

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the House Committee on Judiciary**

February 22, 2020

H.B. No. 2464: RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

Hearing: February 24, 2020, 2:00 p.m.

Chair Lee, Vice Chair Buenaventura, and Members of the Committee:

The Office of the Public Defender respectfully opposes H.B. No. 2464.

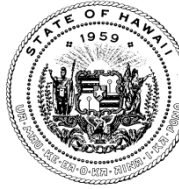
This measure proposes to reduce the OUVII threshold from 0.08% blood alcohol content (BAC) to 0.05% blood alcohol content. For reasons stated below, we oppose this measure.

A reduction of the alcohol impairment level to 0.05% BAC casts too wide a net, and will result in criminalizing the behavior of normal responsible drinkers without having an impact on reducing alcohol related fatalities. There are many responsible drinkers who do not drink and drive, or who limit their alcohol consumption to one to two drinks over the course of a night. These are the people who are law-abiding and follow the rules. A reduction of the BAC will result in some of these individuals being arrested for OVUII. Indeed, a female driver weighing a mere 100 pounds may reach a 0.05% BAC with only one alcoholic drink. See <https://www.tabc.state.tx.us/publications/brochures/BACCharts.pdf> (last visited, February 1, 2020) or https://www.onhealth.com/content/1/alcohol_impairment_chart (last visited, February 1, 2020).

The individuals who drive drunk and plow into innocent people are not this kind of people. The high-level BAC drivers are alcohol dependent and/or uncaring individuals. They do not have licenses and/or insurance. A reduction of the BAC or an increase in penalties will not stop these kinds of people from drinking and driving.

Another consequence of a reduction of the BAC will be increased court congestion. In order to deal with the backlog, you will need to add judges, prosecutors and public defenders. At our current staffing level, the earliest we can schedule an appointment to meet our traffic and misdemeanor clients is 2 ½ to 3 months. An increase in our OVUII caseload will require at least two more attorneys and another clerical position on Oahu alone. With the amount of cases already clogging the district court, there will be more cases dismissed due to a Rule 48 of the Hawai‘i Rules of Penal Procedure.

Thank you for the opportunity to comment on H.B. No. 2464.



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 24, 2020
2:00 P.M.
State Capitol, Room 325

H.B. 2464
RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN
INTOXICANT.

House Committee on Judiciary

The Department of Transportation (DOT) **supports** H.B. 2464 relating to the use of intoxicants while operating a vehicle. This bill will lower the blood alcohol concentration (BAC) threshold for the offense of operating a vehicle while under the influence of an intoxicant.

Out of concern for Hawaii's increasing number of traffic fatalities involving alcohol and drugs, DOT's Hawaii Drug and Alcohol Intoxicated Driving (DAID) Working Group (comprised of county police and prosecutors, Mothers Against Drunk Driving, Hawaii State Department of Health, etc.), decided to look at the possibilities of reducing the current per se .08 BAC law. The DAID believes that reducing the number of impaired drivers will help reach Hawaii's Vision Zero goal of zero motor vehicle fatalities.

During 2015-2019, 30,150 drivers were arrested for Operating a Vehicle Under the Influence of an Intoxicant (OVUII). Of the 30,150 drivers, 5,195 tested had BAC results between .000 - .079 BAC, this represented 1.72 percent of the total number of breath and blood tests that was given.

Based on studies that lowering BAC levels will also change the behavior of those driving after drinking, the state of Utah passed a law to reduce their intoxication limit to 0.05 to save lives, as of December 30, 2018. Other studies have shown that a BAC of .02 can affect the driving-related performance, which concluded that the magnitude of the impairment increased with the increasing BAC.

Although Utah legislators were concerned that the Standardized Field Sobriety Test (SFST) could not detect BACs below the current .08 standard, they were assured that enforcing the law would remain the same, by using reasonable and probable cause to stop suspected impaired drivers based on their driving performance. Additionally, the observations and driver's performance on the SFST would be taken in totality, as it is currently done.

The DOT urges you to pass H.B. 2464 as it would reduce the number of traffic fatalities as a result of impaired drivers under the influence of alcohol and drugs, as well as bring Hawaii closer to Zero Deaths.

