



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

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

LATE

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

February 5, 2020
1:15 p.m.
State Capitol, Room 225

S.B. 2234
RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

Senate Committee on Transportation

The Department of Transportation (DOT) **supports** S.B. 2234. 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, MADD, Hawaii State Department of Health, etc.), decided to look at the possibilities of reducing the current per se .08 BAC law. The DAID felt that if we could take more impaired drivers off the road, this would bring our traffic fatalities closer to zero deaths.

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

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 S.B. 2234 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.

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committee on Transportation**

February 3, 2020

S.B. No. 2234: RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A
VEHICLE

Hearing: February 5, 2020, 1:15 p.m.

Chair Inouye, Vice Chair Harimoto, and Members of the Committee:

The Office of the Public Defender respectfully opposes S.B. No. 2234.

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.

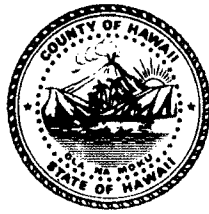
A reduction of the alcohol impairment level to 0.05% BAC casts too wide a net, and will result in criminalizing the behavior of normal responsible drinkers without having an impact on reducing alcohol related fatalities. There are many responsible drinkers who do not drink and drive, or who limit their 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 these kind of people. They are alcohol dependent and/or uncaring individuals. The high level BAC drivers 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 S.B. No. 2234.

Harry Kim
Mayor



Roy Takemoto
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i Office of the Mayor

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February 3, 2020

Senator Lorraine R. Inouye, Chair
Senator Breene Harimoto, Vice Chair
Committee on Transportation
Hawai'i State Legislature

Dear Chair Inouye, Vice-Chair Harimoto, and Committee members:

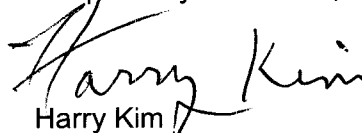
**RE: SB 2234 Relating to the use of intoxicants while operating a vehicle
SB 2510 Relating to operating a vehicle under the influence of an intoxicant.**

On your agenda today, you have two bills that deal 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 a driver is impaired if they have a blood alcohol concentration reading as low as .05, then I would support making that our new standard. My guess is that this is a measure that can be scientifically justified, since so many other jurisdictions around the world have adopted it.

I would be more skeptical about declaring that people are under the influence if their breath or blood shows any measurable amount of alcohol. If the State wants to declare that total abstinence is necessary to operate a vehicle, it needs to be sure that there is scientific justification for such a position, a position that the public would see as extreme.

Respectfully Submitted,


Harry Kim
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE CT-LC

February 5, 2020

The Honorable Lorraine R. Inouye, Chair
and Members
Committee on Transportation
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 225
Honolulu, Hawaii 96813

Dear Chair Inouye and Members:

SUBJECT: Senate Bill No. 2234, Relating to the Use of Intoxicants While Operating a Vehicle

I am Calvin Tong, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2234, 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 Lorraine R. Inouye, Chair
and Members
February 5, 2020
Page 2


The HPD urges you to support Senate Bill No. 2234, Relating to the Use of Intoxicants While Operating a Vehicle.

Thank you for the opportunity to testify.

Sincerely,


Calvin Tong, Major
Traffic Division

APPROVED:



Susan Ballard
Chief of Police



POLICE DEPARTMENT

COUNTY OF MAUI



MICHAEL P. VICTORINO
MAYOR

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

OUR REFERENCE
YOUR REFERENCE

February 3, 2020

The Honorable Lorraine R. Inouye, Chair
The Honorable Breene Harimoto, Vice Chair
and Members of the Committee on Transportation

The Senate
Hawaii State Capitol
Honolulu, Hawaii 96813

**RE: Senate Bill No. 2234 – Relating To The Use Of Intoxicants
While Operating A Vehicle**

Dear Chair Inouye and Members of the Committee:

The Maui Police Department SUPPORTS the passage of S.B. No. 2234.

On September 30, 2019, the County of Maui's Multimodal Transportation Committee discussed the effects of liquor and drug use on drivers accounting for 66 percent of traffic fatalities on Maui's roadways. Lowering the threshold of Blood-Alcohol Concentration (BAC) for the offense of Operating a Vehicle Under the Influence of an Intoxicant from 0.08 to 0.05 will contribute to saving more lives, preventing catastrophic injuries, and decreasing medical costs.

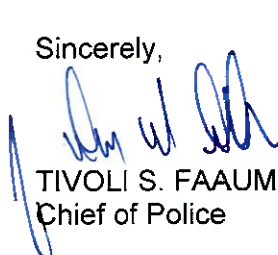
In 2013, the Legislature of the State of Hawaii found that the National Transportation Safety Board (NTSB) recommended that all 50 states adopt a Blood-Alcohol Concentration cutoff of 0.05 compared to the 0.08 standard, and that lowering the rate to 0.05 would save about 500 to 800 lives annually.

Further, according to the NTSB, a driver with a BAC of 0.05 would be affected by exaggerated behavior, loss of small-muscle control and eye focus, impaired judgement, lowered alertness, and release of inhibition. The results would be reduced coordination, reduced ability to track moving objects, difficulty steering, and reduced response to emergency driving situations.

The Maui Police Department asks that you SUPPORT the passage of S.B. No. 2234.

Thank you for the opportunity to testify.

Sincerely,



TIVOLI S. FAAUMU
Chief of Police

SB-2234

Submitted on: 2/3/2020 1:51:47 PM

Testimony for TRS on 2/5/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
William Hankins	Testifying for Maui County Police Department	Support	No

Comments:

Greetings, I am Lt William Hankins, Traffic Division Commander of the Maui County Police Department. In the course of my near 30 year career I have seen far too many innocent lives lost at the hands of impaired drivers. Further during the past year in Maui County my officers as well as myself have made far too many notifications to family members that a loved one is never coming home because they were killed at the hands of an impaired driver. Lets be clear, these are not accidents, they are crashes and 100% preventable.

Recently there was article that stated A new study shows the Aloha State is the worst state for drunk driving. CarInsuranceComparison.com used several metrics including fatality, drunk driving, and careless driving rates to rank the most dangerous states featuring the worst drivers in the U.S. **Hawaii was ranked number one in the country for drunk driving**, with 45 percent of fatal crashes due to driving under the influence. "The estimated cost of motor vehicle fatalities, injuries, and property damage in the first half of 2019, \$191.7 billion,"

These numbers can be changed and with your help we can save lives. I humbly ask that you please support SB2234. By reducing the BAC from .08 to .05 we can send the message that Hawaii is serious about tackling the impaired driving epidemic in our state. Currently the State of Utah is the only state to have .05 BAC limit. Utah saw a 40% reduction in alcohol related fatalites in the first quarter of 2019. Notably, they did not see a significant increase in arrests with a lower .05 bac limit. Early indicators are that the .05 law is deterring people from driving impaired and lives are being saved. Hawaii can and should adopt .05 law and be the 2nd state to pave the way towards reducing alcohol related fatalities.

