

JAN 17 2020

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# A BILL FOR AN ACT

RELATING TO SEARCH AND RESCUE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 137-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "~~[+]~~§137-2~~[+]~~ **Reimbursement.** (a) ~~[Whenever]~~ Subject to  
4 subsection (b), whenever any government entity engages in a  
5 search or rescue operation for the purpose of searching for or  
6 rescuing a person, and incurs search and rescue expenses  
7 therein, the government entity may seek reimbursement from the  
8 following:

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

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

15 (3) Any entity responsible for placing the person in the  
16 position of danger for which the search or rescue  
17 operation was initiated~~[+]~~,



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

6        (b) A government entity shall seek reimbursement for  
7 search or rescue expenses from all applicable persons or  
8 entities in subsection (a) (1), (2), and (3), if the need for the  
9 search or rescue was caused by the person searched for or  
10 rescued:

11        (1) Leaving a hiking trail and entering state, county, or  
12 private property that is closed to the public, and  
13 marked with a sign giving reasonable notice of the  
14 closure; or

15        (2) Entering a hiking trail that is closed to the public  
16 and marked with a sign giving reasonable notice of the  
17 closure."

18        SECTION 2. 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 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

J. Kalmi Goh



# S.B. NO. 2376

**Report Title:**

Hiking Trails; Search and Rescue; Closed to the Public;  
Trespassing; Penalty; Department of Land and Natural Resources

**Description:**

Requires government entities to seek reimbursement for search and rescue expenses for persons who require rescue after leaving a hiking trail to enter a prohibited area or hiking on a trail closed to the public.

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