

ACT 66

H.B. NO. 161

A Bill for an Act Relating to Search and Rescue Costs.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that there are many examples of search and rescue efforts in the Hawaiian islands that were required because those being rescued chose to ignore government warnings. In addition to the high costs involved, responders risk serious injury and death in often heroic efforts to save these individuals.

The legislature further finds that government entities should claim reimbursement from persons who were warned and chose to disregard these warnings and whose actions caused or contributed to the incidents' giving rise to search or rescue operations.

The purpose of this Act is to permit a government entity to recover part or all of the costs of a search and rescue operation.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
SEARCH AND RESCUE REIMBURSEMENT ACT**

§ -1 **Definitions.** As used in this chapter, unless the context otherwise requires:

“Government entity” means any department, unit, or agency, of the federal, state, or county governments.

“Warning or notice” means any warning or notice issued by a government entity posted on any type of sign.

“Search and rescue expenses” include the following expenses incident to, and incurred by, a government entity or any person or private entity in a search or rescue operation:

- (1) Any and all actual hourly wages, salaries, and employment-related benefits, of persons participating in a search or rescue operation;
- (2) Any and all equipment costs, including rental, lease, use, repair, and/or replacement costs of equipment used in a search or rescue operation;
- (3) Any and all fuel expenses incident to a search or rescue operation;
- (4) Any and all other expenses relating to a search and rescue operation.

§ -2 **Reimbursement.** (a) Whenever any government entity engages in a search or rescue operation for the purpose of searching for or rescuing a person, and

incurs search and rescue expenses therein, the government entity may seek reimbursement from the following:

- (1) The person on whose behalf search or rescue operations were conducted, including the person's estate, guardians, custodians, or other entity responsible for the person's safety;
- (2) A person who ultimately benefited from a search or rescue operation by being rescued; or
- (3) Any entity responsible for placing the person in the position of danger for which the search or rescue operation was initiated.

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

§ -3 **Action.** (a) Whenever a government entity seeks reimbursement of search and rescue expenses, including expenses paid or owing to private persons or entities by the government entity, in connection with a search and rescue, the government entity may bring an action in any court of competent jurisdiction; provided the reimbursement sought shall not in any case exceed the total cost incurred for the search and rescue operation.

(b) This chapter is not intended to restrict or diminish the right of any government entity to settle or compromise its rights provided in this chapter.''

SECTION 3. This Act shall take effect upon its approval.

(Approved June 10, 1999.)