

JAN 23 2026

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 search and rescue
2 operations are an essential public safety function that protect
3 residents, visitors, and emergency responders throughout the
4 State. Yet the legislature further finds that the State and
5 counties incur significant costs each year associated with
6 search and rescue operations, including personnel time,
7 specialized equipment, and aerial and maritime response, and
8 that these operations often place emergency responders at
9 substantial personal risk.

10 The legislature further finds that several states,
11 including Oregon, have enacted laws authorizing the recovery of
12 search and rescue costs under certain circumstances,
13 demonstrating that reimbursement authority is an established and
14 reasonable public policy tool rather than an outlier approach.

15 The legislature further finds, however, that existing
16 reimbursement frameworks in other states rely on negligence or
17 strict liability standards that may allow reimbursement to be



1 sought for conduct involving mistake, accident, or unavoidable
2 emergencies, thereby creating uncertainty and potential
3 disincentives for individuals to seek timely rescue assistance.

4 The legislature finds that many individuals who require
5 search and rescue assistance act in good faith and exercise
6 reasonable care, but nonetheless encounter unforeseen
7 circumstances, including sudden weather changes, equipment
8 failure, medical emergencies, or other conditions beyond their
9 control.

10 However, the legislature further finds that a limited
11 number of individuals knowingly, intentionally, or recklessly
12 place themselves in hazardous situations, including by
13 disregarding posted warnings, entering closed or restricted
14 areas, or consciously disregarding substantial and known risks,
15 and that such conduct creates unnecessary danger to both the
16 individual and emergency responders. As such, the legislature
17 recognizes the importance of encouraging individuals in distress
18 to seek emergency assistance without fear of automatic financial
19 penalty, while also preventing moral hazard whereby possession
20 of a search and rescue card is perceived as authorization to
21 engage in reckless or unlawful conduct without consequence.



1 Accordingly, the purpose of this Act is to establish a
2 search and rescue card program, align reimbursement procedures
3 with existing county bill frameworks, eliminate accidental
4 liability for search and rescue costs, and authorize
5 reimbursement only when a person knowingly, intentionally, or
6 recklessly engages in conduct that foreseeably and substantially
7 contributed to the need for search and rescue, thereby
8 protecting both public safety and the integrity of search and
9 rescue operations.

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

13 "§137- Search and rescue card program; established. (a)

14 The department shall establish and administer a search and
15 rescue card program to support search and rescue preparedness,
16 training, equipment, and response.

17 (b) The purchase or possession of a search and rescue card
18 does not constitute insurance and does not exempt or immunize a
19 person from liability for reimbursement of search and rescue
20 costs pursuant to this section.



1 **\$137- Search and rescue special fund; established.** (a)

2 There is established a search and rescue special fund to be
3 administered by the department.

4 (b) Moneys collected through the issuance of search and
5 rescue cards shall be deposited into the search and rescue
6 special fund.

7 (c) The search and rescue special fund shall be used to
8 defray the search and rescue expenses of a government entity or
9 authorized volunteer organization."

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

12 "~~{}~~**\$137-2**~~{}~~ **Reimbursement.** (a) Whenever any government
13 entity engages in a search or rescue operation for the purpose
14 of searching for or rescuing a person, and incurs search and
15 rescue expenses therein, the government entity may seek
16 reimbursement from the following:

- 17 (1) The person on whose behalf search or rescue operations
18 were conducted, including the person's estate,
19 guardians, custodians, or other entity responsible for
20 the person's safety;



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

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

6 (b) Reimbursement under subsection (a) shall be allowed
7 only if ~~[the need for search or rescue was caused by any act or~~
8 ~~omission by the person searched for or rescued, constituting~~
9 ~~intentional disregard for the person's safety, including, but~~
10 ~~not limited to, intentionally disregarding a warning or notice.]~~
11 it is determined, after notice and an opportunity to be heard
12 and consistent with existing state and county billing and
13 collection procedures, that the person knowingly, intentionally,
14 or recklessly engaged in conduct that foreseeably and
15 substantially contributed to the need for search and rescue.

16 (c) Reimbursement shall not be imposed for conduct
17 involving simple misjudgment, unavoidable weather changes,
18 equipment failure not caused by reckless or intentional conduct,
19 medical emergencies, or other circumstances in which the person
20 exercised reasonable care under the circumstances.



1 (d) The burden of proof for reimbursement pursuant to this
2 section shall be on the State or county and shall be by a
3 preponderance of evidence.

4 (e) Nothing in this section shall be construed to
5 discourage a person from requesting emergency assistance or to
6 delay a request for search and rescue.

7 (f) Any reimbursement authorized by this section may be
8 billed and collected by the State or county, as applicable, in
9 the same manner as other civil debts owed to the State or
10 county. Collection shall be subject to applicable notice,
11 hearing, and collection procedures otherwise available to the
12 State or county."

13 SECTION 4. Section 137-1, Hawaii Revised Statutes, is
14 amended by adding five new definitions to be appropriately
15 inserted and to read as follows:

16 "Department" means the department of land and natural
17 resources.

18 "Intentionally" means that a person acts with the conscious
19 objective to engage in conduct that creates a hazardous
20 situation requiring search and rescue.



1 "Knowingly" means that a person is aware of the nature of
2 the person's conduct and is practically certain that the conduct
3 will create a hazardous situation requiring search and rescue.

4 "Recklessly" means that a person consciously disregards a
5 substantial and unjustifiable risk that the conduct will create
6 a hazardous situation requiring search and rescue, and that the
7 disregard constitutes a gross deviation from the standard of
8 conduct that a reasonable person would observe in the situation.

9 "Search and rescue operation" means an emergency response
10 conducted by a state or county agency, or an authorized
11 volunteer organization, to locate, assist, or extract a person
12 who is lost, injured, or otherwise in distress."

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect upon its approval.

16
INTRODUCED BY: _____

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S.B. NO. 2937

Report Title:

Search and Rescue; Search and Rescue Card Program;
Reimbursement; Special Fund

Description:

Establishes the Search and Rescue Card Program and Search and Rescue Special Fund to reimburse state and county agencies and volunteer organizations for search and rescue operations. Establishes reimbursement procedures for search and rescue operations.

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

