

JAN 19 2024

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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-renown 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 the State that bears the burden of paying for  
9 the costs 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 the expenses arising from the search  
3 and rescue of persons who ignore posted warnings, leave a hiking  
4 trail to enter a prohibited area, or hike on a trail that is  
5 closed to the public.

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

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

- 14           (1) The person on whose behalf search or rescue operations  
15 were conducted, including the person's estate,  
16 guardians, custodians, or other entity responsible for  
17 the person's safety;
- 18           (2) A person who ultimately benefited from a search or  
19 rescue operation by being rescued; or



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

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

9           (b) A government entity shall seek reimbursement for  
10 search or rescue expenses from all applicable persons or  
11 entities in section (a), if the need for the search or rescue  
12 was caused by the person searched for or rescued unreasonably  
13 disregarding their safety by:

- 14           (1) Ignoring reasonably posted warnings;  
15           (2) Leaving a hiking trail and entering state, county, or  
16           private property that is closed to the public, and  
17           reasonable notice of the closure is posted; or  
18           (3) Entering a hiking trail that is closed to the public  
19           and reasonable notice of the closure is posted."



# S.B. NO. 2543

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 upon its approval.

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INTRODUCED BY:

Lyn DeLoite



# S.B. NO. 2543

**Report Title:**

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

**Description:**

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

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