
A BILL FOR AN ACT

RELATING TO SEARCH AND RESCUE.

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

1 SECTION 1. The legislature finds that Hawaii is an outdoor
2 playground world-renowned for its beautiful hikes through lush
3 green forests and mountains. However, the coronavirus pandemic
4 fueled a sustained surge of experienced and inexperienced hikers
5 venturing outdoors. Occasionally, hikers ignore posted warning
6 signs, intentionally leave a hiking trail, or enter property
7 that is closed to the public. When one of these hikers needs to
8 be rescued, it is government entities that bear the costs
9 associated with the search or rescue.

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



1 The purpose of this Act is to require government entities
2 to seek reimbursement for all or a portion of search or rescue
3 expenses for persons who require rescue after:

- 4 (1) Leaving a hiking trail and entering state, county, or
5 private property that is closed to the public and is
6 marked with a sign giving notice of the closure; or
- 7 (2) Entering a hiking trail that is closed to the public
8 and marked with a sign giving notice of the closure.

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

11 "~~[+]S137-2[+]~~ **Reimbursement.** (a) ~~[Whenever]~~ Subject to
12 subsection (b), whenever any government entity engages in a
13 search or rescue operation for the purpose of searching for or
14 rescuing a person, and incurs search and rescue expenses
15 therein, the government entity may seek reimbursement from the
16 following:

- 17 (1) The person on whose behalf search or rescue operations
18 were conducted, including the person's estate,
19 guardians, custodians, or other entity responsible for
20 the person's safety;



1 (2) A person who ultimately benefited from a search or
2 rescue operation by being rescued; or

3 (3) Any entity responsible for placing the person in the
4 position of danger for which the search or rescue
5 operation was initiated.

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

11 A government entity shall seek reimbursement for all or a
12 portion, but no less than half, of search or rescue expenses
13 from all applicable persons or entities pursuant to subsection
14 (a) if the need for the search or rescue was the result of the
15 person:

16 (1) Leaving a hiking trail and entering state, county, or
17 private property that is closed to the public and
18 marked with a sign giving notice of the closure; or

19 (2) Entering a hiking trail that is closed to the public
20 and marked with a sign giving notice of the closure."



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

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

6 SECTION 5. This Act shall take effect on June 30, 3000.



Report Title:

Hiking Trails; Search and Rescue; Trespassing; Reimbursement;
Signage

Description:

Requires government entities to seek reimbursement for all or a portion of search or rescue expenses for persons who require rescue after leaving a hiking trail to enter an area closed to the public or hiking on a trail closed to the public, and there is a sign giving notice of the closure. Effective 6/30/3000.
(HD2)

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