

Proposed Article - Transportation Network Company

- Definitions
 - **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 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.
 - **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):** means 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, non-emergency medical transport, animal drawn carriage, or pedicab 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, non-emergency medical transport, animal drawn carriage, or pedicab.

Section 1- Applicability

Unless contrary to the provisions of this Article, TNCs, TNC drivers, and TNC Vehicles shall comply with all applicable rules and regulations set forth in the Rules and Regulations of the Motor Vehicle For-Hire Authority. In addition to other applicable rules, the requirements of Article II (Driver Regulations) shall apply to Transportation Network Company Drivers. TNC Certificates of Registration are privileges and not

rights. The Authority Board has full discretion in determining whether a TNC Certificate shall be issued. TNC Certificates of Registration are not transferrable.

Section 2- TNC Certificate of Registration, Fees

No TNC shall operate without first having applied for and received a TNC Certificate of Registration. The application for such certificates shall be pursuant to the forms and instructions prescribed by the Authority and include proof of registration to conduct business in the state and the name, address, and contact information of an agent for service of process within the state.

TNC Certificates of Registration are valid for a period of one (1) year, expiring on February 1. The fee for a TNC Certificate of Registration shall be \$10,000 per year. As additional consideration for the TNC Certificate of Registration, the TNC shall also remit quarterly payments to the Motor Vehicle For-Hire Authority in an amount equal to fifty (50) cents per trip each quarter. These fees shall be assessed in addition to any other fees charged in any other provision of this Article.

Section 3 – Insurance

The 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 within ten (10) days of the 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. (i) The Motor Vehicle For-Hire Authority and all participating municipalities shall be covered as an additional insured on all insurance policies provided hereunder.

Section 4 – Drivers Permit Required

- A. Transportation Network Drivers are required to obtain a Drivers Permit as promulgated in Article II of these Rules and Regulations prior to operating a TNC Vehicle. The fees for such permit shall be applicable as outlined in Article II.
- B. The applicant may choose to apply for a background investigation, drug screen, and motor vehicle report through the Authority. Such fee structure shall be adopted by a resolution of the Authority 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 by resolution of the Authority, 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 a vender approved by resolution of the Authority. The results of the drug screen must be sent directly from the vendor and be received within twenty four hours of application.
- C. The background investigation must include:
 - i. Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search) including a county and state level search for any jurisdiction of current or prior residence; and

- ii. Government Sanction Search; and
- iii. Social Security Number Verification; and
- iv. National Sex Offender Registry database.

Section 5 – TNC Vehicles

- A. **TNC Vehicle Permit Required** – Prior to the operation of a TNC Vehicle, the registered owner of such vehicle must register the vehicle with the Authority, giving its year, make, model, vehicle identification number and license tag number for the current year. The Authority shall register such vehicle for hire in the name of the owner in a record kept for that purpose, giving the TNC Vehicle a number, provided that the registration number shall not be required to be changed at subsequent registrations. A permit shall be issued for the TNC vehicle with the aforementioned information that is required to be kept in the vehicle at all times and furnished upon request by a customer, law enforcement officer, or agent of the Authority.
- 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 Inspection** – A TNC shall cause all motor vehicles providing TNC services through its application to be inspected by an ASE Certified Technician with certifications in a minimum of three (3) areas (to include Engine, Brakes, and Suspension & Steering) prior to allowing them provide such services within the participating municipalities. A TNC shall re-inspect all motor vehicles providing TNC services through its application every twelve months. TNCs must keep all vehicle services records for a period of no less than two years and make them available to the Authority prior to the use of the vehicle and upon request. Failure to have a TNC vehicle inspected or failure to maintain vehicle inspection records or provide them upon request shall be grounds for the automatic suspension of a TNC Certificate of Registration. The requirements of such inspection shall be outlined on an approved form by the Authority. Notwithstanding any other provisions in this Article, the Authority shall have the power and authority to require periodic inspections of any motor vehicles currently registered as TNC vehicles while providing TNC services.
- D. **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.

Section 6 – 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.

Section 7 – Accessibility

- A. TNC drivers shall comply with all applicable laws relating to accommodation of service animals.
- B. A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.
- C. 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.

Section 8 – 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).

Section 9 – Passenger Receipts

Upon completion of a trip, a TNC shall provide customers with a 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.”

A TNC shall provide receipts to the Motor Vehicle For-Hire Authority upon request, and once per year, at a date determined and provided by the Authority.

Section 10 – Record Keeping Requirements

- A. Every TNC shall keep daily records including all trip requests, complaints, accepted trip requests, daily application sign-in and sign-out logs, vehicle collision reports, service response time reports, reports of crime against TNC drivers and passengers, lost property reports, and TNC vehicle identification information. Such records may be maintained electronically and shall be preserved for a period of not less than two years and be available for examination by the MVFHA Administrator upon request. Failure to maintain such records or provide them upon request shall be grounds for the suspension and/or revocation of a TNC permit.
- B. Such records shall be remitted every quarter to the MVFHA with the trip fees along with a complete list of active drivers.
- C. Falsifying any records outlined in this article shall be grounds for suspension and/or revocation of a TNC permit.

Section 11 – Website & App Contact Information

A TNC shall provide the following information on its website and app:

- (a) TNC’s customer service telephone number and/or email address;
- (b) TNC’s zero drug tolerance policy and how to report TNC drivers whom the passenger(s) suspect have violated the zero drug tolerance policy;
- (c) TNC’s method and rate calculation formula;
- (d) Procedures for reporting a complaint about a TNC driver; and
- (e) Complaint telephone and/or email address for the Motor Vehicle For-Hire Authority.