

JAN 21 2022

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 any government
4 entity engages in a search or rescue operation for the purpose
5 of searching for or rescuing a person, and incurs search and
6 rescue expenses therein, the government entity may seek
7 reimbursement from the following:

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

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

14 (3) Any entity responsible for placing the person in the
15 position of danger for which the search or rescue
16 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 person or entity shall be liable for all or a
7 portion of search or rescue expenses from all applicable persons
8 or entities pursuant to subsection (a), if the need for the
9 search or rescue was the result of the person or entity:

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

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

15 (3) Violating applicable laws;

16 provided that the closure is posted by sign, barricade, or other
17 device that gives reasonable notice of the closure.

18 (c) Each county shall adopt ordinances necessary to
19 implement this section, and the department of labor and
20 industrial relations state fire council shall adopt necessary
21 rules pursuant to chapter 91, to implement this section and



1 establish any administrative systems that may be necessary to
2 pursue reimbursements required by this section."

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 Statutory material to be repealed is bracketed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

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

9
INTRODUCED BY:

Bennett J. Mihalich



S.B. NO. 2209

Report Title:

Search and Rescue; Costs; Mandatory Reimbursement; Counties;
Administrative Rules

Description:

Makes a person or entity liable 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. Requires counties and the state fire council to adopt rules as necessary to pursue reimbursements.

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