
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 coronavirus
12 disease 2019 pandemic has increased outdoor activity around the
13 world, specifically hiking in Hawaii. An increase in hiking in
14 the State requires more emergency responders to be readily
15 available in case hikers are in need of search and rescue. The
16 more searches and rescues made, the more risks there are to
17 emergency responders. The State and counties should be able to



1 seek 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 a government entity of the State to:

12 (1) Impose and collect a search and rescue fee for search
13 and rescue expenses that result from a person's
14 entrance on an illegal hiking trail with notice of its
15 closure; and

16 (2) Submit a copy of any report or documentation of the
17 search and rescue to the department of the attorney
18 general.

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



1 " ~~[+] §137-2 [+] Reimbursement [-];~~ report. (a) Whenever any
2 government entity engages in a search or rescue operation for
3 the purpose of searching for or rescuing a person, and incurs
4 search and rescue expenses therein, the government entity may
5 seek reimbursement from the following:

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

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

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

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

20 A government entity of the State shall impose and collect a
21 search and rescue fee of \$ _____ to be deposited into the



1 general fund for search or rescue expenses from all applicable
2 persons or entities from whom reimbursement may be sought
3 pursuant to subsection (a) if the need for the search or rescue
4 was the result of the person:

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

10 (c) Any government entity of the State that engages in a
11 search and rescue operation for the purpose of searching for or
12 rescuing any person for which subsection (b) applies shall
13 submit a copy of any report or documentation to the department
14 of the attorney general with the names, identifying information,
15 and addresses of those searched for or rescued and a summary of
16 the facts and circumstances surrounding the search or rescue."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on July 1, 2042.



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 a government entity of 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. Requires a report or documentation of the search and rescue to be submitted to the Department of the Attorney General. Takes effect 7/1/2042.
(SD1)

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