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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. The legislature finds that Hawaii is an outdoor  
2 playground world-renowned for its beautiful hikes through lush  
3 green forests and mountains. However, the coronavirus pandemic  
4 fueled a sustained surge of experienced and inexperienced hikers  
5 venturing outdoors. Occasionally, hikers ignore posted warning  
6 signs, intentionally leave a hiking trail, or enter property  
7 that is closed to the public. When one of these hikers needs to  
8 be rescued, it is government entities that bear the costs  
9 associated with the search or rescue.

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



1 The purpose of this Act is to require government entities  
2 to seek reimbursement for all or a portion of search or rescue  
3 expenses for persons who require rescue after:

- 4 (1) Leaving a hiking trail and entering state, county, or  
5 private property that is closed to the public and is  
6 marked with a sign giving notice of the closure; or
- 7 (2) Entering a hiking trail that is closed to the public  
8 and marked with a sign giving notice of the closure.

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

11 "~~§~~**137-2** **Reimbursement.** (a) ~~Whenever~~ Subject to  
12 subsection (b), whenever any government entity engages in a  
13 search or rescue operation for the purpose of searching for or  
14 rescuing a person, and incurs search and rescue expenses  
15 therein, the government entity may seek reimbursement from the  
16 following:

- 17 (1) The person on whose behalf search or rescue operations  
18 were conducted, including the person's estate,  
19 guardians, custodians, or other entity responsible for  
20 the person's safety;



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

3 (3) Any entity responsible for placing the person in the  
4 position of danger for which the search or rescue  
5 operation was initiated.

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

11 (b) A government entity shall seek reimbursement for all  
12 or a portion, but no less than half, of search or rescue  
13 expenses from all applicable persons or entities pursuant to  
14 subsection (a) if the need for the search or rescue was the  
15 result of the person:

16 (1) Leaving a hiking trail and entering state, county, or  
17 private property that is closed to the public and is  
18 marked with a sign giving notice of the closure; or

19 (2) Entering a hiking trail that is closed to the public  
20 and marked with a sign giving notice of the closure."



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 June 30, 3000.



**Report Title:**

Hiking Trails; Search and Rescue; Trespassing; Reimbursement;  
Signage

**Description:**

Requires government entities to seek reimbursement for all or a portion of search or rescue expenses for persons who require rescue after leaving a hiking trail to enter an area closed to the public or hiking on a trail closed to the public, with a sign giving notice of the closure. Effective 6/30/3000. (HD1)

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

