
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, 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 government entities to seek
12 reimbursement for search and rescue expenses that result from a
13 person's entrance on an illegal hiking trail with notice of its
14 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 ~~emission 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) A government entity shall seek reimbursement for all
16 or a portion, but no less than half, of search or rescue
17 expenses from all applicable persons or entities pursuant to
18 subsection (a) if the need for the search or rescue was the
19 result of the person:



- 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 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, with a sign giving notice of the closure. Effective 6/30/3000. (HD1)

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