-day advance notice period no additional notification of change of rates may be filed by the holder or owner.
- D. Notwithstanding any other provision of these Rules and Regulations, no certificate holder, owner or driver of vehicle certified under this article shall charge rates in excess of the rates on Exhibit B attached hereto for trips from and to the Gulfport-Biloxi International Airport.

Sec. 4. - Solicitation of Passengers.

- A. No person shall solicit passengers for a vehicle certificated under this article, and no holder or driver shall permit the solicitation of passengers for a vehicle certificated under this article, while the vehicle is operated or located upon the streets of the participating municipalities.
- B. No person shall solicit passengers for any passenger-carrying motor vehicle for hire, at the terminal or designated boarding and alighting points on the fixed routes of any common carrier, unless the person is so authorized by a federal, state or municipal regulatory board or agency and is acting with the permission of or under contract with the common carrier. Vehicles operating on private and or local government property shall abide by the property owners rules regarding solicitations.

Sec. 5. – Maximum Allowable Age of Vehicle.

- A. No vehicle shall exceed a 15-model year maximum age limit.
- B. Operators of vehicles may apply to the Authority for an extension of maximum age limit.

Sec. 6. – Special Events Permits.

- A. Limousine Operators that wish to provide service for Special Events on a temporary

basis may apply to the Authority for a Special Events Permit. Permits, if issued, will be valid for a 30-day period only.

- B. Limousine Operators that apply for a Special Events Permit must be sponsored by a local Limousine Operator that is currently certified by the Authority.
- C. The fee for a Special Events Permit shall be \$300.00 each.

ARTICLE VI – TRANSPORTATION NETWORK COMPANY VEHICLES

- Sec. 1. – Applicability**
- Sec. 2. – Liability Insurance**
- Sec. 3. – TNC Vehicle Specifications**
- Sec. 4. – Prohibited Acts**
- Sec. 5. – Accessibility**
- Sec. 6. – Rates of Fare**
- Sec. 7. – Passenger Receipts**

Sec. 1- Applicability & Construction

Unless contrary to the provisions of this Article, TNCs, TNC drivers, and TNC Vehicles shall comply with all rules and regulations set forth in Articles I and II of these Rules and Regulations and in Exhibit “D” MVFHA Complaint and Hearing Resolution Procedures. In addition to other applicable rules, the requirements of Article II (Driver Regulations) shall apply to Transportation Network Company Drivers

Section 2 – Liability Insurance

A TNC and TNC driver shall comply with the following insurance requirements:

- A. While a TNC driver is providing TNC services, the TNC driver, the TNC, or some combination thereof, shall maintain a policy of insurance that provides primary automotive liability coverage of at least One Million Dollars (\$1,000,000.00) per accident for bodily injury and property damage involving a TNC driver's operation of a motor vehicle.
- B. While a TNC driver is logged on to the TNC's internet-based software application or platform and available to receive a ride request but not providing TNC services, the TNC shall maintain a policy of insurance that provides automotive liability coverage in the amount of Fifty Thousand Dollars (\$50,000.00) or more because of bodily injury to or death of one (1) person in any one (1) accident, and subject to said limits for one (1) person, in the amount of One Hundred Thousand Dollars (\$100,000.00) or more because of bodily injury to or death of two (2) or more persons in any one (1) accident and in the amount of Twenty Five Thousand Dollars (\$25,000.00) or more because of injury to or destruction of property of others in any one (1) accident and such policy shall provide coverage in the event the TNC driver's own automobile coverage does not provide at least the limits of coverage identified in this paragraph (b) or excludes coverage by its own terms.
- C. A TNC shall maintain a general liability policy of at least One Million Dollars (\$1,000,000.00) per incident and Two Million Dollars (\$2,000,000) in the aggregate.
- D. Insurance required by this Section 3 must either be placed with an insurer licensed under Mississippi Code section 83-17-2, or with a surplus lines insurer authorized under the provisions of MS Code 83-21-19, *et. seq.*
- E. In addition to the above, TNC drivers must provide digital or physical proof of personal automobile insurance that satisfies the financial responsibility requirement for motor vehicles under Mississippi Code 63-15-1 *et. seq.*