Thank you for the opportunity to provide testimony.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

DWIGHT K. NADAMOTO
ACTING PROSECUTING ATTORNEY

LYNN B.K. COSTALES
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY



**THE HONORABLE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2020
State of Hawai`i**

February 24, 2020

RE: H.B. 2464; RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

Chair Lee, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of H.B. 2464.

The purpose of H.B. 2464 is to lower the allowable level of blood-alcohol content ("BAC") from 0.08 grams of alcohol per 210 liters of breath, or per 100 milliliters or cubic centimeters of blood, to 0.05 grams. The Department believes this change would effectively keep more impaired drivers off of Hawaii's roads, not only by lowering the allowable BAC—which may prompt potential offenders to be more prudent about their choice to "drink and drive"—but also by providing a reasonable amount of time for testing to occur.

Under Hawaii's current laws, law enforcement generally tests someone's BAC by breath or blood test, within three hours after arrest for operating a vehicle under the influence of an intoxicant ("OVUII"). During that time—and anytime after alcohol is consumed—the person's body functions are metabolizing the alcohol, such that someone who was indeed driving with a BAC over 0.08, would actually produce test results (up to three hours later) below 0.08.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of HB 2464. Thank you for this opportunity to testify.

Harry Kim
Mayor



Roy Takemoto
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740
(808) 323-4444 • Fax (808) 323-4440

February 24, 2020

LATE

Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair
Committee on Finance

Dear Chair Lee, Vice Chair San Buenaventura, and Committee Members:

RE: HB 2464 Relating to the use of Intoxicants while Operating a Vehicle

HB 2464 deals with driving under the influence. This is important and timely, because too many lives are being lost on our highways as a consequence of impaired drivers behind a wheel.

In matters such as this, I think it important to follow the science. If there is good evidence that drivers are impaired if they have a blood alcohol concentration reading as low as .05, then I support making that our new standard. My belief is that this is a measure that is scientifically justified, and a similar finding has been made in Utah and many jurisdictions around the world that have adopted this lower DUI threshold.

I urge a favorable vote on HB 2464.

Respectfully Submitted,


Harry Kim
MAYOR



Rep. Chris Lee
Chairman
House Judiciary Committee
Hawaii House of Representatives

Rep. Joy A. San Buenaventura
Vice Chairwoman
House Judiciary Committee
Hawaii House of Representatives

House Bill 2464—which would lower the legal blood alcohol concentration (BAC) level for driving from 0.08 to 0.05—is a well-intended but poorly targeted attempt to improve traffic safety in Hawaii. The most recent data released by the National Highway Traffic Safety Administration (NHTSA) reveals Hawaii drivers with BACs of 0.15 and above—three-times the new proposed level—are responsible for most of the alcohol-related traffic fatalities in the state. **In Hawaii the average BAC of a drunk driver involved in a fatal crash is 0.18. Nearly four-times the proposed .05 level.**

These alcohol abusers are where limited traffic safety resources and legislative efforts should be focused.

Conversely, research suggests having a conversation while driving is substantially more impairing than someone at the proposed 0.05 BAC limit.

Some will sidestep the statistics and argue lowering the legal limit to 0.05 will have a broad deterrence effect and discourage high-BAC drivers from getting behind the wheel. While this idealistic prediction of human behavior is refreshing, it's not probable nor proven. Criminals who already break the current 0.08 law are unlikely to change their behavior simply because the legal definition of drunk driving is expanded.

We all want to save lives and I applaud the committee for investigating the issue. But lowering the legal BAC limit by 40 percent to 0.05 will not improve road safety. Lawmakers should pursue alternative strategies to target the real problem, high-BAC drunk drivers, rather than make criminals out of moderate and responsible consumers.

