

JAN 21 2022

A BILL FOR AN ACT

RELATING TO SEARCH AND RESCUE.

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

1 SECTION 1. Hawaii is an outdoor playground that is world-
2 renown for its beautiful hikes through lush green forests and
3 mountains. However, the ongoing coronavirus pandemic has led to
4 a surge of experienced and inexperienced hikers venturing into
5 the outdoors. Occasionally, hikers ignore posted warning signs,
6 intentionally leave a hiking trail, or enter property that is
7 closed to the public. When one of these hikers needs to be
8 rescued, it is the State that bears the burden of paying for the
9 costs associated with the search or rescue.

10 In response to having to pay the cost of rescuing
11 recreational hikers who take unnecessary risks, several states,
12 including Idaho, Maine, New Hampshire, Oregon, South Dakota, and
13 Vermont have passed legislation that allows the state to offset
14 the costs associated with the search or rescue by seeking
15 reimbursement from the rescued party.

16 The purpose of this Act is to require government entities
17 to seek reimbursement for the expenses arising from the search



1 and rescue of persons who ignore posted warnings, intentionally
2 leave a hiking trail, enter a prohibited area, or hike on a
3 trail that is closed to the public.

4 SECTION 2. Section 137-2, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[~~f~~]§137-2[~~f~~] **Reimbursement.** (a) [~~Whenever~~] Subject to
7 subsection (b), whenever any government entity engages in a
8 search or rescue operation for the purpose of searching for or
9 rescuing a person, and incurs search and rescue expenses
10 therein, the government entity may seek reimbursement from the
11 following:

- 12 (1) The person on whose behalf search or rescue operations
13 were conducted, including the person's estate,
14 guardians, custodians, or other entity responsible for
15 the person's safety;
- 16 (2) A person who ultimately benefited from a search or
17 rescue operation by being rescued; or
- 18 (3) Any entity responsible for placing the person in the
19 position of danger for which the search or rescue
20 operation was initiated.



1 ~~[(b) Reimbursement under subsection (a) shall be allowed~~
2 ~~only if the need for search or rescue was caused by any act or~~
3 ~~omission by the person searched for or rescued, constituting~~
4 ~~intentional disregard for the person's safety, including, but~~
5 ~~not limited to, intentionally disregarding a warning or notice.]~~

6 (b) A government entity shall seek reimbursement for
7 search or rescue expenses from all applicable persons or
8 entities in section (a), if the need for the search or rescue
9 was caused by the person searched for or rescued unreasonably
10 disregarding their safety by:

11 (1) Ignoring reasonably posted warnings;

12 (2) Leaving a hiking trail and entering state, county, or
13 private property that is closed to the public, and
14 reasonable notice of the closure is posted; or

15 (3) Entering a hiking trail that is closed to the public
16 and reasonable notice of the closure is posted."

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Lynn DeCorte



S.B. NO. 2616

Report Title:

Hiking Trails; Search and Rescue; Closed to the Public;
Trespassing; Reimbursement

Description:

Requires government entities to seek reimbursement for search and rescue expenses for persons who require rescue after leaving a hiking trail to enter a prohibited area or hiking on a trail closed to the public.

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