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# 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 the State and  
2 counties of Hawaii incur significant costs associated with the  
3 rescue of hikers who choose to go on illegal hikes and often  
4 ignore prohibitory access signs. Each rescue costs upwards  
5 of thousands of dollars, and nearly one thousand rescues are  
6 made every year in Hawaii. The legislature further finds that  
7 it is important to address increasing costs in the State due to  
8 more searches and rescues being carried out and to open public  
9 discussion on hiking etiquette and the associated potential  
10 risks of hiking, whether legal or not.

11           The legislature additionally finds that the COVID-19  
12 pandemic has increased outdoor activity around the world,  
13 specifically hiking in Hawaii. An increase in hiking in the  
14 State requires more emergency responders to be readily available  
15 in case hikers are in need of search and rescue. The more  
16 searches and rescues made, the more risks there are to emergency  
17 responders. The State and counties should be able to seek



1 reimbursement for these rescues from hikers who knowingly  
2 proceed on illegal hikes.

3 The legislature notes that six states, namely Idaho, Maine,  
4 New Hampshire, Oregon, South Dakota, and Vermont, already have  
5 laws in place that impose a financial penalty for individuals  
6 needing to be rescued outdoors because of their lack of  
7 preparation.

8 The purpose of this Act is to deter hikers from entering  
9 illegal hiking trails and to address rising search and rescue  
10 costs facing the State and counties due to increased illegal  
11 hiking traffic by requiring the State to impose and collect a  
12 search and rescue fee for search and rescue expenses that result  
13 from a person's entrance on an illegal hiking trail with notice  
14 of its closure.

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

17 "[~~§~~§137-2~~§~~] **Reimbursement.** (a) Whenever any government  
18 entity engages in a search or rescue operation for the purpose  
19 of searching for or rescuing a person, and incurs search and  
20 rescue expenses therein, the government entity may seek  
21 reimbursement from the following:



1 (1) The person on whose behalf search or rescue operations  
2 were conducted, including the person's estate,  
3 guardians, custodians, or other entity responsible for  
4 the person's safety;

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

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

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

15 (b) The State shall impose and collect a search and rescue  
16 fee of \$ \_\_\_\_\_ to be deposited into the general fund for  
17 search or rescue expenses from all applicable persons or  
18 entities from whom reimbursement may be sought pursuant to  
19 subsection (a) if the need for the search or rescue was the  
20 result of the person:



# H.B. NO. 2174

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

6        SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8        SECTION 4. This Act shall take effect on July 1, 2024.

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INTRODUCED BY:



JAN 22 2024



# H.B. NO. 2174

**Report Title:**

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

**Description:**

Repeals the existing conditions under which government entities may seek reimbursement for search or rescue expenses and instead requires the State to impose and collect a fee for 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, with a sign giving notice of the closure.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