I humbly ask for your support in passing this bill. Thank you for the opportunity to submit testimony.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

DWIGHT K. NADAMOTO
ACTING PROSECUTING ATTORNEY

LYNN B.K. COSTALES
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY

LATE



THE HONORABLE LORRAINE K. INOUE, CHAIR
SENATE COMMITTEE ON TRANSPORTATION
Thirtieth State Legislature
Regular Session of 2020
State of Hawai'i

February 5, 2020

RE: S.B. 2234; RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

Chair Inouye, Vice Chair Harimoto, and members of the Senate Committee on Transportation, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of S.B. 2234.

The purpose of S.B. 2234 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, could actually produce test results (up to three hours later) well 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 S.B. 2234. Thank you for this opportunity to testify.



Date: February 4, 2020

To: Honorable Lorraine R. Inouye, Chair
Honorable Breene Harimoto, Vice Chair
Honorable Members of the Senate Committee on Transportation

Re: Support for SB2234 Relating to the Use of Intoxicants While Operating a Vehicle

Hrg: February 5, 2020 at 1:15pm at Conference Room 225

The Maui MPO Policy Board is in **support of SB2234** to lower the threshold blood alcohol concentration for the offense of operating a vehicle while under the influence of an intoxicant.

Hawai'i ranks 5th worst in the nation for percentage of alcohol-impaired driving fatalities¹. Of the 23 traffic fatalities on Maui in 2019, 15 crashes involved drivers under the influence of drugs or alcohol. Following a County Council resolution and Mayor's proclamation in support of road safety, Maui MPO is working to develop a Vision Zero Action Plan to eliminate traffic fatalities and serious injuries through a combination of education, engineering and enforcement.

Lowering the threshold blood alcohol concentration has proven to be an effective way to save lives. The National Transportation Safety Board has been recommending that states change the threshold to .05% or lower since 2013. So far only Utah has lowered its BAC from .08% to .05%, leading to a 43% decrease in alcohol-related crashes and a 70% decrease in resulting deaths².

With a lower legal limit, people don't necessarily change the amount they drink. They just don't drink and drive. Reducing the BAC limit acts as a broad deterrent. It lowers the incidence of crashes and crash deaths at all BAC levels, not just those in the narrow range between .05% and .08%. The goal is to separate drinking from driving.

The Maui MPO Policy Board approved this testimony in support of SB2234.

Please support SB2234 to discourage drunk driving and save lives.

¹ National Highway Traffic Safety Administration (NHTSA), accessed online:
<https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812630>

² National Transportation Safety Board (NTSB), accessed online:
<https://www.nts.gov/safety/mwl/Pages/mwl8-2016.aspx>

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 3, 2020

TO: Honorable, Lorraine Inouye, Chair
Senate Committee on Transportation

FROM: Kelly Takaya King
Councilmember

SUBJECT: **HEARING OF FEBRUARY 5, 2020; TESTIMONY IN SUPPORT OF SB 2234, RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this measure is to lower the threshold blood alcohol concentration for the offense of operating a vehicle while under the influence of an intoxicant.

This measure is similar to one in the Maui County Council's Legislative Package and HSAC Legislative Package. I offer this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. Maui has experienced an unprecedented number of tragic traffic fatalities this year, with more than half being the result of intoxication.
2. For virtually all people, impairment of important driving skills is certain at a blood alcohol level of .08. Reducing the blood alcohol concentration from .08 to .05 while driving is a clear step to help prevent casualties.
3. Approximately ninety countries have lowered their Blood Alcohol Concentration laws to .05 and in doing so have lowered their alcohol-related traffic fatalities.
4. This law will improve the overall health and wellness of our community and save lives!

For the foregoing reasons, I **support** this measure.

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
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TO: Chair Inouye, Vice Chair Harimoto and Members of
the Committee

FROM: Yuki Lei K. Sugimura
Councilmember, Upcountry Maui

DATE: February 4, 2020

SUBJECT: **SB 2234 RELATING TO THE USE OF
INTOXICANTS WHILE OPERATING A VEHICLE**

I am writing in support of SB 2234 , lowering the blood alcohol threshold for determining an offense of operating a vehicle while under the influence of an intoxicant from blood alcohol level .08 to .05%.

According to the Maui County Police Department's data in 2019 570 people were arrested for impaired driving, of this, we regrettably sustained 23 traffic fatalities and 16 were caused by impaired drivers. DUI is not acceptable and this bill will help reduce these staggering numbers.

By lowering the threshold for blood alcohol level the State of Hawaii is making a statement that driving under the influence is not acceptable. One death is too many, this bill makes a statement to support the safety of our residents and visitors of Hawaii. I support SB 2234!

Thank you for this opportunity to provide my input on this matter.

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Riki Hokama
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
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WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 3, 2020

TO: The Honorable Lorraine R. Inouye, Chair
Senate Committee on Transportation

FROM: Alice L. Lee
Council Chair

SUBJECT: **HEARING OF FEBRUARY 5, 2020; TESTIMONY IN SUPPORT OF SB 2234, RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE**

Thank you for the opportunity to testify in **support** of this important measure. The purpose of this measure is to lower the threshold of blood alcohol concentration from 0.08 to 0.05 for operating a vehicle while under the influence of an intoxicant.

This measure is substantially similar to the one in the Maui County Council's Legislative Package. I offer this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. Half of all traffic fatalities on Maui are the result of drivers operating vehicles while intoxicated.
2. Approximately ninety countries have lowered their Blood Alcohol Concentration levels to 0.05 resulting in decreased alcohol-related traffic fatalities.
3. This measure will deter intoxicated individuals from driving and ultimately, save lives.

For the foregoing reasons, I **support** this measure.

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Sen. Lorraine R. Inouye
Chairwoman
Senate Committee on Transportation
Hawaii State Senate

Sen. Breene Harimoto
Vice Chairman
Senate Committee on Transportation
Hawaii State Senate

Senate Bill 2234—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



SB2234

Relating to the Use of Intoxicants While Operating a Vehicle
Blood Alcohol Concentration; Operating a Vehicle While Under the Influence of an Intoxicant

Senate Committee on Transportation
February, 5, 2020, 1:15pm, Room 225

Chair Lorraine Inouye, Vice-Chair Breene Harimoto, J. Kalani English, Maile S.L. Shimabukuro, and Kurt Fevella

Position: Support

My name is Richard Collins, I live in Pukalani, HI and I am submitting testimony on behalf of the Hawai'i Alliance for Drug-Free Communities. We are a group of Mahalo for the opportunity to submit testimony as I am unable to be there in-person at this time. **I strongly support SB2234** for the following reasons:

1. Lowering the Blood Alcohol Concentration (BAC) to .05 will save lives

A comprehensive 2017 independent research study shows that from 1982 to 2014, in 50 States and DC, lowering BAC from .10 to .08 resulted in a 10.4% reduction in alcohol-related fatalities, with no change in alcohol consumption. This means that lowering the BAC to .08 in the U.S. has saved 1,736 lives annually. A total of 24,868 lives were saved between 1983 and 2014 due to lowering the BAC to .08. **It is estimated that a .05 or lower BAC would result in an 11.1% decline in fatal alcohol crashes** and save 1,790 lives annually in the United States¹.

