

STAND. COM. REP. NO. **2740**

Honolulu, Hawaii

MAR 03 2022

RE: S.B. No. 2096
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2096 entitled:

"A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE,"

begs leave to report as follows:

The purpose and intent of this measure is to lower the threshold of blood alcohol content for the offense of operating a vehicle while under the influence of an intoxicant.

Your Committee received testimony in support of this measure from the Department of Transportation; Department of the Prosecuting Attorney, County of Maui; Hawai'i Police Department; Honolulu Police Department; Maui Police Department; Maui County Council; Hawai'i State Association of Counties; Mothers Against Drunk Driving Hawaii; National Safety Council; and eighteen individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, American Beverage Institute, Wine Institute, and one individual.

Your Committee finds that in 2013, the National Transportation Safety Board (NTSB) recommended that all fifty states adopt a blood alcohol concentration cutoff of 0.05 compared to the 0.08 standard. According to the NTSB, lowering the rate to 0.05 would save approximately five hundred to eight hundred lives annually. The NTSB reports that a driver with a blood alcohol



concentration of 0.05 would be affected by exaggerated behavior, loss of small-muscle control and eye focus, impaired judgment, lowered alertness, and release of inhibition. This would result in reduced coordination, reduced ability to track moving objects, difficulty steering, and reduced response to emergency driving situations. This measure will save lives, prevent catastrophic injuries, and decrease medical costs by lowering the threshold of blood alcohol content for the offense of operating a vehicle while under the influence of an intoxicant.

Your Committee has amended this measure by:

- (1) Conforming other relevant sections to the lowered blood alcohol content threshold; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2096, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2096, S.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

**Record of Votes
Committee on Judiciary
JDC**

| | | |
|---|-----------------------------------|--------------------------|
| Bill / Resolution No.:* <i>SB 2096</i> | Committee Referral: <i>JDC</i> | Date: <i>02-18-22</i> |
|---|-----------------------------------|--------------------------|

The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

| | | | |
|---|--|--|--|
| <input type="checkbox"/> Pass, unamended <small>2312</small> | <input checked="" type="checkbox"/> Pass, with amendments <small>2311</small> | <input type="checkbox"/> Hold <small>2310</small> | <input type="checkbox"/> Recommit <small>2313</small> |
|---|--|--|--|

| Members | Aye | Aye (WR) | Nay | Excused |
|---------------------------|----------|----------|----------|----------|
| RHOADS, Karl (C) | ✓ | | | |
| KEOHOKALOLE, Jarrett (VC) | ✓ | | | |
| ACASIO, Laura | ✓ | | | |
| GABBARD, Mike | ✓ | | | |
| KIM, Donna Mercado | | | ✓ | |
| LEE, Chris | ✓ | | | |
| FEVELLA, Kurt | | | ✓ | |
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| TOTAL | 5 | - | 2 | - |

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

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*Only one measure per Record of Votes