
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 Hawai'i 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 Hawai'i. 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 Hawai'i. 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, comprising Idaho,
4 Maine, New Hampshire, Oregon, South Dakota, and Vermont already
5 have laws in place that have a financial penalty for people
6 needing to be rescued outdoors for lack of preparation.

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

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

15 "[+]§137-2[+] **Reimbursement.** (a) Whenever any government
16 entity engages in a search or rescue operation for the purpose
17 of searching for or rescuing a person, and incurs search and
18 rescue expenses therein, the government entity may seek
19 reimbursement from the following:

20 (1) The person on whose behalf search or rescue operations
21 were conducted, including the person's estate,



1 guardians, custodians, or other entity responsible for
2 the person's safety;

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

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

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

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

18 (1) Leaving a hiking trail and entering state, county, or
19 private property that is closed to the public and is
20 marked with a sign, or for which a notice was posted



1 on the applicable state or county website, giving
2 reasonable notice of the closure; or
3 (2) Entering a hiking trail that is closed to the public
4 and marked with a sign, or for which a notice was
5 posted on the applicable state or county website,
6 giving a reasonable notice of the closure."

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

9 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Lisa Kitagawa*
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H.B. NO. 847

Report Title:

Hiking Trails; Search and Rescue; Trespassing; Reimbursement

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.

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