2. Approximately 90 countries have lower alcohol-related crash deaths than the United States due to .05 or lower BAC laws

Approximately 100 countries around the world have already adopted .05 or lower BAC laws. Due to these laws, these countries have significantly lower rates of alcohol-related crash death deaths².

3. Lowering the BAC to .05 will NOT hurt local business

¹ NORC: Fell JC & Scherer M, Effectiveness of .08 and .05 BAC Limits for Driving, 2017 (NIH Grant no. R21 AA022171-01). <http://www.norc.org> (under "NORC Headlines").

² Global Status Report on Road Safety 2018, World Health Organization, 2018. https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/



While countries that have passed .05 or lower BAC laws have lower rates of alcohol-related crash deaths, they have the same or higher rates of alcohol consumption when compared to the US³.

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and wellness of our communities and ultimately save lives. I implore you to **support SB2234** for the benefit of the people of Hawai'i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

Richard Collins

³ World Health Statistics 2019, World Health Organization, 2019. https://www.who.int/gho/publications/world_health_statistics/2019/en/



February 4, 2020

The Honorable Lorraine R. Inouye
Chair, Senate Committee on Transportation
415 South Beretania St. Rm 210
Honolulu, HI 96813

The Honorable Breene Harimoto
Vice Chair, Senate Committee on Transportation
415 Beretania St. Rm 215
Honolulu, HI 96813

Dear Chair Inouye and Vice-Chair Harimoto:

On behalf of the National Safety Council (NSC), I am writing today to ask for your support of SB 2234, SB 2682/HB 2269, SB 2177/HB 1722 and SB 2168/HB 1777, 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 SB 2234, SB 2682/HB 2269, SB 2177/HB 1722 and SB 2168/HB 1777, and we hope you will support them as well. Thank you for your consideration. If you have any questions or need more information, please contact Tara Leystra at tara.leystra@nsc.org or 202-602-1020.

Sincerely,

Lorraine M. Martin
President and CEO

Copy: Senate Committee on Transportation



- 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>

SB-2234

Submitted on: 2/4/2020 10:19:17 AM

Testimony for TRS on 2/5/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tara Gill	Testifying for Advocates for Highway and Auto Safety	Support	No

Comments:



Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
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February 5, 2020

To: Senator Lorraine R. Inouye, Chair, Senate Committee on Transportation;
Senator Breene Harimoto, Vice Chair; and members of the Committee

From: Arkie Koehl and Carol McNamee, Public Policy Committee - MADD
Hawaii

Re: Senate Bill 2234 – 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 Senate Bill 2234 – relating to the Use of Intoxicants While Operating a Vehicle. This bill will amend Hawaii's impaired driving statutes to reduce the illegal blood alcohol level for driving from the current .08 blood alcohol content to .05 BAC.

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.

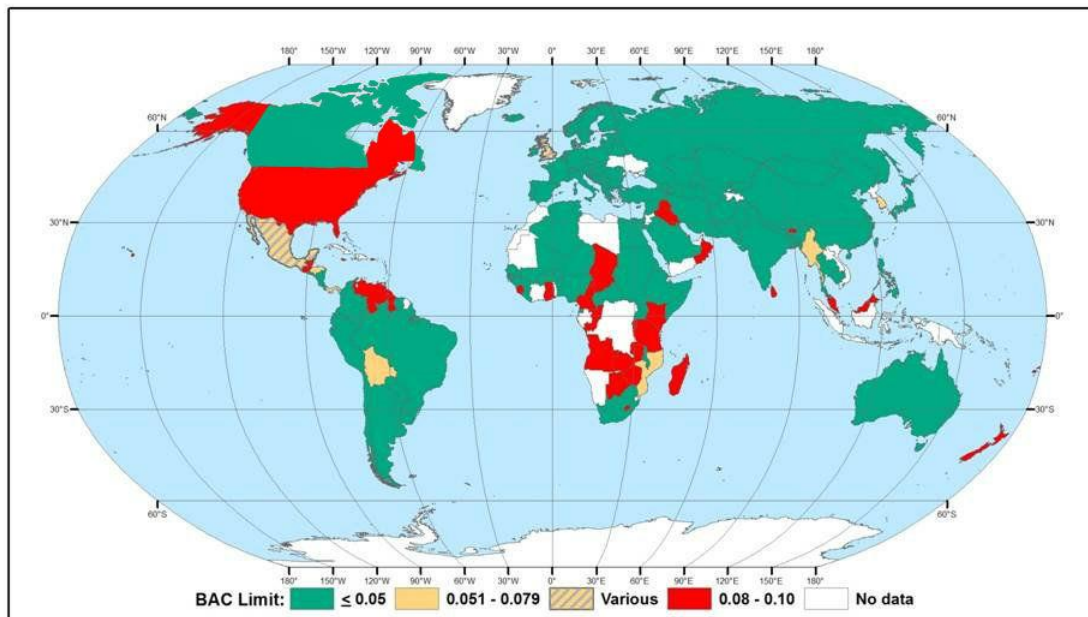
If Hawaii passes this bill, we will join the majority of industrialized countries having a .05 or lower limit for driving. The tourism industry may be concerned about the proposed reduction of the BAC in Hawaii but most of our foreign visitors may very well be coming from a country used to a .05 or lower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

Hawaii was the 13th state to reduce its illegal blood alcohol level for driving from .10 to .08 in 1995. Our alcohol-related fatality rate improved 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 SB 2234.
Thank you for this opportunity to testify.

BAC Limits World Wide





Katie Jacoy
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360-790-5729

LATE

THE SENATE
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2020

COMMITTEE ON TRANSPORTATION

Testimony in Opposition to SB 2234

Chair Inouye, Vice-Chair Harimoto and Members of the Committee:

Thank you for the opportunity to provide testimony on SB 2234 RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE. Wine Institute, a public policy association representing 1,000 California wineries and associate members, is opposed to SB 2234 and offers the following comments.

SB 2234 reduces the legal threshold of blood alcohol concentration (BAC) for the criminal offense of operating a vehicle while under the influence of an intoxicant from .08 to .05. Wine Institute supports education and the strict enforcement of laws to address drunk driving. The current legal threshold of .08 BAC 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.