- F. If a motor vehicle providing TNC services is involved in an accident, the TNC driver shall provide proof of insurance information to the other parties involved in the accident regarding liability insurance coverage for the TNC driver's motor vehicle at the time of the accident. The TNC driver shall notify the TNC of the accident as soon as practicable. The driver and/or the TNC shall notify the Authority immediately after such accident.
- G. Failure to maintain all required insurance at any time for any reason shall automatically render a TNC Certificate of Registration suspended.
- H. Any terms or conditions in the agreement between the TNC certificate holder and TNC driver, or between the TNC certificate holder and any passenger, that would act as a waiver of the TNC certificate holder's liability to the passenger or the public, are declared contrary to public policy of the participating municipalities and therefore null, void, and unenforceable. The Motor Vehicle For-Hire Authority and all participating municipalities shall be covered as an additional insured on all insurance policies provided hereunder.

Sec. 3 – TNC Vehicle Specifications

- A. **TNC Vehicle Permit Required** – Prior to the operation of a TNC Vehicle, the TNC and the registered owner of such vehicle must register the vehicle with the Authority or indemnify the Authority and post bond pursuant to Article 1, Section 10 B.
- B. **Maximum Age Limit**- No vehicle having a vehicle age greater than ten (10) years may be used to provide TNC services within the participating municipalities.
- C. **Vehicle Identification** - All TNC vehicles shall be identified by consistent trade dress (i.e. distinctive signage or display on the vehicle) when providing TNC services that is sufficiently large and color contrasted as to be readable during daylight hours and be illuminated during night hours at a distance of at least 50 feet. The trade dress shall be sufficient to allow a passenger, government official, or member of the public to associate a vehicle with a particular TNC. Acceptable forms of trade dress include, but are not limited to, symbols or signs on vehicle doors, roofs, or grills. Magnetic or removable trade dress is acceptable. TNCs shall file a photograph of their trade dress with the Authority. There shall also be an informational decal within the vehicle which is visible to the customer, or which is accessible via the app or emailed receipt to the passenger, with TNC's customer service telephone number and/or email address as well as the contact information for the Motor Vehicle For-Hire Authority.

Sec. 4 – TNC Prohibited Acts

TNC drivers and vehicles are prohibited from utilizing taxicab staging areas and stands, accepting street hails, or openly soliciting for passengers. No TNC driver shall refuse to take any passenger who has requested service via Internet-based software application to a destination within ten miles outside of the municipal limits, once the request has been accepted. TNC drivers are prohibited from smoking in their vehicles at any time—i.e., their vehicles must be smoke free vehicles, and TNC drivers may not smoke within fifty (50) feet of the exterior of their vehicle. IN order to pick up or deliver any passenger

to the Gulfport-Biloxi International Airport or to any private business, TNC drivers must adhere to the rules and standards of conduct, decorum, dress and personal hygiene that may be established by the Airport or any such private business and specifically pertaining to Motor Vehicles for Hire.

All TNC vehicles must post the Gulfport-Biloxi International Airport Rate Map in the vehicle in a location visible to passengers or post the same information in the TNC's internet-based software application or platform in a manner reasonably likely to be viewed by the passenger prior to committing to the trip.

Sec. 5 – Accessibility

- D. TNC drivers shall comply with all applicable laws relating to accommodation of service animals.
- E. A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.
- F. A TNC shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible TNC service in any instance, it shall direct the passenger to an alternate provider of wheelchair-accessible service, if one is available.

Sec. 6 – Rates of Fare

- A. TNCs may charge rates based upon a calculation of time and distance. Passengers shall be provided the method by which the rates will be calculated and the estimated total fare prior to pick-up based upon information provided when requesting service.
- B. TNC fares are to be standard with the taxicab rates of fare (Attachment A) or accepted in advance of services.
- C. Fares originating or terminating at the Gulfport-Biloxi International Airport shall not exceed the maximum rate of a taxicab for the locations specified on the Airport Rate Map as established by the Gulfport-Biloxi Regional Airport Authority (Attachment B).

Sec. 7 – Passenger Receipts

Upon completion of a trip, a TNC shall provide customers with a receipt, written or electronic (if the passenger voluntarily accepts an electronic receipt) that lists the:

- (a) TNC driver first name;
- (b) TNC vehicle description and license plate number;
- (c) Trip ID;
- (d) Date of trip;
- (e) Distance of trip, including the point of origin and ultimate destination;
- (f) Time of trip;
- (g) Fare charges;
- (h) Extra charge;
- (i) Total charges;
- (j) TNC name and contact information; and
- (k) Words "Motor Vehicle For-Hire Authority. For compliments or concerns, please call 228-222-3274."