Sincerely,

Jackson Shedelbower
Communications Director
American Beverage Institute



Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004
hi.state@madd.org

February 24, 2020

To: Representative, Chris Lee, Chair, House Committee on Judiciary;
Representative Joy A. Buenaventura, Vice Chair; and members of the
Committee

From: Carol McNamee; Arkie Koehl, Public Policy Committee; Mothers Against
Drunk Driving (MADD) Hawaii

Re: House Bill 2464 – Relating to the Use of Intoxicants While Operating a
Vehicle

I am Carol McNamee, offering testimony on behalf of the Hawaii Chapter of Mothers Against Drunk Driving in strong support of House Bill 2464 – relating to the Use of Intoxicants While Operating a Vehicle.

Alcohol-impaired driving is the leading killer on U.S. roadways. According to the National Highway Traffic Safety Administration (NHTSA), 12,389 people were killed in alcohol-impaired crashes in the United States in 2018. That same year there were 117 fatalities on Hawaii's roads and 38 percent (45) were alcohol-related (NHTSA). These crashes cost Hawaii taxpayers over \$575 million annually.

According to the NTSB (National Transportation Safety Board) the risk of being in a fatal crash is at least seven times higher for drivers with a .05 - .079 BAC than for drivers with no alcohol in their system. At a .08 BAC, drivers could have a reduced ability to concentrate, short-term memory loss, difficulty in controlling speed, a reduced information processing capability, and impaired perception.

Currently, every state except Utah has an illegal BAC of .08. These .08 BAC laws have helped to save over 40,000 lives in the U.S. over the last 20 to 25 years. MADD believes .05 BAC will help save even more lives – in fact studies suggest over 1,700 lives could be saved each year if all states enacted a .05 BAC law. A meta-analysis of all studies on lowering the blood alcohol limit found that a .05 BAC level would reduce drunk driving deaths by 11.1 percent.

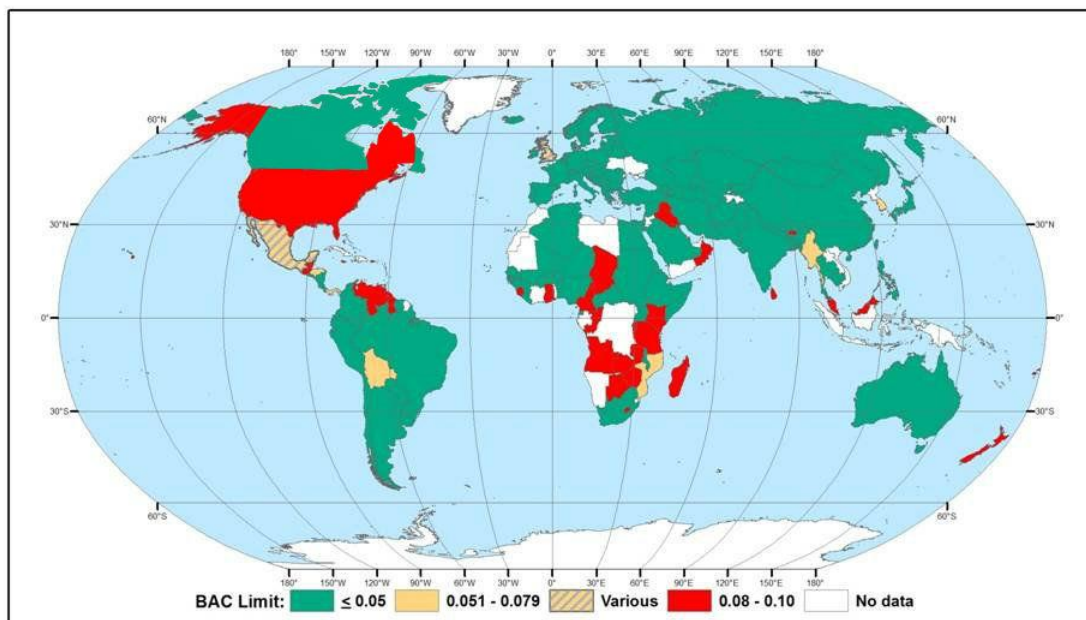
If Hawaii passes this bill, we will join the majority of industrialized countries having a .05 or lower limit for driving. The tourism industry may be concerned about the proposed reduction of the BAC in Hawaii but most of our foreign visitors may very well be coming from a country where a .05 or lower BAC is the illegal level for driving. (See map attached below)

The goal of a .05 BAC is not to stop people age 21 and over from consuming alcohol, but to deter people from driving after drinking. According to the AAA Foundation, sixty-three percent of people surveyed already think .05 BAC should be the illegal level in the United States. A lower BAC should encourage more people to get serious about having a designated driver or taking a bus, cab, or ride-share to and from their destination if they plan to consume alcohol.