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

TESTIMONY TO THE SENATE COMMITTEE ON TRANSPORTATION
WEDNESDAY, FEBRUARY 5, 2020; 1:15 P.M.
STATE CAPITOL, CONFERENCE ROOM 225

RE: SENATE BILL NO. 2234, RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

Chair Inouye, Vice Chair Harimoto, 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 Senate Bill No. 2234, 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.

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.

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 provisions of Senate Bill No. 2510, 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.

SB2234

Relating to the Use of Intoxicants While Operating a Vehicle
Blood Alcohol Concentration; Operating a Vehicle While Under the Influence of an
Intoxicant

Senate Committee on Transportation

February, 5, 2020, 1:15pm, Room 225

Chair Lorraine Inouye, Vice-Chair Breene Harimoto, J. Kalani English, Maile S.L. Shimabukuro, and Kurt Fevella

Position: Support

Aloha, my name is Andrea Maniago, I am a mom of 4 and lost my oldest son Kai'o, at 16 years old to a drunk driver. It has been 10 years since that horrific day. It pains me to see the amount of car crashes caused by impaired driving that continues on today. I ask myself why driving under the influence still occurs. I try to do my due diligence with sharing my story to different high schools, different youth groups, victim impact panels, I even speak at DUI classes which is run by the state, when someone is arrested for a dui and most times with their first offense the judge will require the offender to take a drivers educational class. These classes are held once to twice a month. There is usually 30 adults in each class. So the questions is why? Is there not enough education about the dangers of driving under the influence or is alcohol just too accessible for people? There is a view point that just recently came out in the Maui Newspaper that pin pointed some actions that the police department, prosecution, and the mayor are all working together to help with the problem with the unnecessary deaths that has taken too many of our loved ones. We recently all participated in a sign waving event after the tragic loss of a mother and son that was killed due to a drunk driver. The community took it hard, teens organized the sign waving event because they

didn't know what else to do. The community was heartbroken. With all of this in mind it's upsetting to see the liquor commission making changes on standard drink size which include, two 16oz alcohol beverages that equals to 32oz that one customer can consume at one time. Will this change bring more unnecessary deaths to our roadways? I fear that one of those unnecessary deaths will claim a family member or maybe take another one of my children. I would like to see a peaceful resolution happen and request that the liquor consumption be changed to .05. I am willing to fight to keep my family safe and this community safe are you willing to do the same?

Sincerely,

Andrea Maniago

February 3rd, 2020

Re: Support of SB2234 - RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

Committee Chair and members of the Senate Committee on Transportation,

As a citizen of Maui County, a social worker and mother I strongly support SB2234 - Relating to the use of Intoxicants While Operating a Vehicle. This piece of legislation is a monumental opportunity for the state of Hawaii to take a stand against the harmful consequences of driving under the influence. Maui County in particular has experienced the highest rates of drunk driving related deaths over the past couple of years and we are pleading for your help as state legislators to save lives.

Lowering the blood alcohol concentration (BAC) legal threshold from .08 to .05 would be a decisive and impactful step towards greatly improving the health and safety of our state. The National Transportation Safety Board (NTSB) as well as AAA Foundation support lowering BAC and research indicates our state could expect an estimated 11% decline in fatal alcohol crashes saving hundreds of lives every year.

Not often do we, as a community, have the opportunity to enact legislation that will only do good for the community. This is that opportunity and I implore you, as a committee, to seriously consider the positive impacts of this bill. I ask for all of you to support this bill and vote in favor of lowering the BAC.

Thank you,

Ashlee Klemperer Chapman, MSW
851 S Kihei Rd, Apt O103
Kihei, HI 96753

SB-2234

Submitted on: 2/3/2020 2:43:53 PM

Testimony for TRS on 2/5/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Katie Folio	Individual	Support	No

Comments:

SB-2234

Submitted on: 2/3/2020 1:46:04 PM

Testimony for TRS on 2/5/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Howard Mateo	Individual	Support	Yes

Comments:

Chair, Vice Chair and Members of the Committee:

Howard Mateo

222 Seaview Avenue

Honolulu, Hawaii 96822

RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

Wednesday 2/05/2020

In support with the bill

RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE S.B.
NO. 2234

Section 291E-1

I am Howard Mateo, MSW student at University of Hawaii Manoa. I am testifying "Lower the threshold blood alcohol concentration for the offense of operating a vehicle while under the influence of an intoxicant." I am in favor and supporting to lower the alcohol concentration level for the offense operating vehicle under the influence of an intoxicant. Lowering the limit of alcohol concentration level will lower the number of alcohol-related car accidents and fatalities. Property damages can be expensive even if its minor accidents. I am in favor of Blood Alcohol Concentration (BAC) of .02 to .05 rather than .02 to 0.8.

Intoxication while operating vehicle affects not only the person involved but also the society that affect economic costs include legal and court expenses, medical costs, insurance bills, property damage, and lost productivity. Men was reported 3 times more involved in car-related accidents than women. In 2010 the DrunkDrivingStats.org reported that 4 out of every 5 men involved DUI. Men ages 21 to 34 are high risk and responsible for 32% drunk driving incidents. In September 2019, the Hawaii 24/7 reported that there were 28 arrested for DUI and a total of 797 arrests compared to 805 in 2018 a 1% decrease same period last year. In 2019 statistics, there were 1,085 DUI arrests compared with 1,095 in 2019, a decrease of.91%. An alarming case that there were 233 drivers arrested for DUI who were involved in traffic accidents in 2019 compared with 163 in 2018, an increase of 42.9%.

In 2016, there were 5,592 totals of Operating of Vehicle Under the Influence of the Intoxicant (OVUII) arrest led by the island of Oahu with 3,950, followed by Big Island/Hawaii with 816, the island of Maui with 678, and Kauai with 148 arrest. The lowest since 2012-2015 statistics.

By supporting to decrease the threshold, people will think twice of drinking and driving. If this SB passed, less people are drinking and driving which make the state of Hawaii a safe place to drive and save more lives. Different island in Hawaii have different rates of alcohol-related fatalities, the state should conduct a study on drinking and driving policies. This will lead us to question if the BAC level in different island is the same as the other island of Hawaii. Educational awareness is the key and essential element to win over DUI.

