

**"CHAPTER 288**  
**COMMON CARRIERS, COMPULSORY INSURANCE**

Section

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" **§288-1 Application of chapter.** This chapter shall not be applicable to any common carrier subject to section 269-21. [L 1943, c 171, §2; RL 1945, §7430; RL 1955, §160-140; HRS §288-1]

#### **Note**

Section 269-21 referred to in text is repealed.

" **§288-2 Definitions.** As used herein:

"Motor vehicle common carrier of passengers" means and includes every corporation, joint stock association, person, individual, firm, association of persons, lessee, trustee, receiver, or personal representative appointed by any court, owning, controlling, operating, or managing any motor vehicle, directly or indirectly, for public use in the transportation of passengers for compensation over any public street or highway within any of the several counties of the State;

"Policy of insurance" or "insurance" includes the certificate referred to in sections 288-3 and 288-4. [L 1941, c 186, §5; am L 1943, c 171, pt of §1; RL 1945, §7429; am L 1953, c 268, pt of §1; RL 1955, §160-141; HRS §288-2; am L 1976, c 200, pt of §1]

" **§288-3 Common carriers of passengers to be insured.** It shall be unlawful for any motor vehicle common carrier of passengers to operate upon or use the public streets or highways of the several counties until it has filed with the treasurer or director of finance of the county in which it is to operate the written certificate of any insurer duly authorized to do business in the State certifying that there is in effect a policy of liability insurance for the benefit of the carrier. [L 1953, c 268, pt of §1; RL 1955, §160-142; HRS §288-3]

" **§288-4 Conditions of policy.** The policy of insurance shall insure the common carrier named therein against loss from the liability imposed by law for damages arising out of the operation of the common carrier, the limits of which policy of insurance shall not be less than the standard public liability limit of \$5,000 for bodily injury to or death of any one person in any one accident and subject to such limitation for one person, not less than \$10,000 for bodily injuries to or death of two or more persons in any one accident, and not less than \$5,000 for liability for damage to property of others for any one accident. Before the certificate referred to in section 288-3 is filed, the insurer shall file a copy of the form of policy of insurance referred to in the certificate with the treasurer or director of finance of each county in which any

such certificate is filed. [L 1953, c 268, pt of §1; RL 1955, §160-143; HRS §288-4]

" **§288-5 Bond in lieu of insurance, allowed when.** In lieu of the policy of insurance, any common carrier who has exhausted all reasonable means of securing the foregoing insurance but has been refused the same, may deposit with the treasurer or director of finance a surety bond, payable to the county in which it is to operate, in the principal sum of \$5,000, with adequate sureties justifying thereon pursuant to section 78-20, and approved by the county auditor or director of finance. If the surety or sureties on the bond are other than a surety company authorized to do business under the laws of the State, there shall be not more than four such sureties who shall severally justify in such amounts as, taken together, will aggregate the full amount of the bond. In the case of such other sureties the auditor or director of finance shall require that the sureties shall also severally deposit with the auditor or director of finance bonds, stocks, or other negotiable securities, or execute and deliver to the auditor or director of finance a deed or deeds of trust of real property, all of such character as are satisfactory to the auditor or director of finance, each surety to furnish such security to the full cash value of one hundred per cent of the amount for which the surety has so justified; provided that if there be but one personal surety the one personal surety shall so justify for the full amount of the bond. The bond shall be conditioned on the payment, up to the sum of \$5,000, of any final judgment procured against the common carrier for the death of or personal injury to any person or persons or loss or damage to property of another or any accident or omission connected with the operation of the common carrier. [L 1941, c 186, §2; am L 1943, c 171, pt of §1; RL 1945, §7432; RL 1955, §160-144; HRS §288-5; gen ch 1985]

" **§288-6 Bond prerequisite to license.** No license shall be issued in any county under section 445-222 unless and until the applicant therefor deposits with the treasurer or director of finance of the county a policy of insurance or a bond as hereinabove described. [L 1941, c 186, §3; am L 1943, c 171, pt of §1; RL 1945, §7433; RL 1955, §160-145; HRS §288-6]

#### **Note**

Section 445-222 referred to in text is repealed.

" **§288-7 Cancellation of insurance, revocation of license.** The policy of insurance or bond shall be subject to cancellation only after ten days' written notice filed with the treasurer or director of finance of the county, or upon surrender of the license issued for the vehicle involved under section 445-222, or upon the filing of a substitute policy of insurance or bond complying with this chapter. Upon cancellation of any such policy of insurance or bond without the filing of a substitute therefor the county treasurer or director of finance shall immediately recall, confiscate, and cancel the license issued under section 445-222 for the vehicle involved. [L 1941, c 186, §4; am L 1943, c 171, pt of §1; RL 1945, §7434; RL 1955, §160-146; HRS §288-7]

**Note**

Section 445-222 referred to in text is repealed.

" **§288-8 Penalty.** Any person who violates this chapter shall be fined not more than \$1,000 or imprisoned not more than one year, or both. [L 1941, c 186, §6; RL 1945, §7435; RL 1955, §160-147; HRS §288-8]