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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. Hawaii is an outdoor playground that is world-  
2 renowned for beautiful hikes through lush green forests and  
3 mountains. However, the ongoing coronavirus pandemic has led to  
4 a surge of experienced and inexperienced hikers venturing into  
5 the outdoors. Occasionally, hikers ignore posted warning signs,  
6 intentionally leave hiking trails, or enter properties that are  
7 closed to the public. When these hikers need to be rescued, the  
8 State bears the burden of paying for the costs associated with  
9 the search or rescue.

10       In response to having to pay the cost of rescuing  
11 recreational hikers who take unnecessary risks, several states,  
12 including Idaho, Maine, New Hampshire, Oregon, South Dakota, and  
13 Vermont, have passed legislation that allows the state to offset  
14 the costs associated with the search or rescue by seeking  
15 reimbursement from the rescued party.

16       The purpose of this Act is to require government entities  
17 to seek reimbursement for expenses arising from the search and



1 rescue of persons who ignore posted warnings, intentionally  
2 leave a hiking trail to enter a prohibited area, or hike on a  
3 trail that is closed to the public.

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

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

- 12 (1) The person on whose behalf search or rescue operations  
13 were conducted, including the person's estate,  
14 guardians, custodians, or other entity responsible for  
15 the person's safety;
- 16 (2) A person who ultimately benefited from a search or  
17 rescue operation by being rescued; or
- 18 (3) Any entity responsible for placing the person in the  
19 position of danger for which the search or rescue  
20 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 from all  
7       applicable persons or entities in subsection (a) for search or  
8       rescue expenses if the search or rescue was necessary because  
9       the person who was the subject of the search or rescue  
10       unreasonably disregarded the person's safety by:

11       (1) Ignoring reasonably posted warnings and closures;

12       (2) Leaving a managed and authorized hiking trail, or park  
13       boundary, for the purpose of entering a closed area or  
14       trail on state, county, or private property that is  
15       closed to the public, and reasonable notice of the  
16       closure is posted; or

17       (3) Entering a hiking trail or park that is closed to the  
18       public and reasonable notice of the closure is  
19       posted."



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

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

6       SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Hiking Trails; Search and Rescue; Closed to the Public;  
Trespassing; Reimbursement

**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. Effective 7/1/2050. (SD2)

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

