

JAN 22 2021

A BILL FOR AN ACT

RELATING TO SEARCH AND RESCUE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 137-2, Hawaii Revised Statutes, is
2 amended to read as follows:
3 " ~~[+] §137-2~~ **Reimbursement.** (a) Whenever any government
4 entity engages in a search or rescue operation for the purpose
5 of searching for or rescuing a person, and incurs search and
6 rescue expenses therein, the government entity may seek
7 reimbursement from the following:
8 (1) The person on whose behalf search or rescue operations
9 were conducted, including the person's estate,
10 guardians, custodians, or other entity responsible for
11 the person's safety;
12 (2) A person who ultimately benefited from a search or
13 rescue operation by being rescued; or
14 (3) Any entity responsible for placing the person in the
15 position of danger for which the search or rescue
16 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 for all
7 or a portion of search or rescue expenses from all applicable
8 persons or entities pursuant to subsection (a), if the need for
9 the search or rescue was caused by the person searched for or
10 rescued:

11 (1) Leaving a hiking trail and entering state, county, or
12 private property that is closed to the public and
13 marked with a sign giving reasonable notice of the
14 closure; or

15 (2) Entering a hiking trail that is closed to the public
16 and marked with a sign giving reasonable notice of the
17 closure."

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

S.B. NO. 700

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: A. Ken Besh



S.B. NO. 700

Report Title:

Hiking Trails; Search and Rescue; Closed to the Public;
Trespassing; Penalty; Department of Land and Natural Resources

Description:

Requires government entities to seek reimbursement for all or a portion of 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.

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