
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 each
2 of its counties incur significant costs each year associated
3 with search and rescue efforts. Many of these search and rescue
4 efforts are required as a result of hikers or others knowingly
5 trespassing on government or private property that is closed to
6 the public. Each search and rescue mission costs thousands of
7 dollars and puts emergency responders at risk. The legislature
8 believes that the State and counties should be empowered to seek
9 appropriate reimbursement for these rescue missions that would
10 not be necessary but for the person's violation of applicable
11 laws.

12 Accordingly, the purpose of this Act is to clarify that a
13 person or entity shall be liable for all or a portion of search
14 and rescue expenses in certain circumstances when the person or
15 entity is violating applicable laws.

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



1 " [+] §137-2 [+] **Reimbursement**. (a) Whenever any government
2 entity engages in a search [or] and rescue operation for the
3 purpose of searching for [or] and 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] and rescue
7 operations were conducted, including the person's
8 estate, guardians, custodians, or other entity
9 responsible for the person's safety;

10 (2) [A] Any person who ultimately benefited from [a] the
11 search [or] and 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] and
14 rescue 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 (b) A person or entity from whom reimbursement is sought
21 pursuant to subsection (a) shall be liable for the reimbursement



1 of all, or a portion, of the search and rescue expenses if the
2 need for the search and rescue was the result of the person or
3 entity:

4 (1) Knowingly entering state, county, or private property
5 that was closed to the public by a competent authority
6 for any reason;

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

9 (3) Violating any other applicable laws;

10 provided that the closure to the public was made known by a
11 posted sign, barricade, or other device that provided reasonable
12 notice of the closure.

13 (c) Each county in the State shall adopt ordinances, and
14 the state fire council shall adopt rules pursuant to chapter 91,
15 as necessary to implement this section and to establish any
16 administrative procedures that may be necessary to pursue the
17 reimbursements authorized by this section."

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Ernie Q. Fung



S.B. NO. 2021

Report Title:

State Fire Council; Counties; Search and Rescue; Costs; Mandatory Reimbursement; Ordinances; Rules

Description:

Clarifies that a person or entity shall be liable for all or a portion of search and rescue expenses when the search and rescue results from the person or entity's violation of applicable laws. Requires the State Fire Council to adopt rules, and the counties to adopt ordinances, as necessary to pursue reimbursements.

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