In 1995, Hawaii became one of the earliest states in the U.S. (13th) to reduce its illegal blood alcohol level for driving from .10 to .08. Our alcohol-related fatality rate improved considerably but it is still higher than most states. We see evidence of that in the terrible crashes our local media seem to report almost every week. A fatality is not just a word – it represents a life lost - from young children, to young adults, to our kapuna. The word means that a family has experienced overwhelming grief knowing life will never again be the same. Let Hawaii again be one of the first states to take the life-saving step of reducing its blood alcohol level for driving. This time, from .08 to .05.

MADD Hawaii encourages this committee to pass HB 2464.
Thank you for this opportunity to testify.

BAC Limits World Wide





Katie Jacoy
Western Counsel
31 West Road
Tacoma, WA 98406
www.wineinstitute.org
kjacoy@wineinstitute.org
360-790-5729

THE SENATE
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2020

COMMITTEE ON JUDICIARY

Testimony in Opposition to HB 2464

Chair Lee, Vice-Chair San Buenaventura and Members of the Committee:

Thank you for the opportunity to provide testimony on HB 2464 RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT. Wine Institute, a public policy association representing 1,000 California wineries and associate members, is opposed to HB 2464 and offers the following comments.

HB 2464 reduces the legal threshold of alcohol concentration in breath or blood for the criminal offenses of operating a vehicle while under the influence of an intoxicant and habitually operating a vehicle under the influence of an intoxicant from .08 to any measurable amount of alcohol. Wine Institute supports education and the strict enforcement of laws to address drunk driving. The current legal threshold of .08 BAC (Blood Alcohol Concentration) was established as a safe level of consumption based on science and law enforcement guidance. Lowering the legal threshold would effectively criminalize moderate drinking by responsible adults and divert resources that should be used to target repeat offender and high BAC (.15 or higher) drivers.

Thank you for the opportunity to testify.

LATE

HB-2464

Submitted on: 2/24/2020 10:54:00 AM
Testimony for JUD on 2/24/2020 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tara Leystra Ackerman	National Safety Council	Support	No

Comments:

On behalf of the National Safety Council (NSC), I am writing today to ask for your support of HB 2464, legislation that would lower the legal blood alcohol concentration (BAC) limit in Hawaii from .08 to .05. Lowering the legal BAC limit will save lives. NSC is a nonprofit organization with the mission of eliminating preventable deaths at work, at home and on the road through leadership, research, education and advocacy. Our more than 15,000 member companies represent employees at more than 50,000 U.S. worksites, including 170 in Hawaii.

The science is clear – impairment begins with the first drink. When behind the wheel, there is no safe level of impairment. Even one or two drinks can significantly impact a driver’s concentration, ability to react and make decisions. In one survey, more than 1 in 8 drivers admitted to driving when close to or over the legal limit in the past year, despite believing that drunk driving poses a serious threat.^[i] After two or three drinks, which corresponds to a BAC of .05 for most adults, drivers have a 40% higher crash risk than drivers who are sober.^[ii] By the time they reach .08, drivers are four times more likely to crash.^[iii]

Driving is one of the riskiest tasks all of us undertake on a daily basis. More than 39,000 people died in crashes on our nation’s roads in 2018, according to NSC analysis.^[iv] In Hawaii, 117 people died in motor vehicle crashes in 2018, and 35 of those people were victims in alcohol-related crashes (BAC >= .08).^[v] Alcohol continues to be involved in about 28% of all fatal crashes in America, and this percentage has not significantly fluctuated in more than a decade.^[vi] We need new strategies to create a culture of change and new laws.