With all these I am in favor of supporting to “Lower the threshold blood alcohol concentration for the offense of operating a vehicle while under the influence of an intoxicant”

Ron Shimabuku
ronkshimabuku@gmail.com
#808-295-4954

Testimony on Senate Bill No. 2234
**RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN
INTOXICANT.**

Wednesday, February 5, 2020

1:15pm

Conference Room 225

State Capitol

415 South Beretania Street

Re: Senate Bill No. 2234, Relating to Operating a Vehicle Under the Influence of an Intoxicant

Chair Lorraine Inouye, Vice Chair Breene Harimoto, and Members of the Committee:

My name is Ron Shimabuku and I am the hanai brother and godparent to the late Kaulana Matthew Auwae Werner, who as you are aware was the victim of a drunk driving, hit-and-run crash which occurred on the evening of April 24, 2016 in Nanakuli, Hawaii. I am testifying in **support of the intent of Senate Bill No. 2234 with amendments for your consideration.**

The Werner ohana's aspiration to rid Hawaii's streets of drunk driving and ensure the safety of our communities continues with Senate Bill No. 2510 which would establish a zero tolerance policy for operating a vehicle under the influence of an intoxicant (OVUII) for adults. I respectfully ask that you consider the arguments set forth in the following article:

<https://www.civilbeat.org/2020/01/zero-tolerance-essential-for-keeping-hawaiis-roads-safe/#comments>

Additionally, I would also ask that you reflect on the following questions to assist in making a determination on this measure.

- Why are there differing laws in Hawaii to substantiate a blood alcohol content (BAC) level for drinking and driving? i.e. 0.08% BAC for adults versus a measurable BAC for minors.

- If an individual consumes alcohol with an intent to drive, would this individual be able to identify the number of beverages it takes to get to the current BAC threshold of under 0.08% which allows this individual to drink and drive under Hawaii law?
- It is proven that alcohol alters an individual's state of mind and decision-making ability. If an individual consumes alcohol with an intent to drive, is this individual's state of mind altered causing a false decision on how many beverages was consumed?

Finally, here is additional information to take note of:

- These are several countries that have zero tolerance laws in place for drinking and driving: China, Colombia, Czech Republic, Hungary, Japan, and Vietnam. This is not an exhaustive list. It should be noted that although Australia's BAC limit is 0.05%, operators of commercial vehicles are subject to a zero tolerance policy.
- The following countries have a 0.02% BAC threshold limit for drinking and driving: Norway, Poland, Russia, and Sweden.

I point out these examples to stress that the United States will not be unique if a zero tolerance law were to be adopted by a state. These countries have taken a strong stance against a preventable disease. Many of citizens of these countries consume tons of alcohol throughout their lifetime, however, that does not mean drinking and driving is condoned. I believe these countries got it right and they are very concerned about saving lives.

We need to strongly consider or at minimum have a discussion on how to ensure our roads are safe from drunk drivers. With this, I respectfully request that the contents of **this measure be revised to include the provisions of Senate Bill No. 2510**. Thank you for the opportunity to testify. Should you have any questions, please feel free to contact me.

February 3rd, 2020

Re: Support of SB2234 - RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

Committee Chair and Members of the Senate Committee on Transportation,

My name is Tihani Belena. I am a freshman at Maui High. I am writing in support SB2234 which lowers the blood alcohol concentration legal limit from .08 to .05. Drunk driving is a big problem in my community and has impacted my family. My uncle was involved in a drunk driving accident when he chose to drive after drinking. He claimed he would be fine but he really wasn't and should not have driven.

I support SB2234 because I feel this would make my community more safe. I hope lowering the BAC will make our roads safer and keep people from getting hurt. Accidents cost the community so much - people getting hurt, they are expensive, and lowering the BAC will keep that from happening as much as it does now.

Thank you for reading my testimony and please put the safety of our community first by passing SB2234

Tihani Belena
11 Hoouii Place
Kahului, HI 96732

February 3rd, 2020

Re: Support of SB2234 - RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

Aloha Committee Chair and Members of the Senate Committee on Transportation,

My name is Kawena and I strongly support SB2234. As a youth in the Maui County, it's important for me to look after my peers and future generations and to make sure that we are taking necessary precautions when it comes to being intoxicated.

Right now, the law states that if you're caught with a BAC is 0.08 or higher, you will be arrested for drunk driving. But did you know at 0.05 BAC, your coordination, ability to track, and response to emergency driving situations is already reduced and you have difficulty steering? What's worse is that your risk of getting into a car crash is at least seven times higher if your BAC is between 0.05 - 0.079.

With the risks that comes with having a BAC of 0.05 or higher, we need to make sure that everyone on the road is safe and capable. I ask that you lower the BAC law to 0.05.

Kawena Kekuewa
36 Kunihi Lane Apt.213
Kahului, HI 96732

SB-2234

Submitted on: 2/3/2020 5:54:19 PM

Testimony for TRS on 2/5/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tyler Fihser	Individual	Support	No

Comments:

2/3/2020

Dear Members of the Senate Committee of Transportation,

My name is Tyler Fisher and I am a sophomore at Maui High School and I support SB2234. I think the BAC should be lowered to .05 because I see deaths and injuries everywhere. I see a bunch of my peers grieving over their friends or family that have been injured or killed in a drunk driving accident. I personally grieved because my grandfather passed away due to a drunk driver. I know a lot of these accidents would be avoided if the BAC was lowered to .05. Thank you for your time and I hope you can pass this bill not only for me but for a community as a whole.

Tyler Fisher

665 Kipapa Pl.

Kahului, HI 96732

SB2234

Relating to the Use of Intoxicants While Operating a Vehicle Blood Alcohol Concentration; Operating a Vehicle While Under the Influence of an Intoxicant

Senate Committee on Transportation
February, 5, 2020, 1:15pm, Room 225

Chair Lorraine Inouye, Vice-Chair Breene Harimoto, J. Kalani English, Maile S.L. Shimabukuro, and Kurt Fevella

Position: Support

My name is Jerry Maniago, I live in Wailuku and I am an individual submitting testimony on behalf of SB2234. Mahalo for the opportunity to submit testimony as I am unable to be there in-person at this time. I **strongly support SB2234** for the following reasons:

1. Lowering the Blood Alcohol Concentration (BAC) to .05 will save lives

A comprehensive 2017 independent research study shows that from 1982 to 2014, in 50 States and DC, lowering BAC from .10 to .08 resulted in a 10.4% reduction in alcohol-related fatalities, with no change in alcohol consumption. This means that lowering the BAC to .08 in the U.S. has saved 1,736 lives annually. A total of 24,868 lives were saved between 1983 and 2014 due to lowering the BAC to .08. **It is estimated that a .05 or lower BAC would result in an 11.1% decline in fatal alcohol crashes** and save 1,790 lives annually in the United States¹.

2. Approximately 90 countries have lower alcohol-related crash deaths than the United States due to .05 or lower BAC laws

Approximately 100 countries around the world have already adopted .05 or lower BAC laws. Due to these laws, these countries have significantly lower rates of alcohol-related crash death deaths².

3. Lowering the BAC to .05 will NOT hurt local business

While countries that have passed .05 or lower BAC laws have lower rates of alcohol-related crash deaths, they have the same or higher rates of alcohol consumption when compared to the US³.

¹ NORC: Fell JC & Scherer M, Effectiveness of .08 and .05 BAC Limits for Driving, 2017 (NIH Grant no. R21 AA022171-01). <http://www.norc.org> (under "NORC Headlines").