Hand-written receipts are prohibited.

EXHIBIT A –RATE SCHEDULE
Motor Vehicle For-Hire Authority
Fare Rate Schedule for Motor Vehicles For-Hire

Taxi Cab Rates

Cab Operator Drop Fee (First 1/9 mile)	\$3.00
Each additional 1/9 mile or fraction thereof	\$0.25
Per hour waiting fee	\$30.00/hr.
Gulfport/Biloxi International Airport (if applicable)	\$3.00 Drop Fee

Limousine Rates

Current Schedule of Rates Filed With the Authority

Shuttle Rates

Current Schedule of Rates Filed With the Authority

Non-Emergency Medical Rates

Current Schedule of Rates Filed With the Authority

Animal Drawn Carriage Rates

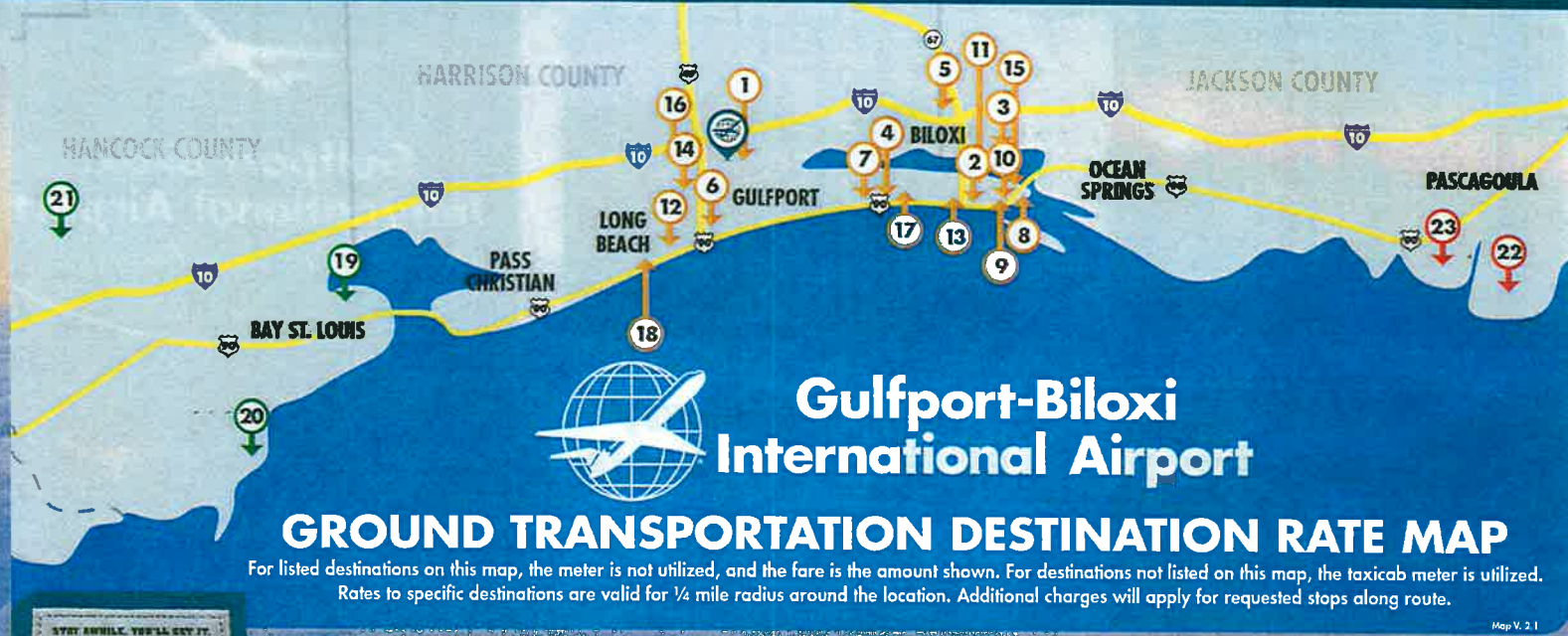
Current Schedule of Rates Filed With the Authority

Pedicab Rates

Current Schedule of Rates Filed With the Authority

NOTE: The rates stated on the following EXHIBIT B, GULFPORT-BILOXI INTERNATIONAL AIRPORT RATE MAP, shall apply to all trips from and to the Gulfport – Biloxi International Airport.

