

JAN 17 2025

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 disease
4 2019 pandemic fueled a sustained surge of experienced and
5 inexperienced hikers venturing outdoors. Occasionally, hikers
6 ignore posted warning signs, intentionally leave a hiking trail,
7 or enter property that is closed to the public. When one of
8 these hikers needs to be rescued, it is government entities that
9 bear the costs 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.

17 Accordingly, the purpose of this Act is to:



- 1 (1) Establish the hike safe program and search and rescue
2 special fund to be administered by the department of
3 land and natural resources;
- 4 (2) Require government entities to seek reimbursement for
5 all or a portion of search and rescue expenses for
6 persons who knowingly enter certain property or trails
7 or violate applicable laws, exempting persons who
8 possess a hike safe card under certain conditions; and
- 9 (3) Raises the penalty for criminal trespass from a petty
10 misdemeanor to a misdemeanor.

11 SECTION 2. Chapter 137, Hawaii Revised Statutes, is
12 amended by adding two new sections to be appropriately
13 designated and to read as follows:

14 "§137-A Hike safe card program. (a) The department of
15 land and natural resources shall establish a hike safe card
16 program and shall make a hike safe card available for purchase
17 to the public. The department of land and natural resources
18 shall adopt rules pursuant to chapter 91 to carry out the
19 purposes of this section.

20 (b) The annual fee for a hike safe card shall be not less
21 than \$25 for an individual and not less than \$35 for a family



1 and shall be valid for one year from the date of purchase. All
2 proceeds from the sale of hike safe cards shall be deposited
3 into the search and rescue special fund established pursuant to
4 section 137-B.

5 For the purposes of this subsection, "family" includes the
6 purchaser and the purchaser's spouse and minor children,
7 including legally adopted children or stepchildren.

8 §137-B Search and rescue special fund. (a) There is
9 established in the state treasury the search and rescue special
10 fund to be administered by the department of land and natural
11 resources.

12 (b) The following shall be deposited into the search and
13 rescue special fund:

14 (1) Appropriations from the legislature; and

15 (2) Proceeds from the sale of hike safe cards pursuant to
16 section 137-A.

17 (c) The search and rescue special fund shall be used for
18 the following purposes:

19 (1) Defraying the search and rescue expenses of a
20 government entity; and



1 (2) Paying administrative costs related to the hike safe
2 card program pursuant to section 137-A."

3 SECTION 3. Section 137-2, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+] §137-2 [+] **Reimbursement.** (a) Whenever any government
6 entity engages in a search or rescue operation for the purpose
7 of searching for or rescuing a person, and incurs search and
8 rescue expenses therein, the government entity may seek
9 reimbursement from the following:

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

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

16 (3) Any entity responsible for placing the person in the
17 position of danger for which the search or rescue
18 operation was initiated[-]_

19 [~~(b) Reimbursement under subsection (a) shall be allowed~~
20 ~~only]~~ if the need for search or rescue was caused by any act or
21 omission by the person searched for or rescued, constituting



1 intentional disregard for the person's safety, including, but
2 not limited to, intentionally disregarding a warning or notice.

3 (b) A government entity shall seek reimbursement for all
4 or a portion, but not less than half, of search or rescue
5 expenses from all applicable persons or entities pursuant to
6 subsection (a), if the need for the search or rescue was the
7 result of the person or entity:

8 (1) Knowingly entering state, county, or private property
9 that is closed to the public by competent authority
10 for any reason;

11 (2) Knowingly entering a hiking trail that is closed to
12 the public; or

13 (3) Violating applicable laws; provided that the closure
14 is posted by sign, barricade, or other device that
15 gives reasonable notice of the closure.

16 (c) Reimbursement pursuant to this section shall not apply
17 to a person, or their family as defined in section 137-A, who
18 purchased a hike safe card pursuant to section 137-A, unless the
19 search and rescue response was caused by an act or omission by
20 the person or their family that any reasonable person would
21 consider to be reckless.



1 (d) Each county shall adopt ordinances necessary to
 2 implement this section, and the department of labor and
 3 industrial relations state fire council shall adopt necessary
 4 rules pursuant to chapter 91, to implement this section and
 5 establish any administrative systems that may be necessary to
 6 pursue reimbursements required by this section."

7 SECTION 4. Section 708-814.5, Hawaii Revised Statutes, is
 8 amended by amending subsection (3) to read as follows:

9 "(3) Criminal trespass onto public parks and recreational
 10 grounds is a [~~petty~~] misdemeanor."

11 SECTION 5. There is appropriated out of the general
 12 revenues of the State of Hawaii the sum of \$ or so
 13 much thereof as may be necessary for fiscal year 2025-2026 and
 14 the same sum or so much thereof as may be necessary for fiscal
 15 year 2026-2027 to be deposited into the search and rescue
 16 special fund.

17 SECTION 6. There is appropriated out of the search and
 18 rescue special fund the sum of \$ or so much thereof as
 19 may be necessary for fiscal year 2025-2026 and the same sum or
 20 so much thereof as may be necessary for fiscal year 2026-2027
 21 for the purposes of this Act.



1 The sums appropriated shall be expended by the department
2 of land and natural resources for the purposes of this Act.

3 SECTION 7. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

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

8 SECTION 9. This Act shall take effect on July 1, 2025.

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INTRODUCED BY: *Hunt M. Ruben* *yo*



S.B. NO. 508

Report Title:

DLNR; Hiking Trails; Search and Rescue; Hike Safe Card; Search and Rescue Special Fund; Mandatory Reimbursement; Counties; Administrative Rules; Trespassing; Misdemeanor; Appropriation

Description:

Establishes the hike safe card program and search and rescue special fund to be administered by the Department of Land and Natural Resources. Requires government entities to seek reimbursement for all or a portion of search or rescue expenses when the person or entity knowingly enters state, county, or private property, knowingly enters a hiking trail that is closed to the public, or violates applicable laws, provided that the closure is posted by sign, barricade, or other device that gives reasonable notice of the closure. Exempts persons who possess a hike safe card from search and rescue cost reimbursement, under certain conditions. Requires counties and the State Fire Council to adopt ordinances or rules as necessary to pursue reimbursements. Raises the penalty for criminal trespass from a petty misdemeanor to a misdemeanor. Makes appropriations.

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