Utah already has implemented .05 BAC, and other states are considering similar legislation. Research shows that lowering the BAC limit from .08 to .05 reduces crash fatality risk by preventing not only low BAC drivers, but also high BAC drivers, from driving.^[vii]

This legislation will save lives and prevent injuries in Hawaii. NSC fully supports HB 2464, and we hope you will support it as well. If you have any questions or need more information, please contact Tara Leystra at tara.leystra@nsc.org or 202-602-1020.

[i] AAA Foundation for Traffic Safety. (2016). 2015 Traffic Safety Culture Index.

[ii] https://www.nsc.org/Portals/0/Documents/NSCDocuments_Corporate/Policy-Positions/Transportation/T-Low Alcohol Concentration Culture Change-130.pdf.

[iii] Blomberg RD, Peck RC, Moskowitz H, Burns M, Fiorentino D: The Long Beach/Fort Lauderdale relative risk study; J Safety Res 40:285; 2009.

[iv] NSC analysis of NCHS mortality data.

[v] FARS 2014 - 2017 Final and FARS 2018 ARF.

[vi] NSC analysis of NHTSA FARS data.

[vii] <https://www.madd.org/wp-content/uploads/2019/03/05BACResearch.pdf>

On behalf of the National Safety Council (NSC), I am writing today to ask for your support of HB 2464, legislation that would lower the legal blood alcohol concentration (BAC) limit in Hawaii from .08 to .05. Lowering the legal BAC limit will save lives. NSC is a nonprofit organization with the mission of eliminating preventable deaths at work, at home and on the road through leadership, research, education and advocacy. Our more than 15,000 member companies represent employees at more than 50,000 U.S. worksites, including 170 in Hawaii.

The science is clear – impairment begins with the first drink. When behind the wheel, there is no safe level of impairment. Even one or two drinks can significantly impact a driver's concentration, ability to react and make decisions. In one survey, more than 1 in 8 drivers admitted to driving when close to or over the legal limit in the past year, despite believing that drunk driving poses a serious threat.^[i] After two or three drinks, which corresponds to a BAC of .05 for most adults, drivers have a 40% higher crash risk than drivers who are sober.^[ii] By the time they reach .08, drivers are four times more likely to crash.^[iii]

Driving is one of the riskiest tasks all of us undertake on a daily basis. More than 39,000 people died in crashes on our nation's roads in 2018, according to NSC analysis.^[iv] In Hawaii, 117 people died in motor vehicle crashes in 2018, and 35 of those people were victims in alcohol-related crashes (BAC \geq .08).^[v] Alcohol continues to be involved in about 28% of all fatal crashes in America, and this percentage has not significantly fluctuated in more than a decade.^[vi] We need new strategies to create a culture of change and new laws.

Utah already has implemented .05 BAC, and other states are considering similar legislation. Research shows that lowering the BAC limit from .08 to .05 reduces crash

fatality risk by preventing not only low BAC drivers, but also high BAC drivers, from driving.^[vii]

This legislation will save lives and prevent injuries in Hawaii. NSC fully supports HB 2464, and we hope you will support it as well. If you have any questions or need more information, please contact Tara Leystra at tara.leystra@nsc.org or 202-602-1020.

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[iv] NSC analysis of NCHS mortality data.

[v] FARS 2014 - 2017 Final and FARS 2018 ARF.

[vi] NSC analysis of NHTSA FARS data.

[vii] <https://www.madd.org/wp-content/uploads/2019/03/05BACResearch.pdf>



February 23, 2020

COMMITTEE ON JUDICIARY

Rep. Chris Lee, Chair

Rep. Joy A. San Buenaventura, Vice Chair
and Members of the Committee on Judiciary

State Capitol, Room 325
415 South Beretania Street
Honolulu, Hawaii 96813

LATE

RE: Strong opposition to HB2464

We as members of the Hawaii Bar Owners Association strongly oppose the bill HB2464.

This bill would be an extreme expense and cost in insurance to licensed operators within the state. Current coverage for 1 million dollars of mandatory insurance costs anywhere from \$50,000 to \$125,000 annually. By lowering the level it would severely increase the liability expense for all restaurants, bars, and hotels throughout the islands.

The attorney general office recognizes that the courts are full with DUI issues that it cannot process rapidly enough with a .08 BAC level so their courts would be overburdened with a lower limit.