² Global Status Report on Road Safety 2018, World Health Organization, 2018. https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

³ World Health Statistics 2019, World Health Organization, 2019. https://www.who.int/gho/publications/world_health_statistics/2019/en/

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and wellness of our communities and ultimately save lives. I implore you to **support SB2234** for the benefit of the people of Hawai'i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

Jerry Maniago

SB-2234

Submitted on: 2/4/2020 7:04:27 AM

Testimony for TRS on 2/5/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristin Mills	Individual	Support	No

Comments:

We have too many fatal accidents associated with driving under the influence. We need a lower BAC to help lower the traffic fatalities.

SB2234

Relating to the Use of Intoxicants While Operating a Vehicle
Blood Alcohol Concentration; Operating a Vehicle While Under the Influence of an Intoxicant

Senate Committee on Transportation
February, 5, 2020, 1:15pm, Room 225

Chair Lorraine Inouye, Vice-Chair Breene Harimoto, J. Kalani English, Maile S.L. Shimabukuro, and Kurt Fevella

Position: Support

My name is Jan Shishido, I live in Kahului and I am an individual submitting testimony on behalf of SB2234. Mahalo for the opportunity to submit testimony as I am unable to be there in-person at this time. I **strongly support SB2234** for the following reasons:

1. Lowering the Blood Alcohol Concentration (BAC) to .05 will save lives

A comprehensive 2017 independent research study shows that from 1982 to 2014, in 50 States and DC, lowering BAC from .10 to .08 resulted in a 10.4% reduction in alcohol-related fatalities, with no change in alcohol consumption. This means that lowering the BAC to .08 in the U.S. has saved 1,736 lives annually. A total of 24,868 lives were saved between 1983 and 2014 due to lowering the BAC to .08. **It is estimated that a .05 or lower BAC would result in an 11.1% decline in fatal alcohol crashes** and save 1,790 lives annually in the United States¹.

2. Approximately 90 countries have lower alcohol-related crash deaths than the United States due to .05 or lower BAC laws

Approximately 100 countries around the world have already adopted .05 or lower BAC laws. Due to these laws, these countries have significantly lower rates of alcohol-related crash death deaths².

3. Lowering the BAC to .05 will NOT hurt local business

While countries that have passed .05 or lower BAC laws have lower rates of alcohol-related crash deaths, they have the same or higher rates of alcohol consumption when compared to the US³.

¹ NORC: Fell JC & Scherer M, Effectiveness of .08 and .05 BAC Limits for Driving, 2017 (NIH Grant no. R21 AA022171-01). <http://www.norc.org> (under "NORC Headlines").

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Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and wellness of our communities and ultimately save lives. I implore you to **support SB2234** for the benefit of the people of Hawai'i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

Janice Y. Shishido

SB2234

Relating to the Use of Intoxicants While Operating a Vehicle
Blood Alcohol Concentration; Operating a Vehicle While Under the Influence of an Intoxicant

Senate Committee on Transportation
February, 5, 2020, 1:15pm, Room 225

Chair Lorraine Inouye, Vice-Chair Breene Harimoto, J. Kalani English, Maile S.L. Shimabukuro, and Kurt Fevella

Position: Support

My name is Lauren Loor, I live in Kahului, Maui and I am an individual submitting testimony on behalf of SB2234. Mahalo for the opportunity to submit testimony as I am unable to be there in-person at this time. I **strongly support SB2234** for the following reasons:

1. Lowering the Blood Alcohol Concentration (BAC) to .05 will save lives

A comprehensive 2017 independent research study shows that from 1982 to 2014, in 50 States and DC, lowering BAC from .10 to .08 resulted in a 10.4% reduction in alcohol-related fatalities, with no change in alcohol consumption. This means that lowering the BAC to .08 in the U.S. has saved 1,736 lives annually. A total of 24,868 lives were saved between 1983 and 2014 due to lowering the BAC to .08. **It is estimated that a .05 or lower BAC would result in an 11.1% decline in fatal alcohol crashes** and save 1,790 lives annually in the United States¹.

2. Approximately 90 countries have lower alcohol-related crash deaths than the United States due to .05 or lower BAC laws

Approximately 100 countries around the world have already adopted .05 or lower BAC laws. Due to these laws, these countries have significantly lower rates of alcohol-related crash death deaths².

3. Lowering the BAC to .05 will NOT hurt local business

While countries that have passed .05 or lower BAC laws have lower rates of alcohol-related crash deaths, they have the same or higher rates of alcohol consumption when compared to the US³.

¹ NORC: Fell JC & Scherer M, Effectiveness of .08 and .05 BAC Limits for Driving, 2017 (NIH Grant no. R21 AA022171-01). <http://www.norc.org> (under "NORC Headlines").

² Global Status Report on Road Safety 2018, World Health Organization, 2018. https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

³ World Health Statistics 2019, World Health Organization, 2019. https://www.who.int/gho/publications/world_health_statistics/2019/en/

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and wellness of our communities and ultimately save lives. I implore you to **support SB2234** for the benefit of the people of Hawai'i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

Lauren Loor

SB2234

Relating to the Use of Intoxicants While Operating a Vehicle Blood Alcohol Concentration; Operating a Vehicle While Under the Influence of an Intoxicant

Senate Committee on Transportation
February, 5, 2020, 1:15pm, Room 225

Chair Lorraine Inouye, Vice-Chair Breene Harimoto, J. Kalani English, Maile S.L. Shimabukuro, and Kurt Fevella

Position: Support

My name is Jaimee Namahoe, I live in Wailuku and I am an individual submitting testimony on behalf of SB2234. Mahalo for the opportunity to submit testimony as I am unable to be there in-person at this time. I **strongly support SB2234** for the following reasons:

1. Lowering the Blood Alcohol Concentration (BAC) to .05 will save lives

A comprehensive 2017 independent research study shows that from 1982 to 2014, in 50 States and DC, lowering BAC from .10 to .08 resulted in a 10.4% reduction in alcohol-related fatalities, with no change in alcohol consumption. This means that lowering the BAC to .08 in the U.S. has saved 1,736 lives annually. A total of 24,868 lives were saved between 1983 and 2014 due to lowering the BAC to .08. **It is estimated that a .05 or lower BAC would result in an 11.1% decline in fatal alcohol crashes** and save 1,790 lives annually in the United States¹.

2. Approximately 90 countries have lower alcohol-related crash deaths than the United States due to .05 or lower BAC laws

Approximately 100 countries around the world have already adopted .05 or lower BAC laws. Due to these laws, these countries have significantly lower rates of alcohol-related crash death deaths².

3. Lowering the BAC to .05 will NOT hurt local business

While countries that have passed .05 or lower BAC laws have lower rates of alcohol-related crash deaths, they have the same or higher rates of alcohol consumption when compared to the US³.

