

JAN 20 2023

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 into the outdoors. Occasionally, hikers ignore posted
6 warning signs, intentionally leave a hiking trail, or enter
7 property that is closed to the public. When one of these hikers
8 needs to be rescued, it is the State that bears the burden of
9 paying for 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."



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: Lynn Du Crite



S.B. NO. 786

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 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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