MISSISSIPPI GULF COAST



Gulfport-Biloxi International Airport GROUND TRANSPORTATION DESTINATION RATE MAP

For listed destinations on this map, the meter is not utilized, and the fare is the amount shown. For destinations not listed on this map, the taxicab meter is utilized. Rates to specific destinations are valid for ¼ mile radius around the location. Additional charges will apply for requested stops along route.

Map V. 2.1



Destination Rates

1. Airport Hotels <i>(Hilton Garden Inn & Marriott)</i>	\$10	8. Golden Nugget	\$43	16. Premium Outlets	\$14
2. Beau Rivage	\$39	9. Hard Rock	\$39	17. Treasure Bay	\$30
3. Boomtown	\$42	10. Harrah's	\$42	18. USM Long Beach	\$27
4. Coast Coliseum	\$27	11. IP Casino	\$41	19. Hollywood	\$55
5. D'Arville Promenade	\$43	12. Island View	\$20	20. Silver Slipper	\$75
6. Downtown Gulfport	\$19	13. Keesler Air Force Base	\$36	21. Stennis	\$80
7. Edgewater Mall	\$25	14. Naval Battalion	\$26	22. Chevron	\$100
		15. Palace Casino	\$44	23. Ingalls	\$90

Please get a receipt from your driver. To make a compliment or complaint about ground transportation, please contact Gulfport-Biloxi International Airport at 228-863-5951 during normal business hours or e-mail gpi@flygpt.com

Date: _____

Taxi Company: _____

Taxi Cab #: _____

Driver: _____

Destination: _____

Destination Fare: _____

Starter Initials: _____




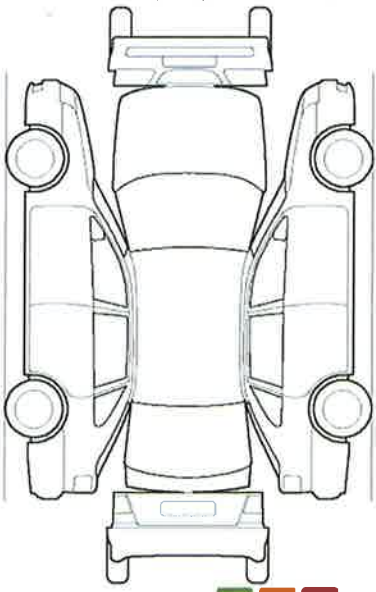
MOTOR VEHICLE FOR-HIRE AUTHORITY
Gulfport - Biloxi - Oceanville

14035-V AIRPORT RD. – SUITE 216
 GULFPORT, MS 39503
 PHONE 228-222-3274 / FAX 228-222-3275
 EMAIL: MVFHA@MVFHA.ORG

VEHICLE INSPECTION FORM

Company Name:		Date:
VIN:	Vehicle Tag:	Tag Expiration Date:
Registered Owner of Vehicle:		Driver's Name & Permit #:
Vehicle Year:	Vehicle Make:	Vehicle Model:
Odometer:	Vehicle #:	Vehicle Type:

■ Checked & Clear
 ■ May Require Attention Soon
 ■ Requires Immediate Attention/Failed

Windshield, Wiper Blades, & Glass	Tires & Wheels	Vehicle Condition
 <p style="text-align: center;">Indicate any damage</p> <p>Left Front Blade Right Front Blade</p> <p> ■ ■ ■ ■ ■ ■ </p> <p>Wipers (operation): ■ ■ ■</p> <p>Rear (if applicable): ■ ■ ■</p> <p>Windshield (overall): ■ ■ ■</p> <p>Vehicle Glass: ■ ■ ■</p> <p>Tint (if applicable): ■ ■ ■</p> <p>Rear View Mirror: ■ ■ ■</p> <p>Side Mirrors: ■ ■ ■</p>	<p>Left Front Tire Right Front Tire</p> <p> ■ 8/32" or greater ■ ■ 7/32" to 4/32" ■ ■ 3/32" or less ■ </p> <p>Left Rear Tire Right Rear Tire</p> <p> ■ 8/32" or greater ■ ■ 7/32" to 4/32" ■ ■ 3/32" or less ■ </p> <p>Lowest Tread Depth: _____/32" ■ ■</p> <p>Tires 72 months or newer: ■ ■</p> <p>Tire Pressure Monitoring System: ■ ■</p> <p>Wheel Condition: ■ ■</p> <p>Spare Tire: ■ ■</p> <p>Lug Nuts: ■ ■</p> <p>Hub Caps (if applicable): ■ ■</p>	<p style="text-align: center;">Indicate any physical damage</p>  <p>Overall Condition: ■ ■ ■</p> <p style="text-align: center;">(Vehicle fails if any panels or trim are loose/missing, improper repairs are present, or damage larger than 5" in diameter or length is present)</p>

