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SEARCH AND RESCUE (Generally) (Full Text)

401.550 Search and Rescue Coordinator; appointment; duties. The Director of the Office of Emergency Management shall appoint a Search and Rescue Coordinator to:

(1) Coordinate the search and rescue function of the Office of Emergency Management;

(2) Coordinate the activities of state and federal agencies involved in search and rescue;

(3) Establish liaison with the Oregon State Sheriffs' Association and other public and private organizations and agencies involved in search and rescue;

(4) Provide on-scene search and rescue coordination when requested by an authorized person;

(5) Coordinate and process requests for the use of emergency service workers and equipment;

(6) Assist in developing training and outdoor education programs;

(7) Gather statistics in search and rescue operations; and

(8) Gather and disseminate resource information of personnel, equipment and materials available for search and rescue. [1983 c.586 §23; 1993 c.18 §93]

401.555 Program for air search and rescue. The Office of Emergency Management of the Department of State Police shall establish and maintain a program for the air search and rescue of lost aircraft and persons and for the air support of other emergency situations. The program established under this section may include, but shall not be limited to, the following:

(1) The formation of a volunteer air search and rescue organization and provision of appropriate training to this organization.

(2) Directing, coordinating and performing air activities in conjunction with air search and rescue and other emergency situations.

(3) Entering into agreements with private persons, volunteer organizations, and federal, state and local agencies for air search and rescue and other

emergency activities.

(4) Such other related activities as may be deemed necessary and appropriate by the Director of the Office of Emergency Management. [Formerly 835.075]

401.560 Search and rescue activities; responsibilities of sheriff; delegation of sheriff's duties. (1) The sheriff of each county has the responsibility for search and rescue activities within the county. The duty of a sheriff under this subsection may be delegated to a qualified deputy or emergency service worker.

(2) If the sheriff does not accept the responsibility for search and rescue activities, the chief executive of the county shall designate the county emergency program manager to perform the duties and responsibilities required under ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580.

(3) The sheriff or authorized person of each county shall notify the Office of Emergency Management of each search and rescue in the county and shall request the assignment of incident numbers therefor.

(4) The sheriff or authorized person of each county shall work with the county emergency program manager in coordinating search and rescue activities in the county of the sheriff and in registering emergency service workers. [1983 c.586 §25; 1993 c.187 §18]

401.570 Restriction of access to search and rescue area. The sheriff of each county, the county emergency program manager performing the sheriff's duties under ORS 401.560 or duly assigned military or state police personnel may restrict access to a specific search and rescue area. No unauthorized person shall then enter into a restricted area or interfere with a search and rescue. Provision shall be made for reasonable access by members of the media in the performance of newsgathering and reporting. Access shall be restricted for a reasonable period of time necessary to accomplish the search and rescue. [1983 c.586 §24; 1993 c.187 §19]

401.573 County sheriff to adopt search and rescue plan; contents; annual review. (1) The sheriff of each county shall adopt a search and rescue plan for the county. The search and rescue plan shall set forth search and rescue policies for the county and shall describe procedures for implementing those

policies. A county search and rescue plan shall list and describe materials, equipment and personnel available within the county for search and rescue incidents. The plan shall also include:

(a) A detailed description of activities and circumstances that constitute search and rescue in the county.

(b) Identification of volunteer organizations available to the county for use for search and rescue.

(c) Procedures for contacting and requesting assistance from volunteer organizations during search and rescue activities.

(d) Procedures for contacting and requesting available assistance from other agencies and groups.

(e) Minimum standards for individuals whose technical or professional skills may be required for search and rescue.

(2) A county search and rescue plan adopted under this section shall require a person in charge of a search and rescue to complete a fact sheet for the incident. The fact sheet shall contain the incident number assigned under ORS 401.580 for search and rescue and such other information required under the search and rescue plan of the county.

(3) The sheriff of each county shall review and, if necessary or desirable, revise the search and rescue plan annually. After the initial adoption of a search and rescue plan under this section and after each annual review or revision of the plan, the sheriff shall submit the plan to the Search and Rescue Coordinator appointed under ORS 401.550.

(4) The Office of Emergency Management, after consultation with the Oregon State Sheriffs' Association, may establish guidelines for county search and rescue plans.

(5) The Office of Emergency Management shall annually publish and distribute to the sheriff of each county a search and rescue resource inventory, which shall include materials, equipment and personnel available from counties, agencies and the State of Oregon for use in search and rescue incidents. [1985 c.470 §2; 1993 c.18 §94; 1993 c.187 §20]

401.576 Critique of search and rescue incident required; filing with Office of Emergency Management. After a search and rescue that, in the opinion of the sheriff, is other than routine or upon request for a critique from an

individual directly involved in the incident, the sheriff of the county in which the search and rescue took place shall conduct a critique of the incident. As part of the critique, the sheriff shall examine the search and rescue report and may receive testimony and information from persons involved in the incident. When a critique of a search and rescue is conducted under this section, the sheriff shall prepare findings of fact concerning the search and rescue and may prepare recommendations for the conduct of future incidents or propose amendments to the search and rescue plan under which the search and rescue was conducted. If amendments to the search and rescue plan are proposed and adopted, the sheriff shall file the amended search and rescue plan with the Office of Emergency Management. [1985 c.470 §3; 1993 c.187 §21]

401.580 Search and rescue incident number. (1) An incident number shall be assigned to each search and rescue reported by an authorized person under ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580.