With legislation moving forward to punish the industry for repeat violations, it puts every operation at risk along with all the jobs associated with the industry.

At what level can a business sell one beverage before the legal limit is met and thus make it inappropriate to serve another, thus limiting the number of transactions that can be completed. Will we have to charge \$20 plus for that one beverage to cover the expense of operation including the increased minimum wage, insurance, electricity and air conditioning, health insurance, rent and taxes?

Would you pay that amount for a beer? Neither will anybody else and thus you will definitely hurt those businesses.

The .08 level has been in effect for quite some time and is the standard throughout the nation. We have only one other state with the lower standard and moving in that direction will serve to eliminate a key industry in our island economy. It is better to take action to eliminate the high abusers with high level BACs and recognize that many people act responsibly with the .08. BAC level.

We ask that you maintain the current level and please vote in opposition to HB24644.

Sincerely,

A handwritten signature in black ink that reads "Bill Comerford". The signature is written in a cursive style with a large, stylized initial "B".

Bill Comerford
Chairman
Hawaii Bar Owners Association
10 Marin Lane
Honolulu, HI 96817
521-4712 office
223-3997 cell
bill@ejlounge.com

Erik K. Abe
55 South Kukui Street, #1606
Honolulu, Hawaii. 96813
Ph. (808) 537-3081. Cell: (808) 537-3081

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY
MONDAY, FEBRUARY 24, 2020; 2:00 P.M.
STATE CAPITOL, CONFERENCE ROOM 325

RE: HOUSE BILL NO. 2464, RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

My name is Erik Abe, and I am the Public Affairs and Policy Director for the Hawaii Primary Care Association (HPCA). However, I am testifying today solely in my capacity as a concerned citizen, and my views expressed do not necessarily nor officially reflect those of the HPCA.

I **SUPPORT** the **INTENT** of House Bill No. 2464, RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE., and offer **PROPOSED AMENDMENTS** for your consideration.

As received by your Committee, this bill would reduce the threshold at which a person may be convicted of operating a vehicle under the influence of an intoxicant from .08 grams of alcohol per one hundred milliliters or cubic centimeters of blood to .05 grams.

By way of background, I was requested three years ago by a friend, Mr. Ron Shimabuku, to assist his family draft legislation before the Hawaii State Legislature to strengthen Hawaii's laws applicable to driving under the influence of an intoxicant (OVUII). At that time, Mr. Shimabuku informed me that his hanai brother, Kaulana Werner, was killed by an intoxicated driver in Nanakuli, Island of Oahu, and that his family wanted to change the laws to prevent similar situations from occurring in the future to ease the suffering of families of victims.

During our examination of Hawaii's OVUII Law, we spoke with numerous police officers from across the State, all of whom requested to share their views "off the record". We learned that on any given night, between 30 and 40 drivers are detained on suspicion of driving under the influence. This comes out to between 11,000 and 15,000 detentions per year. However, because of the time it takes to test the blood alcohol level of drivers, as well as the reluctance of the City Prosecutor to prosecute these types of crimes, only 5,992 of the detained drivers were arrested last year.

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At the point a police officer requests the suspect to submit to an alcohol level test, the suspect has the choice of either agreeing to or refusing to take the test. If the suspect chooses to take the test, the suspect is given the option of taking a breath test or a blood test. If the suspect chooses the blood test, it may take hours for the results to be determined because the suspect must be taken to an emergency room or another health facility to have the blood drawn and tested. The time it takes to have the blood drawn allows the suspect's body to metabolize the alcohol in it. As such, by the time the test results are found, the person's blood alcohol level may be considerably lower than it was at the time of the stop. And if the level is lower than .08, no violation would have taken place.

And even if the police officer obtains evidence that the suspect indeed had a blood level at or above .08, oftentimes, these cases are thrown out by the Office of the Prosecuting Attorney. For many of our front-line police officers, there is a perception that the Prosecutors look for any reason whatsoever to throw these types of cases out of court, either because of the complexity of obtaining a conviction, or the large amount of resources it takes to prosecute.