¹ NORC: Fell JC & Scherer M, Effectiveness of .08 and .05 BAC Limits for Driving, 2017 (NIH Grant no. R21 AA022171-01). <http://www.norc.org> (under "NORC Headlines").

² Global Status Report on Road Safety 2018, World Health Organization, 2018. https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

³ World Health Statistics 2019, World Health Organization, 2019. https://www.who.int/gho/publications/world_health_statistics/2019/en/

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and wellness of our communities and ultimately save lives. I implore you to **support SB2234** for the benefit of the people of Hawai'i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

Jaimee Namahoe

SB-2234

Submitted on: 2/4/2020 1:03:22 PM

Testimony for TRS on 2/5/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea	Individual	Support	No

Comments:

2/4/2020

Dear Members of the Senate Committee on Transportation,

My name is Andrea Snow, and I live and work on Maui. I strongly support passing SB2234 and making .05 the blood alcohol content limit. We need to deter people from drinking and driving more than we are right now. We still have way too many deaths caused by drinking and driving. It is estimated that a .05 or lower BAC would result in an 11.1% decline in fatal alcohol crashes and save 1,790 lives every single year in the United States (NORC, 2017). Is that not reason enough?

Fatal alcohol crashes destroy families. My family was destroyed when it happened to us. I was 22 years old when a police officer knocked on the door of my parents house on a Tuesday night. He had to tell my mom "Your son has been in a crash". He had the terrible job of asking: "Was there a child in the car? We found a car seat in the wreck." Thank god, his two-year-old daughter was at home in bed. Two of my brother's friends, who he was giving a ride home, were not so lucky. All three people in my brother's car died when he ran off the road, into a golf course, and hit a tree at high speeds. He was 25 years old, and as far as we can tell through a toxicology report, he'd had about 2 drinks. He lived for 13 hours after the crash, on life support, before my parents had to make the unfathomable decision to stop it. While he was still breathing, his brain had become so swollen from the impact, that it was cutting off its own blood supply, and he had become brain dead. I sat and held my brother's hand for those 13 hours, and I will never, ever drink and drive again.

Most people have not had that horrible experience though, and so they do not fully understand the risks of driving after even "just a few" drinks. To deter everyone from taking that completely unnecessary and potentially fatal risk, we need strict laws in place enforcing a low BAC. This will give everyone a reason to not drink and drive. They need to know the consequences are severe, swift and certain. If they are not, people drink and drive. Like my brother. And they don't just take themselves out, they take their friends, other drivers, and pedestrians with them. The trauma this causes to their families, and their kids, is irrecoverable. His death sent both my parents into depression, and ended their 27 year marriage. His death sent his girlfriend into drug abuse and

depression, from which she has not recovered. His daughter will not remember him, and has grown up without a dad.

Please follow the lead of Utah and over a hundred other countries around the world who have lowered their BAC to .05 or lower. It will save lives.

Thank you,

Andrea Snow

61 Kapuai Rd.

Haiku, HI 96708

NORC: Fell JC & Scherer M, Effectiveness of .08 and .05 BAC Limits for Driving, 2017 (NIH Grant no. R21 AA022171-01). <http://www.norc.org> (under "NORC Headlines").

SB-2234

Submitted on: 2/4/2020 1:05:43 PM

Testimony for TRS on 2/5/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Lee Kalei Correa	Individual	Support	No

Comments:

Aloha,

I am writing to you from the Island of Maui to support SB2234 to reduce the legal limit of a driver's alcohol concentration to .05. I was born and raised in Hawaii, and I am of Native Hawaiian decent.

My reasons for supporting SB2234 are as follows;

I have twice survived being hit by a drunk driver in my lifetime. The most recent incident happened on October 01, 2016. My family and I were hospitalized because of the severe injuries we suffered at the hands of a drunk driver who crossed the centerline of the roadway and struck us head-on. We were on our way to the beach at 8:30 am in the MORNING.

I have also lost a family member, who was a junior in highschool because the car that he was in, was being driven by a drunk driver.

Our laws have not done enough to protect the people of Hawaii. There is a big money alcohol industry targeting our Hawaiian People, and threatening our culture. The industry has a choke hold on Hawaiians because of the addiction that comes with alcohol. Alcohol is related to Domestic Violence, Traffic Fatalities, Theft, Incarceration, preventable State Economic Costs and contributes to poverty. These alcohol related incidents take up too much of our tax dollars and public resources. The tax payer foots the bill for the alcohol industry's indiscretions to turn a profit. They are profiting off of our tragedies.

SB2234 is a small step in the direction toward the relief our people need. It will cause people to think more intently before deciding to drink and drive, and give Law Enforcement the deterrent they need to help keep our Hawaii.

Mahalo,

Eric Lee K. Correa

From: [Kaleo Kaopua](#)
To: [TRSTestimony](#)
Subject: SB2234
Date: Tuesday, February 4, 2020 10:55:19 AM

SB2234

Relating to the Use of Intoxicants While Operating a Vehicle Blood Alcohol Concentration; Operating a Vehicle While Under the Influence of an Intoxicant

Senate Committee on Transportation
[February, 5, 2020, 1:15pm](#), Room 225

Chair Lorraine Inouye, Vice-Chair Breene Harimoto, J. Kalani English, Maile S.L. Shimabukuro, and Kurt Fevella

Position: **Support**

My name is Kaleo Kaopua, I live in Lahaina, HI and I am an individual submitting testimony on behalf of SB2234. Mahalo for the opportunity to submit testimony as I am unable to be there in-person at this time. I **strongly support SB2234** for the following reasons:

1. Lowering the Blood Alcohol Concentration (BAC) to .05 will save lives

A comprehensive 2017 independent research study shows that from 1982 to 2014, in 50 States and DC, lowering BAC from .10 to .08 resulted in a 10.4% reduction in alcohol-related fatalities, with no change in alcohol consumption. This means that lowering the BAC to .08 in the U.S. has saved 1,736 lives annually. A total of 24,868 lives were saved between 1983 and 2014 due to lowering the BAC to .08. **It is estimated that a .05 or lower BAC would result in an 11.1% decline in fatal alcohol crashes** and save 1,790 lives annually in the United States.

2. Approximately 90 countries have lower alcohol-related crash deaths than the United States due to .05 or lower BAC laws

Approximately 100 countries around the world have already adopted .05 or lower BAC laws. Due to these laws, these countries have significantly lower rates of alcohol-related crash death deaths.

3. Lowering the BAC to .05 will NOT hurt local business

While countries that have passed .05 or lower BAC laws have lower rates of alcohol-related crash deaths, they have the same or higher rates of alcohol consumption when compared to the US.

