

Honolulu, Hawaii
February 14, 2018

RE: H.B. No. 2399
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 2399 entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

begs leave to report as follows:

The purpose of this measure is to clarify the definition of "drug" for purposes of the offense of operating a vehicle under the influence of an intoxicant. This measure specifies that a drug for these purposes includes any substance that can impair the ability of a person to operate a vehicle safely.

The Department of Transportation, Department of the Prosecuting Attorney of the County of Kauai, Maui Police Department, Honolulu Police Department, Hawaii Strategic Highway Safety Plan, Hawaii Chapter of Mothers Against Drunk Driving, and a concerned individual testified in support of this measure. The Office of the Public Defender and Drug Policy Forum of Hawaii testified in opposition to this measure. The Department of the Prosecuting Attorney of the County of Maui and Consumer Healthcare Products Association provided comments on this measure.

Your Committee notes that the proposed definition of "drug" in this measure, which includes the element that the substance "can impair the ability of a person to operate a vehicle safely", may add an additional and subjective element, that must be proven



in prosecution of the offense. Further, the current statutory language already includes as an element of the offense, operating a vehicle under the influence of "any drug that" impairs a person's ability to operate a vehicle in a careful and prudent manner." The current language of this measure may add an additional required element of proof, the "safe" operation of a vehicle, which is not the intent of this measure.

Accordingly, your Committee has amended this measure by:

- (1) Amending the definition of "drug" to include "any substance that impairs a person";
- (2) Changing its effective date to July 1, 2050; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2399, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2399, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,


HENRY J.C. AQUINO, Chair



