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

4           "§137-A Hike safe card program. (a) The department of  
5 land and natural resources shall establish a hike safe card  
6 program and shall make a hike safe card available for purchase  
7 to the public. The department of land and natural resources  
8 shall adopt rules pursuant to chapter 91 to carry out the  
9 purposes of this section.

10           (b) The annual fee for a hike safe card shall be no less  
11 than \$25 for an individual and no less than \$35 for a family and  
12 shall be valid for one year from the date of purchase. All  
13 proceeds from the sale of hike safe cards shall be deposited  
14 into the search and rescue special fund established pursuant to  
15 section 137-B.



1       For the purposes of this subsection, "family" includes the  
2 purchaser and the purchaser's spouse and minor children,  
3 including legally adopted children or stepchildren.

4       §137-B Search and rescue special fund. (a) There is  
5 established in the state treasury the search and rescue special  
6 fund to be administered by the department of land and natural  
7 resources.

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

- 10       (1) Appropriations from the legislature; and  
11       (2) Proceeds from the sale of hike safe cards pursuant to  
12       section 137-A.

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

- 15       (1) Defraying the search and rescue expenses of a  
16       government entity; and  
17       (2) Paying administrative costs related to the hike safe  
18       card program pursuant to section 137-A."

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



1           "~~†~~§137-2~~‡~~ **Reimbursement.** (a) Whenever any government  
2 entity engages in a search or rescue operation for the purpose  
3 of searching for or rescuing a person, and incurs search and  
4 rescue expenses therein, the government entity may seek  
5 reimbursement from the following:

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

10          (2) A person who ultimately benefited from a search or  
11          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 rescue  
14          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 government entity shall seek reimbursement for all  
21 or a portion, but no less than half, of search or rescue



1 expenses from all applicable persons or entities pursuant to  
2 subsection (a) if the need for the search or rescue was:

3 (1) The result of the person:

4 (A) Leaving a hiking trail and entering state,  
5 county, or private property that is closed to the  
6 public and is marked with a sign, or for which a  
7 notice was posted on the applicable state or  
8 county website, giving reasonable notice of the  
9 closure; or

10 (B) Entering a hiking trail that is closed to the  
11 public and marked with a sign, or for which a  
12 notice was posted on the applicable state or  
13 county website, giving reasonable notice of the  
14 closure; or

15 (2) Caused by any act or omission by the person that any  
16 reasonable person would consider to be reckless.

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



1 the person or their family that any reasonable person would  
2 consider to be reckless."

3 SECTION 3. 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.

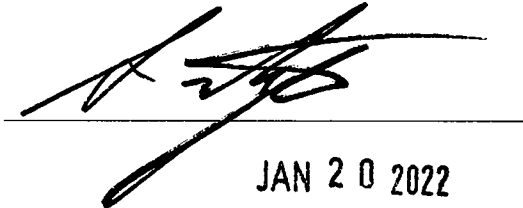
6 SECTION 4. In codifying the new sections added by section  
7 1 of this Act, the revisor of statutes shall substitute  
8 appropriate section numbers for the letters used in designating  
9 the new sections in this Act.

10 SECTION 5. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect upon its approval  
13 and shall be repealed on June 30, 2025; provided that section  
14 137-2, Hawaii Revised Statutes, shall be reenacted in the form  
15 in which it read on the day before the effective date of this  
16 Act.

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INTRODUCED BY:

  
JAN 20 2022



# H.B. NO. 1572

**Report Title:**

Hiking Trails; Search and Rescue; Trespassing; Penalty; Hike Safe Card; Search and Rescue Special Fund

**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 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 and persons who acted recklessly. Exempts persons who possess a hike safe card from search and rescue cost reimbursement, unless a search and rescue response is required due to a reckless act or omission. Repeals on 6/30/2025.

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