For front-line officers who risk their lives at night walking on busy streets to operate DUI checkpoints and confront sometimes agitated and impaired drivers, to have their work disregarded because the Prosecuting Attorney deems it wasteful to pursue these types of crimes is demoralizing to them and counter to the public policy that the OVUII Law was intended to serve.

In my opinion, the OVUII Law is fundamentally flawed because it rests on the premise that an individual is able to determine on his or her own whether he or she has reached a subjective level of intoxication (i.e., .08, .05, or any blood level). And every time someone dies from a drunk driver, it becomes evident to all that this public policy has failed.

This flaw, however, can be fixed if lawmakers mandate a "Zero Tolerance" policy. If a person wants the privilege of operating a vehicle in the State of Hawaii, the person must not have a measurable amount of alcohol in their blood while operating the vehicle at all times.

If the "Zero Tolerance" policy is applied to adults, law enforcement would only need to show that the offender had a measurable amount of alcohol in the person's blood. This would make enforcement much easier and serve as an even greater deterrent to operating a vehicle under the influence of an intoxicant. Also, if the individual refuses to take the test, the individual will face an even longer license revocation period with the Administrative Driver's License Revocation Office.

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The business community, and especially small businesses, will argue that the establishment of such a policy will have an enormous financial impact on their sales. As a whole, however, the establishment of a "Zero Tolerance" policy may cause other businesses to thrive -- taxi cabs, and Uber will find more people seeking their services; the visitor industry could use this as an opportunity to campaign for more Kamaaina to go to resort areas and party rather than risk driving impaired; these are just a few examples where change will force businesses to evolve to meet the newer demands of consumers.

Some will say that such an approach is too strict. But compare this approach to the laws of England, for example. There, a person needs only to show the intent to drive under the influence to be convicted of OVUII. A person walking from a pub with keys in hand was stopped by a police officer. The person was trying to get to his car to go home. The person was arrested and convicted, and the conviction was upheld by the courts.

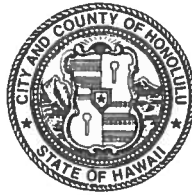
Lastly, some will also say that if the law is too strict, people will merely ignore it and keep driving while intoxicated. That could be said for any law enacted because there will always be some who will refuse to obey the law. But if a "Zero Tolerance" policy gets the majority, or a few, or even a single intoxicated driver off the roads, then that would be one less potential victim who would otherwise die.

For these reasons, I respectfully request that the contents of this measure be deleted, and the substance of House Bill No. 1999, a measure that would establish a "Zero Tolerance" policy for both minors and adults in the State of Hawaii, be inserted.

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact me.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulupd.org



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE CT-LC

February 24, 2020

The Honorable Chris Lee, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

LATE

Dear Chair Lee and Members:

SUBJECT: House Bill No. 2464, Relating to the Use of Intoxicants While Operating a Vehicle

I am Stephen J. Silva, Jr., Acting Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 2464, Relating to the Use of Intoxicants While Operating a Vehicle.

The HPD supports the proposal of lowering the blood alcohol concentration (BAC) in a person's breath or blood from 0.08 to 0.05 for the offense of Operating a Vehicle Under the Influence of an Intoxicant.

In recent years, alcohol-impaired driving alone has been a factor in approximately 20 percent of all traffic fatalities and critical collisions on Oahu's roadways. Impaired driving is a serious problem that needs to be addressed.


Research shows that critical driving skills are impaired at 0.05 BAC (0.05 or more grams of alcohol per 100 milliliters or cubic centimeters of blood or 0.05 grams of alcohol per 210 liters of breath). This level of impairment significantly increases the risk of senseless and preventable crashes that can take the life of an innocent commuter. Anything that could stop these tragedies and keep impaired drivers off of our roads should be implemented.

The Honorable Chris Lee, Chair
and Members
February 24, 2020
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The HPD urges you to support House Bill No. 2464, Relating to the Use of Intoxicants While Operating a Vehicle.

Thank you for the opportunity to testify.

Sincerely,



Stephen J. Silva, Jr., Acting Major
Traffic Division

APPROVED:



Susan Ballard
Susan Ballard
Chief of Police