(2) The incident number assigned shall be referenced for:

(a) The payment of workers' compensation benefits for those persons participating in search and rescue activities; and

(b) The dispatch and request for state, federal and cooperative assistance resources. [1983 c.586 §26; 1993 c.187 §22]

401.590 Reimbursement of public body for search and rescue by benefited persons; amount; exceptions. (1) A public body may collect an amount specified in this section as reimbursement for the cost of search and rescue activities when the public body conducts search and rescue activities for the benefit of hikers, climbers, hunters and other users of wilderness areas or unpopulated forested or mountainous recreational areas in this state.

(2) The public body may collect moneys as authorized by this section from each person for whose benefit search and rescue activities are conducted. The public body may not collect more than \$500 from an individual under this section and may not collect more than the actual cost of the search and rescue activities from all of the individuals for whose benefit the activities are conducted.

(3) A public body may obtain reimbursement under this section only when:

(a) Reasonable care was not exercised by the individuals for whose benefit the search and rescue activities are conducted; or

(b) Applicable laws were violated by such individuals.

(4) Any individual who is charged a fee for reimbursement under this section may appeal the charge or the amount of the fee to the public body that charged the fee.

(5) For the purposes of subsection (3) of this section, evidence of reasonable care includes:

(a) The individuals possessed experience and used equipment that was appropriate for the known conditions of weather and terrain.

(b) The individuals used or attempted to use locating devices or cellular telephones when appropriate.

(c) The individuals notified responsible persons or organizations of the expected time of departure and the expected time of return and the planned location or route of activity.

(d) The individuals had maps and orienteering equipment and used trails or other routes that were appropriate for the conditions.

(6) As used in this section, "public body" means any unit of state or local government that conducts or has authority to conduct search and rescue activities. [1995 c.570 §1]

Note: 401.590 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 401 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

401.600 [1975 c.624 §4; repealed by 1983 c.586 §49]

(Equipment and Signaling Devices)

401.605 Definitions for ORS 401.605 to 401.635. As used in ORS 401.605 to 401.635:

(1) "Electronic signaling device" includes, but is not limited to, a system

consisting of an instrument which emits a radio signal, designed to be carried on the person, an instrument for locating the source of such signal, designed to be utilized by searchers and such instruments as may be employed for testing and maintaining the same.

(2) "Inherent risks of wilderness travel and mountain climbing" includes, but is not limited to, those dangers or conditions, the risk of which is an integral part of these activities, such as becoming lost, incapacitated or for some other reason being unable to return safely without outside assistance. "Inherent risks" include the activities associated with search and rescue, due to the unpredictable circumstances under which search and rescue operations are conducted.

(3) "Wilderness travel" includes, but is not limited to, travel in areas not served by roads suitable for ordinary motor vehicles, whether or not such areas have been officially designated as wilderness areas. [1987 c.915 §1; 1993 c.18 §95]

Note: 401.605 to 401.635 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 401 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

401.610 [1975 c.624 §5; repealed by 1983 c.586 §49]

401.615 Assumption of risk of wilderness travel or mountain climbing; use and effect of signal devices. (1) In accordance with ORS 31.600 and notwithstanding ORS 31.620 (2), an individual who engages in wilderness travel or mountain climbing accepts and assumes the inherent risks of wilderness travel or mountain climbing.

(2) The Legislative Assembly recognizes that the use of electronic signaling devices can aid in locating wilderness travelers or mountain climbers who require search and rescue, but that the use of such devices may be required in unpredictable circumstances which may not result in successful function of such devices. [1987 c.915 §2]

Note: See note under 401.605.

401.620 [1975 c.624 §6; renumbered 401.335]

401.625 Required equipment when guiding children above timberline. A person who guides for compensation an organized group that includes children under 18 years of age on any mountain above the timberline must carry an altimeter, a contour map of the area and a compass. [1987 c.915 §4]

Note: See note under 401.605.

401.627 Exemption from liability for electronic signaling device; exceptions. No person may maintain an action against the manufacturer, distributor or supplier of an electronic signaling device for any loss or damage incurred during wilderness travel or mountain climbing, based on a claim that such a device failed to function successfully unless the person shows that the failure resulted from willful or wanton misconduct of the defendant or from the defendant's distributing or supplying such a device having actual knowledge that it fails to meet the specifications referred to in ORS 401.635. [1987 c.915 §3]

Note: See note under 401.605.

401.630 [1975 c.624 §7; renumbered 401.125]

401.635 Electronic signaling devices; rulemaking authority of state police; advisory committee. The Department of State Police by rule shall adopt specifications and distribution procedures applicable to electronic signaling devices described in ORS 401.605 to 401.635. The department may appoint an advisory committee to advise it on the specifications and procedures. [1987 c.915 §5; 1993 c.18 §96]