Vehicle Lighting & Safety	Interior	Drivetrain
Headlights (High & Low): <input type="checkbox"/> <input type="checkbox"/>	Seats: <input type="checkbox"/> <input type="checkbox"/> (Fail if any tears larger than 1" in length or diameter and/or exposed metal present).	Battery: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Brake Lights: <input type="checkbox"/> <input type="checkbox"/>	Seat Belts: <input type="checkbox"/> <input type="checkbox"/>	Brakes: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Emergency Flashers: <input type="checkbox"/> <input type="checkbox"/>	Dashboards: <input type="checkbox"/> <input type="checkbox"/> (Fail if any components are damaged and/or missing).	Drive shaft, CV axles: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Turn Signals: <input type="checkbox"/> <input type="checkbox"/>	Carpet/Flooring: <input type="checkbox"/> <input type="checkbox"/> (Fail if damaged, stained, soiled, or missing).	Engine: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Reverse Lights: <input type="checkbox"/> <input type="checkbox"/>	Headliner: <input type="checkbox"/> <input type="checkbox"/> (Fail if damaged, loose, or hanging).	Engine Compartment: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Tag Lights: <input type="checkbox"/> <input type="checkbox"/>	Storage Area/Trunk: <input type="checkbox"/> <input type="checkbox"/>	Exhaust System: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Interior Lighting: <input type="checkbox"/> <input type="checkbox"/>	Windows Operational: <input type="checkbox"/> <input type="checkbox"/>	Fuel System: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Horn: <input type="checkbox"/> <input type="checkbox"/>	Doors Operational: <input type="checkbox"/> <input type="checkbox"/>	Oil/Fluid Levels/Leaks: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Check Engine Light or other Dashboard Warning Indicators: <input type="checkbox"/> <input type="checkbox"/>	HVAC: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Radiator/Cooling System: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
If present, please list: _____	Overall Condition: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Steering: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
_____		Suspension: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
_____		Overall Condition: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
		Other: _____

Taxicab	Limousine/Executive Sedan	Shuttle/NEMT
Taxicab Top Light: <input type="checkbox"/> <input type="checkbox"/> (Minimum 4" height)	Company Logo: <input type="checkbox"/> <input type="checkbox"/> (Lettering on both sides or vanity plate)	Company Logo: <input type="checkbox"/> <input type="checkbox"/> (Minimum 6" height/ Both sides of vehicle)
Company Logo: <input type="checkbox"/> <input type="checkbox"/> (Minimum 4" height/ Both sides of vehicle)		Company Phone #: <input type="checkbox"/> <input type="checkbox"/> (Minimum 3" height/ Both sides of vehicle)
Company Phone #: <input type="checkbox"/> <input type="checkbox"/> (Minimum 3" height/ Both sides of vehicle)		Vehicle #: <input type="checkbox"/> <input type="checkbox"/> (Minimum 3" height/ 3 sides of vehicle)
Vehicle #: <input type="checkbox"/> <input type="checkbox"/> (Minimum 3" height/ 3 sides of vehicle)		
Meter Rates: <input type="checkbox"/> <input type="checkbox"/> (Minimum 1" height/ Both sides of vehicle)		

Inspector:	ASE Certificate ID #:
Company Name:	Address:
	Phone:

MVFHA Use Only

Date Received:	Vehicle Certificate of Registration #:	Date Decal Issued:	Signature:
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EXHIBIT D: MVFHA COMPLAINT AND HEARING RESOLUTION PROCEDURE

1. Any complaints and/or grievances any person may have regarding (i) the Motor Vehicle For Hire Authority (MVFHA) Rules and Regulations, policies or procedures; (ii) the conduct of Certificate of Registration holders or Drivers Permit holders, (iii) the conduct of TNCs, TNC drivers, or TNC vehicles; or (iv) any other matters affection public health, safety or welfare and arising out of the MVFHA Rules and Regulations, policies or procedures may be formally submitted to the MVFHA in writing by completing and submitting a formal complaint with a Ten Dollar (\$10.00) cash filing fee. The formal complaint must include, but is not limited to, the following:
 - a. The name, company, address, and telephone number of the person or company filing the complaint;
 - b. The date, time and place and a description of the alleged incident which generated the complaint;
 - c. The person(s) involved in the incident which generated the complaint;
 - d. A description of how the incident came about;.
 - e. The identification of any witnesses to the alleged incident including name, address, and telephone number, if known.
 - f. All complaints must be submitted within thirty (30) calendar days of the incident that generated the complaint, failing which the MVFHA may deny the complaint as untimely or may extend the time for notice of the specific complaint and consider the complaint...
2. Upon receipt of the formal complaint by the MVFHA, the complaint and/or grievance will be reviewed by the Administrator. Upon review and investigation, the Administrator will determine whether the subject of the formal complaint warrants consideration at a hearing. If the subject of a formal complaint form is found to have no merit and does not warrant a hearing, then the person(s) who submitted the form shall be sent a response stating that the investigation of the Administrator has been completed and the Administrator found the subject matter of complaint does not warrant a hearing or further action by the MVFHA. If the Administrator finds the subject of the formal complaint warrants consideration at a hearing, the Administrator will determine whether the subject of the formal complaint form should be addressed individually or in common with others similarly situated.

- 3.** Upon determination that the formal complaint form should be addressed on an individual basis, the incident that is the subject of the complaint form will be addressed with all the concerned parties present at a proceeding held by the Administrator of the Motor Vehicle For Hire Authority. Said proceeding shall be scheduled within a reasonable time by the Administrator at a time, date, and location selected by the Administrator. The Administrator shall notify all concerned parties orally or in writing at least ten (10) calendar day in advance of the day of the proceeding, but the proceeding may occur sooner if all concerned parties waive the ten (10) day notice requirement. At this proceeding, the Administrator and all concerned parties shall discuss the complaint and determine whether a mutually satisfactory disposition may be reached. If there is a mutually satisfactory disposition reached, the parties concerned and the Administrator shall execute a written documentation of the disposition. The procedure of the proceeding shall address the following areas:
- a.** The Administrator shall first present an oral or written summary of the subject matter surrounding the complain and/or grievance and shall include in the summary any suggestions by the Administrator or other concerned parties for resolving the complaint and/or grievance;
 - b.** The Administrator shall then present the MVFHA's response to the complaint and/or grievance. The Administrator may question all witnesses who testify in support of any complaint/grievance or in opposition to any complaint/grievance complained of in the complaint form;
 - c.** The person(s) who submitted the complaint/grievance shall then present his or her case. The person(s) who submitted the complaint form may question all witnesses who testify in support of, or in opposition to, any complaint/grievance complained of in the complaint form;
 - d.** Before the Administrator adjourns the proceeding, the Administrator shall announce the Administrator's decision regarding disposition of the complaint/grievance.
 - e.** If either the party who filed the complaint/grievance or the party the complaint/grievance was filed against feels aggrieved by the action taken by the Administrator during this proceeding, he/she may appeal this action to the MVFHA Board of Representatives by requesting an administrative hearing by an independent hearing officer as provided in Section 5 herein below.

4. Upon determination by the Administrator that the formal complaint should be addressed in common with others similarly situated, the subject of the formal complaint will be addressed with all concerned parties who accept an invitation from the Administrator to be present, at a forum held by the Administrator of the Motor Vehicle For Hire Authority. Said forum shall be scheduled by the Administrator at a time, place, and date selected by the Administrator. The Administrator shall notify all concerned parties orally or in writing at least ten (10) calendar day in advance of the forum.

At this forum, the Administrator and all concerned parties in attendance shall discuss the subject of the formal complaint form and determine whether a mutually satisfactory disposition may be reached. If there is a mutually satisfactory disposition reached, all parties concerned and the Administrator shall execute a written documentation of the disposition.

5. Any individual who exhausts the above remedies or participates in the above remedies and is materially affected by the disposition of the complaint and/or grievance under the above procedures (including, without limitation, (i) individuals that received from the Administrator notice that the subject matter of the complaint and/or grievance did not warrant consideration or notice that the complaint and/or grievance was not filed timely; (ii) individuals that were involved in a proceeding before the Administrator that was not deemed necessary to be addressed with others similarly situations; and (iii) individuals that were involved in a forum called by the Administrator to address the complaint/grievance with others similarly situated) and is unsatisfied with the disposition may request an administrative hearing before an independent hearing officer by submitting such request in writing to the Motor Vehicle For Hire Authority within five (5) working days of the date of the proceeding with the Administrator together with a hearing filing fee of One Hundred Dollars (\$100.00). Upon receiving a valid and timely appeal form and hearing-filing fee, the MVFHA will immediately assign the case to an independent hearing officer selected by the MVFHA to conduct an administrative hearing de novo regarding the individual's complaint and/or grievance. .

The procedure for this Administrative Hearing by an independent hearing officer (the "Hearing Officer") is as follows:

- a. The Hearing Officer will deliver or cause to be delivered written notice of the hearing to the Appellant(s), the Administrator and all other parties participating in

the previous procedures for the specific complaint/grievance at least five (5) calendar days in advance of the day of the hearing.

- i. The delivery of written notice may be in person to the Appellant and other participating parties, his or her designee, employee, agent or representative; or by Certified United States Mail to the respective business or residence address of the Appellant and other participating parties. If in person, delivery shall be effective the instant it is delivered. If by Certified United States Mail, delivery shall be effective on the date of the postmark.
- b.** The written notice shall include, but not to be limited to the following:
- i. The name of the Appellant.
 - ii. The date, time, and place of the hearing.
 - iii. A description of the complaint and/or grievance as stated by the Appellant in his/her original complaint submitted to the MVFHA in compliance with this section.
 - iv. A brief explanation of the position of the Administrator, including any evidence, which may be presented at the hearing.
 - v. Proposed solution of the Administrator as presented in the proceeding with the Administrator.
 - vi. An invitation for the Appellant, the Administrator and all participating concerned parties to appear at the hearing:
 1. to rebut the proposed solution submitted by the Administrator;
 2. to present the Appellant's side of the story and/or proposed solution;
 3. to introduce documentary testimony and other evidence;
 4. to call, introduce and examine witnesses;
 5. for all other participating parties, the opportunity to rebut the proposed solution submitted by the Administrator, to rebut the solution proposed by the Appellant or any other participating party, and/or
 6. to furnish a written response to the Administrator's proposed solution and/or the Appellant's proposed solution and/or any solution proposed by any participating party.

- c.** The Motor Vehicle For Hire Authority Board of Representatives shall select a Hearing Officer, who shall control the conduct and decorum at the hearing. The Hearing Officer shall make a written record of the hearing and all evidence presented therein and may also make a video or audiotape of the hearing. The Board Representatives may or may not attend the hearing, at their sole discretion. The Hearing Officer shall present to the MVFHA Board of Representatives the record of the hearing that shall also include the Hearing Officer's recommendation to the MVFHA for disposition of the complaint/grievance. The Hearing Officer shall present the record and recommendation to the MVFHA Board of Representatives within thirty (30) days after the hearing, unless the MVFHA Board of Representatives for good cause extends the time for the Hearing Officer to complete and deliver the record and recommendation.
- d.** Hearings shall be conducted (a) in the administrative office of the MVFHA (or available conference room), of the Gulfport- Biloxi International Airport Passenger Terminal Building, 14035 Airport Road, Gulfport, Mississippi; or (b) any other location in one of the participating cities of the MVFHA, in the discretion of the Hearing Officer.
- e.** The procedure at the hearing shall be as follows:

 - i. The complaint or grievance shall be presented first.
 - ii. The Appellant shall then present his/her/or its case.
 - iii. The Administrator shall then present his or her case.
 - iv. Each other participating concerned party shall then present his/her/or its case.
 - v. The Hearing Officer may question all witnesses who testify in support of the complaint and/or grievance or in opposition to the complaint and/or grievance.
 - vi. Although the Hearing Officer may be liberal in allowing matters to be presented in becoming part of the hearing record, only evidence relevant to the complaint and/or grievance shall be considered by the Hearing Officer and ultimately by the MVFHA Board of Representatives to determine what disposition, if any, should be made.
- f.** The MVFHA Board of Representatives shall render a disposition of the complaint and/or grievance no later than the next regular meeting of the Board after

receiving from the Hearing Officer the record of the hearing and the Hearing Officer's recommendation.

The MVFHA Board of Representatives shall render a decision based solely on the record and the Hearing Officer's recommendation, and no additional evidence will be considered. The meeting of the MVFHA Board of Representatives shall not be a *de novo* hearing, and no evidence may be offered to the MVFHA Board of Representatives or considered by the MVFHA Board of Representatives other than the record. In determining its final disposition of the case, the MVFHA Board of Representatives may accept, reject, modify or ignore the Hearing Officer's recommendation. The MVFHA Administrator shall furnish written notification to the Appellant of the Board of Representatives' decision within seven (7) calendar days after the MVFHA Board renders its decision, which shall be placed into the official minutes of the MVFHA Board of Representatives.

- g.** Any action taken by the MVFHA Board of Representatives in an effort to resolve the complaint and/or grievance may, in the Board's discretion, take effect immediately following the regular or special meeting at which the decision is rendered.
- h.** The above administrative proceedings shall be exhausted before any party aggrieved by the final decision of the MVFHA may appeal the action on the record to the City Council of the municipality (which must be a municipality participating in the MVFHA) where the principal subject matter of the complaint/grievance (as determined by the Hearing Officer in his recommendations in the record of the hearing) is located, and shall constitute the sole and exclusive administrative remedy available to all individuals concerning any complaint or grievance whatsoever occurring on or in any manner involving the MVFHA and the complaint/grievance. If the complaint/grievance involves the refusal to grant an operator's license or permit to an applicant who made the complaint/grievance, then the Hearing Officer shall designate that the appeal must be taken to the City Council of the municipality in which the applicant resides or where the applicant's employer is located. Appeals to the appropriate City Council shall be perfected by the filing of a Notice of Appeal with the City Clerk of the appropriate participating municipality within ten (10) days of the decision of the MVFHA Board of Representatives. The Notice of Appeal must

include a true and correct copy of the Hearing Officer's recommendation and record of the hearing and a copy of excerpts of the minutes of the MVFHA Board of Representatives wherein the final, appealable decision was made.

6. The above administrative proceedings shall be exhausted first before any party may appeal the action on the record to the appropriate City Council of a participating municipality of the Interlocal Agreement pursuant to Section 4.5.3 of the Agreement, and shall constitute the sole and exclusive administrative remedy available to all individuals concerning any grievance whatsoever occurring on or in any manner involving the MVFHA and the complainant.
7. The appeal to the City Council shall be considered by the City Council solely on the record of the hearing, the recommendation of the Hearing Officer and the final decision of the MVFHA Board of Representatives as stated in the record submitted with the Notice of Appeal. The City Council shall not hold a hearing de novo and shall not consider any evidence other than in the record submitted with the Notice of Appeal. The City Council may affirm, deny or modify the final decision of the MVFHA Board of Representatives, and the City Council shall adopt a resolution stating its decision on the appeal at any regular or special meeting of the City Council but no later than the next regular monthly meeting of the City Council that occurs at least ten (10) days after the date the City Council receives the Notice of Appeal.
8. In the event that any individual refuses to comply with the action of the MVFHA Administrator, if a hearing was not held, or of the final action taken by the MVFHA Board of Representatives, and fails to appeal the action to the applicable City Council, the MVFHA may enforce its action of the MVFHA Board of Representatives in any court of appropriate jurisdiction.
9. Final decisions of a City Council may be appealed by Bill of Exceptions to the Circuit or County Court of the First or Second Judicial District of Harrison County, Mississippi, as provided by state law.
10. Agreements between taxicab companies and drivers, limo companies and drivers, or TNC companies and drivers shall not pre-empt these Rules and Regulations of the MVFHA, which shall take precedence over the provisions of such driver agreements. In the event any such driver agreements contain arbitration provisions for dispute resolution, these Rules and Regulations of the MVFHA shall take precedence over such arbitration provisions. All such driver agreements that contain must provide that contain arbitration provisions must provide that the final decision of the arbitrator shall be

appealable to the state or federal courts located in Harrison County, Mississippi and must provide that jurisdiction and venue for all disputes arising out of such agreements shall be in the state courts located in the First or Second Judicial District of Harrison County, Mississippi or in the Southern Division of the U.S. District Court for the Southern District of Mississippi.