

Liability in Search and Rescues: Should Individuals Who Necessitate their Own Rescues Have to Pay?

Generally, individuals who are involved in search and rescues accept the risks inherent in their activities and rescues—regardless of the degree to which their actions or omissions caused the situation necessitating a search and rescue (SAR) response—are not charged for their rescues. Over the past decade, however, there is some evidence of a shift toward allowing certain individuals or groups to be held liable for charges incurred on their behalf during rescues. This presentation examines the legal basis for free SAR services, the rationale behind the shift toward charging for these services, and the implications of holding individuals liable for the cost of SAR activities. Specifically, it first focuses on the free public services doctrine, including its applications and relevance to SAR. It then discusses the scope of search and rescue activities and various stakeholder responses to charge-for-rescue policies. The next section reviews state legislation and local policies on charging for rescues. Finally, the implications of charge-for-rescue policies are addressed.