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and wellness of our communities and ultimately save lives. I implore you to **support SB2234** for the benefit of the people of Hawai'i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

Kaleo Kaopua

[Sent from Yahoo Mail for iPhone](#)

From: [Shaiyan MF](#)
To: [TRSTestimony](#)
Subject: SB2234
Date: Tuesday, February 4, 2020 10:48:34 AM

SB2234

Relating to the Use of Intoxicants While Operating a Vehicle Blood Alcohol Concentration; Operating a Vehicle While Under the Influence of an Intoxicant

Senate Committee on Transportation
February, 5, 2020, 1:15pm, Room 225

Chair Lorraine Inouye, Vice-Chair Breene Harimoto, J. Kalani English, Maile S.L. Shimabukuro, and Kurt Fevella

Position: Support

1. **Lowering the Blood Alcohol Concentration (BAC) to .05 will save lives**

A comprehensive 2017 independent research study shows that from 1982 to 2014, in 50 States and DC, lowering BAC from .10 to .08 resulted in a 10.4% reduction in alcohol-related fatalities, with no change in alcohol consumption. This means that lowering the BAC to .08 in the U.S. has saved 1,736 lives annually. A total of 24,868 lives were saved between 1983 and 2014 due to lowering the BAC to .08. **It is estimated that a .05 or lower BAC would result in an 11.1% decline in fatal alcohol crashes and save 1,790 lives annually in the United States.**

2. **Approximately 90 countries have lower alcohol-related crash deaths than the United States due to .05 or lower BAC laws**

Approximately 100 countries around the world have already adopted .05 or lower BAC laws. Due to these laws, these countries have significantly lower rates of alcohol-related crash death deaths.

3. **Lowering the BAC to .05 will NOT hurt local business**

While countries that have passed .05 or lower BAC laws have lower rates of alcohol-related crash deaths, they have the same or higher rates of alcohol

consumption when compared to the US.

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and wellness of our communities and ultimately save lives. I implore you to **support SB2234** for the benefit of the people of Hawai'i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

Shaiyan Fukushima

From: [Carrol Nevius](#)
To: [TRSTestimony](#)
Subject: ACTION ALERT! I support lowering BAC
Date: Tuesday, February 4, 2020 11:45:42 AM

SB2234

Relating to the Use of Intoxicants While Operating a Vehicle
Blood Alcohol Concentration; Operating a Vehicle While Under the Influence of an Intoxicant

Senate Committee on Transportation
February, 5, 2020, 1:15pm, Room 225

Chair Lorraine Inouye, Vice-Chair Breene Harimoto, J. Kalani English, Maile S.L.
Shimabukuro, and Kurt Fevella

Position: Support

My name is [Carrol D. Nevius](#) I live in [Kihei, Maui, HI](#) and I am an individual submitting testimony on behalf of SB2234. Mahalo for the opportunity to submit testimony as I am unable to be there in-person at this time. I **strongly support SB2234** for the following reasons:

1. Lowering the Blood Alcohol Concentration (BAC) to .05 will save lives
A comprehensive 2017 independent research study shows that from 1982 to 2014, in 50 States and DC, lowering BAC from .10 to .08 resulted in a 10.4% reduction in alcohol-related fatalities, with no change in alcohol consumption. This means that lowering the BAC to .08 in the U.S. has saved 1,736 lives annually. A total of 24,868 lives were saved between 1983 and 2014 due to lowering the BAC to .08. **It is estimated that a .05 or lower BAC would result in an 11.1% decline in fatal alcohol crashes** and save 1,790 lives annually in the United States ^[1].

2. Approximately 90 countries have lower alcohol-related crash deaths than the United States due to .05 or lower BAC laws
Approximately 100 countries around the world have already adopted .05 or lower BAC laws. Due to these laws, these countries have significantly lower rates of alcohol-related crash death deaths ^[2].

3. Lowering the BAC to .05 will NOT hurt local business
While countries that have passed .05 or lower BAC laws have lower rates of alcohol-related crash deaths, they have the same or higher rates of alcohol consumption when compared to the US ^[3].

Hawai‘i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and wellness of our communities and ultimately save lives. I implore you to **support SB2234** for the benefit of the people of Hawai‘i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

Carrol D. Nevius

[1]

NORC: Fell JC & Scherer M, Effectiveness of .08 and .05 BAC Limits for Driving, 2017 (NIH Grant no. R21 AA022171-01).
<http://www.norc.org> (under "NORC Headlines").

[2]

Global Status Report on Road Safety 2018, World Health Organization, 2018.
https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

[3]

World Health Statistics 2019, World Health Organization, 2019.
https://www.who.int/gho/publications/world_health_statistics/2019/en/

Carrol D. Nevius

808.769.7688

carrolnevius@gmail.com

From: [Jerry Maniago](#)
To: [TRSTestimony](#)
Subject: Senate Bill SB2234
Date: Monday, February 3, 2020 10:33:57 PM

Hi my name is Ariana Maniago and at this moment I am 8 years old.I will be talking about why I think people should not drink and drive.
Enjoy!!!

I think that people should not drink and drive because ever since I new that I had a brother Kaio that had die in a car accident. I was really sad.But once I asked my mother Andrea Maniago

("Mom what got Kaio into the accident ")

My mom sighed and said ("it's something that's called drunk driving ").

But then I asked ("what's drunk driving").

Then she said ("drunk driving is like when you get crazy and you drive on the road all crazy when you're not fit for the road.

I said ("that's what happened to Kaio ").

She said ("yes")

So I new that if you are drunk don't drive

you can get a taxi ,scoot,bus,maybe ask someone that's not drunk to drive you.

Just please don't drink and expect that you're fine trying to get on the road and be ready to drive. I'm just saying please do whatever you can to keep kids like me or just your kids safe I really don't want any adult or any parents to suffer of their

losses

LATE

SB-2234

Submitted on: 2/4/2020 11:05:14 PM

Testimony for TRS on 2/5/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Ferreira	Individual	Oppose	No

Comments:

In opposition of SB2234

Michael Ferreira 92-7"49 Elele St

kapolei, HI. 96707

808-861-7115

i oppose this bill. I am a former police officer and have arrested more than 200 people for DUI. Very rarely have I pulled someone over who blew the portable breathalyzer appear impaired enough not to drive and they were pulled over for speed or other infractions.

This State is overwhelmed with DUI's at the higher level as it is. What is needed is a different treatment other than total abstinence. Instead of turning DUI into a hard to prove revenue grab.

If judges would endorse a prescription of Naltrexone, counseling and the Sinclair Method, there is a cure for alcoholism without the shame and humiliation that normally come from DUI punishment and being sent to AA only.

A lower BAC is not the answer for the DUI epidemic on Hawaii, effective treatment is. Legislation for implementing more inovative treatment programs to cure the alcoholic would save the State's money and injury.

Michael Ferreira

808-861- 7115

LATE

SB-2234

Submitted on: 2/5/2020 11:38:06 AM

Testimony for TRS on 2/5/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kari Benes	Individual	Support	No

Comments: