



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

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

February 18, 2022
9:30 A.M.
State Capitol, Teleconference

S.B. 2096
RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

Senate Committee on Judiciary

The Department of Transportation (DOT) **supports** S.B. 2096 relating to the use of intoxicants while operating a vehicle. This bill lowers the per se blood alcohol concentration (BAC) threshold from .08 to .05 for the offense of operating a vehicle while under the influence of an intoxicant.

From 2017 through 2021, there were 19,473 individuals arrested for operating a vehicle under the influence of an intoxicant. Of those arrested, police were able to obtain a legal BAC, and 878 individuals, or 5%, had a BAC between .05 and .079.

Due to the increasing number of traffic fatalities involving impaired driving, the DOT's Hawaii Drug and Alcohol Intoxicated Driving recommended Hawaii adopt a .05 per se law.

The National Highway Traffic Safety Administration (NHTSA) published a recent evaluation of Utah's .05 per se law. The evaluation demonstrated both a cultural shift in the amount of alcohol that was consumed as well as a statistically significant reduction in the amount of serious and fatal crashes. The evaluation also demonstrated that the law did not have a negative impact on tourism nor alcohol sales.¹

According to the National Transportation Safety Board (NTSB), lowering the per se BAC limit is associated with reductions in impaired driving crashes and fatalities. Moreover, reducing the per se BAC limit could have a broader deterrent effect, thus reducing the risk of injuries and fatalities from impaired driving-related crashes. In addition, NTSB's studies show that driving-related performance at BAC levels as low as .01 is degraded, and crash risk is significantly elevated at BAC levels near .05.

¹ National Highway Traffic Safety Administration. *Evaluation of Utah's .05 BAC Per Se Law*. Traffic Tech DOT HS 813 234. February 2022.

Moreover, studies conducted by NHTSA, concluded that the majority of the driving population is impaired at BACs as low as .02, and reported significant impairment at a BAC of .05.

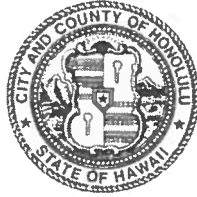
The DOT urges this committee to pass S.B. 2096 as it would decrease the number of senseless traffic fatalities by removing more impaired drivers from our roadways. Additionally, this bill will help Hawaii reach our Vision Zero goal to eliminate all motor vehicle fatalities.

Thank you for the opportunity to provide testimony.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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

RICK BLANGIARDI
MAYOR



RADE K. VANIC
INTERIM CHIEF

OUR REFERENCE JS-LC

February 18, 2022

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 2096, Relating to the Use of Intoxicants While Operating a Vehicle

I am James Slayter, Acting Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2096, Relating to the Use of Intoxicants While Operating a Vehicle.

The HPD supports the proposal of lowering the alcohol concentration in a person's breath or blood for the purposes of Operating a Vehicle Under the Influence of an Intoxicant. 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 one hundred 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 innocent lives. Any measure that could prevent these tragedies and keep impaired drivers off of our roadways should be considered.

The Honorable Karl Rhoads, Chair
and Members
February 18, 2022
Page 2

The HPD urges you to support Senate Bill No. 2096, Relating to the Use of Intoxicants While Operating a Vehicle.

Thank you for the opportunity to testify.

Sincerely,


James Slayter, Acting Major
Traffic Division

APPROVED:



Rade K. Vanic
Interim Chief of Police

STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender, State
of Hawai'i to the Senate Committee on Judiciary**

February 18, 2022

S.B. No. 2096: RELATING TO THE USE OF INTOXICANTS WHILE
OPERATING A VEHICLE

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The Office of the Public Defender respectfully opposes S.B. No. 2096.

This measure proposes to reduce the Operating a Vehicle Under the Influence of an Intoxicant (OVUII) threshold from 0.08% blood alcohol content (BAC) to 0.05% BAC. For reasons stated below, we oppose this measure.

A reduction of the alcohol impairment level to 0.05% BAC simply casts too wide a net and will result in criminalizing the behavior of normally responsible drinkers without having an impact on reducing alcohol-related fatalities. There are many responsible drinkers who do not drink and drive impaired. A responsible drinker, who limits their alcohol consumption to one to two drinks, can drive safely.¹

Many drivers with a 0.05% BAC do not exhibit the kind of impaired skills that cause them to drive unsafely. Yet despite operating their vehicles in accordance with all other traffic laws and not putting themselves or others at risk, this group of law-abiding drivers will constitute a new class of criminals under this proposed law.

For example, a female driver weighing 100 pounds may reach a 0.05% BAC level after consuming only one alcoholic drink. *See*

¹ The National Highway Traffic Safety Administration (NHTSA) report about the results of Utah's .05% BAC law is misleading. *See* <https://rosap.nhtl.bts.gov/view/dot/60427> (last visited, February 15, 2022). The report purports to show that traffic fatalities were reduced because of the change in Utah's OVUII law from .08% BAC to .05% BAC. The report compares data from 2016 (the last full year before the law was passed) and 2019 (the first full year the law was in effect). This is a misleading comparison because their data shows that the fatality rates have varied in Utah regardless of the law change. Figure 1 in the report shows that over the past 10 years the fatality rates have varied in Utah—with fatalities in 2012 and 2013 occurring at a similar rate to 2019. Fatality rates have declined nationwide similarly between 2016 and 2019 despite no enacting of the .05% BAC law nationally. The rates seen in Utah may be due to natural variation or some other unaccounted for factors.

https://www.onhealth.com/content/1/alcohol_impairment_chart (last visited, January 25, 2022). This female driver may stop for pau hana with her coworkers, have one beer, and then drive home safely. But if she is driving and stopped at a roadblock, she may be investigated, arrested, and convicted. OVUII is a non-deferrable offense that will remain on her record forever. Law-abiding people, like this woman, should not be caught in this wide net.

The individuals who drive drunk and seriously injure or kill innocent people are not those with a BAC of 0.05%. The high-level BAC drivers are alcohol dependent and/or uncaring individuals. A reduction of the BAC will not stop such people from drinking and driving.

Further, this proposed law has not been widely-accepted domestically. Hawai'i would be the only U.S. state, other than Utah, to pass such a law. The failure of this type of law to pass in other U.S. states reflects that our society is not interested in criminalizing driving safely after consuming one or two alcoholic drinks.

This proposed law will also result in a significantly higher workload for an already overburdened police department and legal system. Police officers busy arresting an individual with a 0.05% BAC level, who is not a danger to the community, may not be able to stop and arrest a dangerous individual with a 0.10 or 0.15% BAC level. An OVUII arrest of an individual involves multiple officers who will be pulled off patrol to investigate, including the officer that conducts the stop, another officer that conducts the field sobriety tests, an arresting officer, and an officer that conducts the breathalyzer. All of these officers typically prepare reports and other paperwork related to the investigation and arrest. Pulling several officers off patrol to investigate and arrest an individual with a BAC level of 0.05% means less officers on patrol to stop and arrest highly-intoxicated drivers.

Another collateral consequence will be increased court congestion, which will lead to dismissals of cases with higher-BAC levels that are never able to go to trial. In order to deal with the increased cases, the Legislature will need to build additional courtrooms and hire more judges, prosecutors, and public defenders. There have always been high caseloads for the OVUII calendars in the District Court, but the backlog caused by the COVID-19 pandemic has increased the calendars several-fold. As a result of this law, more OVUII cases would be dismissed due to a Rule 48 of the Hawai'i Rules of Penal Procedure and/or a constitutional speedy trial violation. Increasing the caseload by prosecuting individuals with a BAC level of 0.05% will only jeopardize the successful prosecution of individuals with higher-BAC levels. The judicial system can only process a finite number of cases.

To minimize the devastating effects of drunk driving, Hawai'i should concentrate on keeping people with higher-BAC levels and repeat offenders off the road rather than reducing the OVUII threshold from 0.08% BAC to 0.05% BAC.

Thank you for the opportunity to comment on S.B. No. 2096.



Testimony of the
Hawai'i State Association of Counties
on
S.B. No. 2096
Relating to the use of intoxicants while operating a vehicle
Committee on Judiciary
Friday, February 18, 2022, 9:30 a.m.

Dear Honorable Chair Rhoads, Vice Chair Keohokalole, and Committee Members,

On behalf of the Hawai'i State Association of Counties, I strongly support S.B. 2096, proposed by the Maui County Council (of which I am also a member), which will lower the threshold of blood alcohol content required for prosecution of operating a vehicle under the influence.

S.B. 2096 will lower from 0.08 to 0.05 percent the legal limit of alcohol in a person's blood or breath analysis required to prove the defendant was under the influence of an intoxicant while operating a vehicle. Lowering the legal limit of alcohol required will create stronger deterrence for those who consume alcohol and proceed to drive, reducing "buzzed" driving, and it will advance the goal of the Vision Zero Network to eliminate all traffic fatalities nationwide.

According to the CDC, 28 percent of all traffic fatalities are caused by alcohol impairment, and 29 people in the United States die daily in accidents involving an alcohol-impaired driver. Children constitute many of these fatalities.

In 2019, Utah became the first state to lower its blood alcohol content to that designated in S.B. 2096. A just-released National Highway Traffic Safety Administration study showed that as a result, Utah's fatal crash rate dropped from 2016 to 2019 by almost 20%, changing drivers' behavior and without causing feared negative economic effects. See [Utah's Tougher DUI Law Cut Deaths. Study Finds](#), February 14, 2022. Wouldn't we like to see those results in Hawai'i as well?

Please pass S.B. 2096.

Mahalo nui loa,

Kelly Takaya King, Maui County Council

Vice President, Hawai'i State Association of Counties



To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Jarrett Keohokalole, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB2906, Relating to the use of Intoxicants While Operating a Vehicle.

Hrg: Friday, February 18, 2022 at 9:30am via Videoconference

Position: Support

My name is Michael Sparks and I am a resident of Kihei Maui submitting testimony in **STRONG SUPPORT** of SB2096. SB2096 would lower the blood alcohol concentration limit to .05 percent for the offense of operating a vehicle while under the influence of an intoxicant. Evidence demonstrates that lowering the BAC limit to .05 is an effective public health strategy to reduce Hawai'i's current epidemic of impaired driving and its related consequences. Below are the highlights to support a .05 BAC limit for Hawai'i.

Lowering the BAC limit to .05 will save lives and improve traffic safety

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to .05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.ⁱ Additionally, the study found that that lowering of the BAC limit from .08 to .05 showed reductions for almost all crash- and driver-level BAC measures (i.e. there were fewer crashes and lower alcohol involvement). Table 1 below shows the monthly reductions in crash and driver measures in the 12 months following Utah's change to a .05 BAC limit.ⁱⁱ

Table 1. Estimated Average Monthly Changes for Selected Crash and Driver Measures

Measure	After .05 Law in Effect (12 months) Δ%
Crashes	
Total per VMT [†]	-9.6*
Injury (including fatalities) per VMT	-10.8*
Single Vehicle Nighttime per VMT	-7.8
Single Vehicle Nighttime Injury per VMT	-13.7*
Alcohol Positive per VMT	-8.9*
BAC ≥ .05 per VMT	-14.7
BAC ≥ .08 per VMT	-13.7
BAC ≥ .15 per VMT	-9.1
Drivers	
% Suspected Alcohol	-12.5*
% Alcohol Positive	-14.6*
% BAC ≥ .05	-22.5*
% BAC ≥ .08	-22.9*
% BAC ≥ .15	-22.5*

Δ% = estimated percentage change.

* $p < .05$, two-tailed ARIMA model.

[†]VMT is per 100 million vehicle miles traveled.

New findings suggest that a .05 BAC limit will not reduce alcohol sales, tourism, and tax revenues

The February 2022 NHTSA report on the alcohol sales, tourism, and tax revenues since the .05 BAC law went into effect in Utah shows no decline in any of these areas. Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the .05 BAC law.ⁱⁱⁱ

A .05 BAC limit is unlikely to increase arrests

DUI arrest data from Utah’s .05 BAC law shows no large spikes in overall arrests relative to the passage of the .05 BAC law. In 2019, there was a slight increase in arrests for drives with a .05 to .079 BAC, which was expected given that law enforcement could now cite drives for a per se offense in this BAC range.^{iv}

Approximately 100 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.^v

Lowering the BAC limit to .05 is not about stopping drinking; it is about separating drinking from driving. It will prevent crashes, injuries, and deaths, and it is an effective strategy that our communities deserve.

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. We ask that you **pass SB2096** forward, for the benefit of the people of Hawai‘i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

Michael Sparks

ⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah’s .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

ⁱⁱ Evaluation of Utah’s .05 BAC Per Se Law, Traffic Tech Technology Transfer Series, Issue Brief February 2022. <https://rosap.nhtl.bts.gov/view/dot/60427>

ⁱⁱⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah’s .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

^{iv} Ibid.

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

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Jarrett Keohokalole, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB 2096, Relating to the use of Intoxicants While Operating a Vehicle.

Hrg: Friday, February 18, 2022 at 9:30am via Videoconference

Position: Support

My name is Cynthia Okazaki from Kaneohe and I am in STRONG SUPPORT of SB 2096. SB 2096 lowers the blood alcohol concentration limit to .05 percent for the offense of operating a vehicle while under the influence of an intoxicant. Evidence suggests that lowering the BAC limit to .05 is an effective public health strategy to reduce Hawai'i's current epidemic of impaired driving and its related consequences. I urge you to pass on this bill for the following reasons:

Lowering the BAC limit to .05 will save lives and improve traffic safety

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to .05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.ⁱ Additionally, the study found that that lowering of the BAC limit from .08 to .05 showed reductions for almost all crash- and driver-level BAC measures (i.e. there were fewer crashes and lower alcohol involvement). Table 1 below shows the monthly reductions in crash and driver measures in the 12 months following Utah's change to a .05 BAC limit.ⁱⁱ

Table 1. Estimated Average Monthly Changes for Selected Crash and Driver Measures

Measure	After .05 Law in Effect (12 months) Δ%
Crashes	
Total per VMT [†]	-9.6*
Injury (including fatalities) per VMT	-10.8*
Single Vehicle Nighttime per VMT	-7.8
Single Vehicle Nighttime Injury per VMT	-13.7*
Alcohol Positive per VMT	-8.9*
BAC ≥ .05 per VMT	-14.7
BAC ≥ .08 per VMT	-13.7
BAC ≥ .15 per VMT	-9.1
Drivers	
% Suspected Alcohol	-12.5*
% Alcohol Positive	-14.6*
% BAC ≥ .05	-22.5*
% BAC ≥ .08	-22.9*
% BAC ≥ .15	-22.5*

Δ% = estimated percentage change.

* $p < .05$, two-tailed ARIMA model.

[†]VMT is per 100 million vehicle miles traveled.

New findings suggest that a .05 BAC limit will not reduce alcohol sales, tourism, and tax revenues

The February 2022 NHTSA report on the alcohol sales, tourism, and tax revenues since the .05 BAC law went into effect in Utah shows no decline in any of these areas. Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the .05 BAC law.ⁱⁱⁱ

A .05 BAC limit is not likely to increase arrests

DUI arrest data from Utah's .05 BAC law shows no large spikes in overall arrests relative to the passage of the .05 BAC law. In 2019, there was a slight increase in arrests for drives with a .05 to .079 BAC, which was expected given that law enforcement could now cite drives for a per se offense in this BAC range.^{iv}

Approximately 100 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.^v

Lowering the BAC limit to .05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and it is an effective strategy that our communities deserve.

This law would improve the overall health and wellness of our communities and ultimately save lives. I urge you to **pass SB2096**, for the benefit of the people of Hawai'i.

Mahalo for your time and attention to this urgent matter.

ⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

ⁱⁱ Evaluation of Utah's .05 BAC Per Se Law, Traffic Tech Technology Transfer Series, Issue Brief February 2022. <https://rosap.nhtl.bts.gov/view/dot/60427>

ⁱⁱⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

^{iv} Ibid.

^v Global Status Report on Road Safety 2018, World Health Organization, 2018.

https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/



**HAWAI'I ALCOHOL POLICY
ALLIANCE**

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Jarrett Keohokalole, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB2906, Relating to the use of Intoxicants While Operating a Vehicle.

Hrg: Friday, February 18, 2022 at 9:30am via Videoconference

Position: Strong Support

The Alcohol Policy Alliance, which is fiscally managed by the Hawai'i Public Health Institute, would like to provide testimony in **STRONG SUPPORT of SB2096**. SB2096 would lower the blood alcohol concentration limit to .05 percent for the offense of operating a vehicle while under the influence of an intoxicant.

Evidence suggests that lowering the BAC limit to .05 is an effective public health strategy to reduce Hawai'i's current epidemic of impaired driving and its related consequences. Below are the highlights to support a .05 BAC limit for Hawai'i.

Lowering the BAC limit to .05 will save lives and improve traffic safety

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to .05**. This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.ⁱ Additionally, the study found that that lowering of the BAC limit from .08 to .05 showed reductions for almost all crash- and driver-level BAC measures (i.e. there were fewer crashes and lower alcohol involvement). Table 1 below shows the monthly reductions in crash and driver measures in the 12 months following Utah's change to a .05 BAC limit.ⁱⁱ

Table 1. Estimated Average Monthly Changes for Selected Crash and Driver Measures

Measure	After .05 Law in Effect (12 months)
	Δ%
Crashes	
Total per VMT [†]	-9.6*
Injury (including fatalities) per VMT	-10.8*
Single Vehicle Nighttime per VMT	-7.8
Single Vehicle Nighttime Injury per VMT	-13.7*
Alcohol Positive per VMT	-8.9*
BAC ≥ .05 per VMT	-14.7
BAC ≥ .08 per VMT	-13.7
BAC ≥ .15 per VMT	-9.1
Drivers	
% Suspected Alcohol	-12.5*
% Alcohol Positive	-14.6*
% BAC ≥ .05	-22.5*
% BAC ≥ .08	-22.9*
% BAC ≥ .15	-22.5*

Δ% = estimated percentage change.

* $p < .05$, two-tailed ARIMA model.

[†]VMT is per 100 million vehicle miles traveled.

New findings suggest that a .05 BAC limit will not reduce alcohol sales, tourism, and tax revenues

The February 2022 NHTSA report on the alcohol sales, tourism, and tax revenues since the .05 BAC law went into effect in Utah shows no decline in any of these areas. Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the .05 BAC law.ⁱⁱⁱ

A .05 BAC limit is not likely to increase arrests

DUI arrest data from Utah’s .05 BAC law shows no large spikes in overall arrests relative to the passage of the .05 BAC law. In 2019, there was a slight increase in arrests for drives with a .05 to .079 BAC, which was expected given that law enforcement could now cite drives for a per se offense in this BAC range.^{iv}

Approximately 100 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.^v

Lowering the BAC limit to .05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and it is an effective strategy that our communities deserve.

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. We ask that you **pass SB2096** forward, for the benefit of the people of Hawai‘i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Collins" with "CPS" written in a smaller font to the right.

Rick Collins
Director

ⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

ⁱⁱ Evaluation of Utah's .05 BAC Per Se Law, Traffic Tech Technology Transfer Series, Issue Brief February 2022.
<https://rosap.nhtl.bts.gov/view/dot/60427>

ⁱⁱⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

^{iv} Ibid.

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

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Jarrett Keohokalole, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB2096, Relating to the use of Intoxicants While Operating a Vehicle.

Hrg: Friday, February 18, 2022 at 9:30am via Videoconference

Position: Support

My name is Chelsea Gonzales and I am the Coordinator for the Hawai'i Alcohol Policy Alliance. submitting testimony in STRONG SUPPORT of SB2096. SB2096 lowers the blood alcohol content to .05 percent for the offense of operating a vehicle while under the influence of an intoxicant. Evidence suggest that lowering the BAC limit to .05 is an effective public health strategy to reduce Hawai'i's current epidemic of impaired driving and its related consequences. Below are the highlights to support a .05 BAC limit for Hawai'i:

Lowering the BAC limit to .05 will save lives and improve traffic safety

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to .05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.ⁱ Additionally, the study found that that lowering of the BAC limit from .08 to .05 showed reductions for almost all crash- and driver-level BAC measures (i.e. there were fewer crashes and lower alcohol involvement). Table 1 below shows the monthly reductions in crash and driver measures in the 12 months following Utah's change to a .05 BAC limit.ⁱⁱ

Table 1. Estimated Average Monthly Changes for Selected Crash and Driver Measures

Measure	After .05 Law in Effect (12 months)
	Δ%
Crashes	
Total per VMT [†]	-9.6*
Injury (including fatalities) per VMT	-10.8*
Single Vehicle Nighttime per VMT	-7.8
Single Vehicle Nighttime Injury per VMT	-13.7*
Alcohol Positive per VMT	-8.9*
BAC ≥ .05 per VMT	-14.7
BAC ≥ .08 per VMT	-13.7
BAC ≥ .15 per VMT	-9.1
Drivers	
% Suspected Alcohol	-12.5*
% Alcohol Positive	-14.6*
% BAC ≥ .05	-22.5*
% BAC ≥ .08	-22.9*
% BAC ≥ .15	-22.5*

Δ% = estimated percentage change.

* $p < .05$, two-tailed ARIMA model.

[†]VMT is per 100 million vehicle miles traveled.

New findings suggest that a .05 BAC limit will not reduce alcohol sales, tourism, and tax revenues

The February 2022 NHTSA report on the alcohol sales, tourism, and tax revenues since the .05 BAC law went into effect in Utah shows no decline in any of these areas. Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the .05 BAC law.ⁱⁱⁱ

A .05 BAC limit is not likely to increase arrests

DUI arrest data from Utah's .05 BAC law shows no large spikes in overall arrests relative to the passage of the .05 BAC law. In 2019, there was a slight increase in arrests for drives with a .05 to .079 BAC, which was expected given that law enforcement could now cite drives for a per se offense in this BAC range.^{iv}

Approximately 100 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.^v

Lowering the BAC limit to .05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and it is an effective strategy that our communities deserve.

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. We ask that you **pass SB2096** forward, for the benefit of the people of Hawai'i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

Chelsea Gonzales
chelsea@hiphi.org

ⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

ⁱⁱ Evaluation of Utah's .05 BAC Per Se Law, Traffic Tech Technology Transfer Series, Issue Brief February 2022.
<https://rosap.ntl.bts.gov/view/dot/60427>

ⁱⁱⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

^{iv} Ibid.

^v Global Status Report on Road Safety 2018, World Health Organization, 2018.

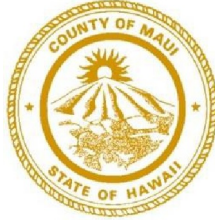
https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

LATE

MICHAEL P. VICTORINO
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

MICHAEL S. KAGAMI
First Deputy Prosecuting Attorney



DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

TESTIMONY
ON
S.B. 2096 RELATING TO
THE USE OF INTOXICANTS
WHILE OPERATING A VEHICLE

February 17, 2022

The Honorable Karl Rhoads
Chair
The Honorable Jarrett Keohokalole
Vice Chair
and Members of the Committee on Judiciary

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments concerning S.B. 2096, Relating to The Use of Intoxicants While Operating a Vehicle. Specifically, we would like to express our support for lowering the blood alcohol content threshold for the offense of Operating a Vehicle Under The Influence of an Intoxicant from .08 grams of alcohol to .05 grams of alcohol.

This bill amends the per se blood alcohol concentration (“BAC”) for Operating a Vehicle Under the Influence of an Intoxicant (“OVUII”) from .08 grams of alcohol to .05 grams of alcohol per one hundred milliliters or cubic centimeters of a person’s blood or two hundred ten milliliters of a person’s breath. In our view, this bill would save lives throughout the State.

We say this based not only on our Department’s collective experience prosecuting multiple OVUII cases every week for years, but also on a study by the National Highway Traffic Safety Administration in the state of Utah, which adopted a similar BAC threshold in 2019. That study examined, *inter alia*, data on crashes, impaired driving arrests, and driver knowledge, perceptions and attitudes toward drinking and driving. In summary, the BAC threshold change appears to have resulted in a 9.6% reduction in the total number of crashes, a 10.8% reduction in the number of injuries (including fatalities), and an average 22% decrease in the number of intoxicated drivers at the .05, .08 and .15 BAC thresholds in 2019 as compared to 2016.

For these reasons, the Department of the Prosecuting Attorney, County of Maui supports the passage of S.B. 2096. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

Thank you very much for the opportunity to provide testimony on this bill.

SB-2096

Submitted on: 2/16/2022 9:24:11 AM

Testimony for JDC on 2/18/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
William Hankins	Testifying for MAUI POLICE DEPARTMENT	Support	No

Comments:

I strongly support this bill for one simple reason. It WILL SAVE LIVES. Our impaired driving problem is a huge problem statewide. On Maui alone we have had a 400% increase in fatal crashes driving. More thsn half are alcohol related on Maui as of this date. Lowering the legal limit to .05 will send a message that we as a state are serious in eliminating impaired driving from our roadways. Currently only Utah has a .05 legal limit and they have seen great success in reducing impaired driving crashes. Studies have shown that somone with a .05 BAC or greater IS impaired and should not be driving. Also most drivers are above .10 whn arrested, however by the time police can get them to submit to a chemical test several hours may have passed and the impaired driver falls below .08, yet they are still impaired. I have attached information that states how .05 BAC has been recommended for states since 2013.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4448946/> Please support this bill, and give law enforcement another tool to help eradicate impaired driving in Hawaii.

Mitchell D. Roth
Mayor



LATE

Paul K. Ferreira
Police Chief

Kenneth Bugado Jr.
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

349 Kapi'olani Street • Hilo, Hawai'i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

February 17, 2022

Senator Karl Rhoads
Chairperson and Committee Members
Committee on Judiciary
415 South Beretania Street
Honolulu, Hawai'i 96813

RE: SENATE BILL 2096, RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

HEARING DATE: FEBRUARY 18, 2022; TIME: 09:30 A.M.

Dear Senator Rhoads:

The Hawai'i Police Department **supports** Senate Bill 2096, with its purpose to adopt a blood alcohol content (BAC) cutoff of 0.05 BAC compared to the current standard of 0.08 BAC. Impairment from alcohol at any level prohibits a driver from operating a vehicle with the same level of control and safety as when they are not impaired. For drivers with BACs of .05-.079, the risk of being in a fatal crash (single-vehicle) is at least seven times higher than for drivers with no alcohol in their system. (Zador et al., 2000, NIH/NIAAA Alcohol Alert 2001, Voas et al., 2012, NTSB, 2017.)

The Center for Disease Control has identified that a 160 pound male would reach a .05 BAC if they consumed three alcoholic drinks in one hour. The level of impairment would include a decline/reduction in:

- Visual functions
- Ability to perform two tasks at the same time
- Coordination
- Ability to track moving objects
- Difficulty steering
- Response to emergency driving situations

These are signs of impairment and contributing factors in all crashes, more significantly in major injury and fatal crashes. These functioning abilities are needed to operate a vehicle in a safe manner.

Hawai'i County has recorded 158 deaths due to traffic crashes since 2016. Although not all of these deaths were attributed to alcohol impairment, if even one life could have been saved by reducing the legal limit, families and communities could have been spared the heartache and grief of losing a loved one.

It is for these reasons, we urge this committee to approve this legislation. Thank you for allowing the Hawai'i Police Department to provide comments relating to Senate Bill 2096.

Sincerely,

A handwritten signature in black ink that reads "Paul K. Ferreira".

PAUL K. FERREIRA
POLICE CHIEF

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

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



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

Deputy Director of Council Services
David M. Raatz, Jr., Esq.

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

February 16, 2022

TO: Honorable Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Alice L. Lee
Council Chair

DATE: February 16, 2022

SUBJECT: **SUPPORT FOR SB 2096, RELATING TO THE USE OF INTOXICANTS
WHILE OPERATING A VEHICLE**

Thank you for the opportunity to testify on behalf of the Maui County Council in **SUPPORT** of this important measure. The purpose of this measure is to lower the threshold blood alcohol content for the offense of operating a vehicle while under the influence of an intoxicant.

This measure is part of the 2022 Maui County Council Legislative Package. Therefore, I am providing this testimony on behalf of the Maui County Council.

The Maui County Council **SUPPORTS** this measure for the following reasons:

1. The measure implements the National Transportation Safety Board's recommendation that the Blood Alcohol Concentration cutoff be changed from a standard of 0.08 to 0.05.
2. A driver with a Blood Alcohol Concentration of 0.05 would be affected by reduced coordination, reduced ability to track moving objects, difficulty steering, and reduced response time to emergency driving situations.
3. Lowering the cutoff threshold of Blood Alcohol Concentration to 0.05 would save lives, prevent catastrophic injuries, and decrease medical costs.

For the foregoing reasons, the Maui County Council **SUPPORTS** this measure.



Mothers Against Drunk Driving
MADD Hawaii
madd.org/hawaii

MADD Hawaii
745 Fort Street, Suite 303
Honolulu, HI 96813

808-532-6232
877.ASK.MADD
877.MADD.HELP Victim Support

February 18, 2022

To: The Honorable Karl Rhoads, Chair, Senator Jarrett Keohokalole, Vice Chair,
Senate Committee on Judiciary and Committee Members

From: Kurt Kendro, Chair, Public Policy Committee, Mothers Against Drunk Driving (MADD) Hawaii

Re: SB 2096 – RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

The problem of drunk driving is not going away. MADD urges you take action to improve the drunk driving law as DUI is still a deadly crime. According to the National Highway Traffic Safety Administration (NHTSA) in 2019 in Hawaii, 36 people were killed in drunk driving crashes.

COVID has made the impaired driving problem worse. Additionally, with the COVID-19 pandemic, the problem of impaired driving is at record rates. According to NHTSA, testing among seriously and fatally injured road users shows significantly higher prevalence of alcohol, cannabinoids, and opioids during the public health emergency compared to before. Provisional data from 2020 also showed that although vehicle miles traveled fell by 13%, there was a 7% increase in overall traffic fatalities and a 9% increase in fatalities due to drunk driving specifically. Meanwhile, estimates for 2021 are even worse: 8,730 people died in motor vehicle crashes in the first quarter, a 10.5% increase from the 7,900 NHTSA projected for the first quarter of 2020.

Currently, every state except Utah has an illegal BAC of .08. These .08 BAC laws have helped to save over 40,000 lives. MADD believes .05 BAC will help save even more lives. Studies suggest over 1,700 lives could be saved each year if all states enacted a .05 BAC law. According to the National Safety Council, the crash risk of someone driving at a .05 BAC level increases by 40 percent.

The goal of a .05 BAC is not to stop people aged 21 and over from consuming alcohol, but to deter people from driving after drinking. The public supports .05, according to the AAA Foundation. Sixty-three percent of people surveyed already think .05 BAC should be the illegal level.

MADD STRONGLY SUPPORTS SB2096 making .05 BAC the illegal level. If you have any questions, please do not hesitate to contact MADD Hawaii Public Policy Chair Kurt Kendro at hpd1670@aol.com or (808)-223-4820.

Thank you for the opportunity to testify.

Sen. Karl Rhoads
 Chairman
 Senate Judiciary Committee
 Hawaii State Senate

Sen. Jarrett Keohokalole
 Vice Chairman
 Senate Judiciary Committee
 Hawaii State Senate

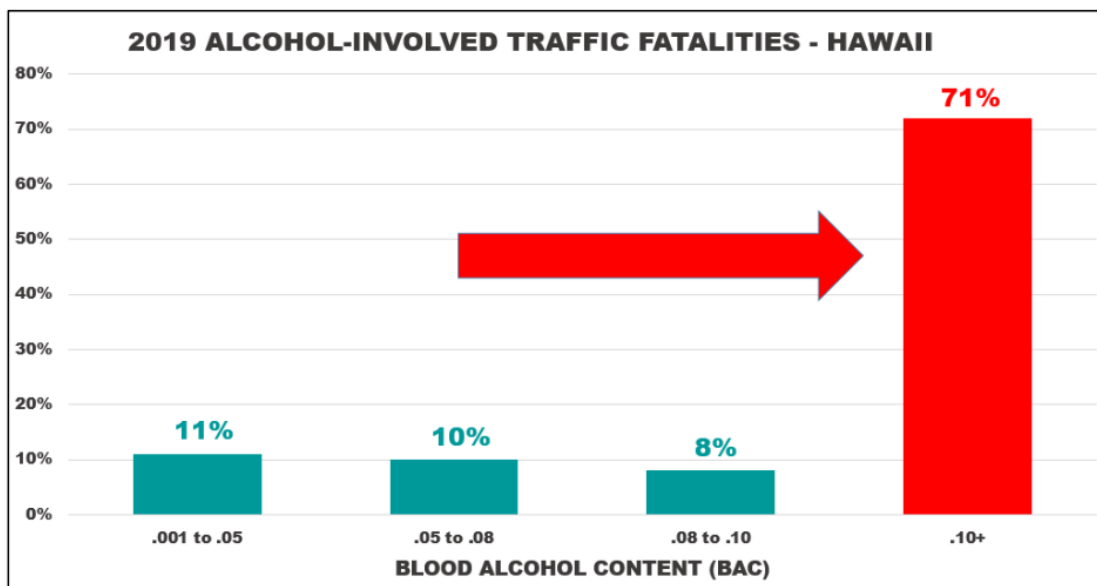
Members of the Committee,

Senate Bill 2096—which would lower the legal blood alcohol concentration (BAC) limit for driving by 40 percent from 0.08 to 0.05, while also flagging those as low as 0.02 BAC—is well intended, but a poorly targeted approach to improve traffic safety in Hawaii. Diluting the definition of “drunk” will do little to save lives on the road. Public policy should instead follow the science.

Utah has been the only state thus far to experiment with a 0.05 policy. And despite the federal government arguing that road safety has improved in Utah *because of* the lower legal limit, correlation does not equal causation. Yes, Utah has experienced a drop in alcohol-related traffic fatalities since 2016, but so have more than thirty other states—all of which, besides Utah, retained the 0.08 BAC standard. Three even enjoyed bigger percentage declines than Utah.

In reality, progress in traffic safety is a result of national and state-based PSAs, improved driver education programs, and **smart legislating targeted at getting alcohol abusers off the road**. These are the initiatives that address the real problem with a scalpel and need to be expanded.

An analysis of government data by my organization finds the average BAC of a drunk driver involved in a fatal crash in the state to be 0.18—nearly four-times the proposed 0.05 threshold. As with so many other products, there is a clear distinction between use and abuse. Examine the below graph that illustrates where limited traffic safety resources and legislative efforts should be focused. (The figures indicate every case in which alcohol was present, not necessarily at fault.)



Source: National Highway Traffic Safety Administration

University research suggests having a conversation while driving is far more impairing than someone at the proposed 0.05 BAC limit—a finding supported by the modest proportion of accidents shown in the leftward bars. Even if alcohol was present in these instances, such a low amount is unlikely to be considered a proximate cause for the accident. Some Hawaiians can reach a 0.05 BAC after consuming little more than a single glass of wine. It is unfair to have your license suspended, incurring tens of thousands of dollars in legal fees and higher insurance premiums, for that level of impairment.

Committee members should also not discount the depressing effect a 0.05 law will have on restaurants. Hospitality businesses are trying to get back up on their feet following the pandemic and making criminals out of their responsible consumers will make recovery more of an uphill climb without improving traffic safety.

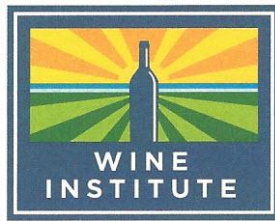
We all want to save lives and I applaud the committee for investigating the topic. But attacking moderate consumers in order to get at product abusers with a new law targets the responsible people for suffering in an unjust legal system. There is a reason no other state beyond Utah has employed this attack on alcohol. Hawaii should also continue using their resources to reduce abusive drinking prior to driving.

Thank you for reviewing my testimony.

Sincerely,



Richard Berman
Executive Director
American Beverage Institute



Sally H. Jefferson
Director, Western States

THE SENATE
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022

COMMITTEE ON JUDICIARY
February 18, 2022

Testimony in Opposition to SB 2096

Chair Rhoads, Vice Chair Keohokalole and Members of the Committee:

Thank you for the opportunity to provide testimony on SB 2096, RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE. Wine Institute, a public policy association representing more than 1,000 California wineries and associate members, is opposed to SB 2096 and offers the following comments.

SB 2096 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 from .08 to .05 of alcohol per one hundred milliliters or cubic centimeters of blood or breath. 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 much needed resources away from targeting repeat offenders and high BAC (.15 or higher) drivers.

Thank you for your consideration of our views on this legislation.

February 17, 2022

The Honorable Karl Rhoades
Chair, Senate Committee on Judiciary
415 South Beretania St. Room 204
Honolulu, HI 96813

The Honorable Jarrett Keohokalole
Vice Chair, Senate Committee on Judiciary
415 Beretania St. Room 205
Honolulu, HI 96813

Dear Chair Rhoades and Vice-Chair Keohokalole:

On behalf of the National Safety Council (NSC), I am writing today to ask for your support of SB 2096 and HB 1437, 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.

The National Safety Council (NSC) is America's leading nonprofit safety advocate and has been for over 100 years. As a mission-based organization, we work to eliminate the leading causes of preventable death and injury, focusing our efforts on the workplace, roadway and impairment. We create a culture of safety to keep people safer in the workplace and beyond so they can live their fullest lives. Our more than 15,000 member companies represent employees at more than 50,000 U.S. worksites, including more than 100 in Hawaii.

Utah already has implemented .05 BAC, and other states are considering similar legislation. A study recently released by the National Highway Traffic Safety Administration (NHTSA) found that **traffic deaths in Utah decreased when the state lowered its impaired driving BAC to .05%.**¹ The study also found that more drivers arranged for sober ride homes prior to going out.

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, almost 10% of drivers admitted to driving after drinking, despite believing that drunk driving poses a serious threat.² 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.³ By the time they reach .08, drivers are four times more likely to crash.⁴

Driving is one of the riskiest tasks all of us undertake on a daily basis. More than 38,000 people died in crashes on our nation's roads in 2020, a 7% increase compared to 2019.⁵ Preliminary estimates by NSC found that through November 2021, there were 84 motor vehicle-related deaths in Hawaii, a 12% increase over the same time period compared to 2020.⁶ In Hawaii, 34% of motor vehicle fatalities were alcohol-related (BAC >= .08) in 2019.⁷ Alcohol continues to be involved in about 28% of all fatal crashes in

¹ <https://rosap.nhtl.bts.gov/view/dot/60427>

² <https://aaafoundation.org/2019-traffic-safety-culture-index/>

³ https://www.nsc.org/Portals/0/Documents/NSCDocuments_Corporate/Policy-Positions/Transportation/T-Low Alcohol Concentration Culture Change-130.pdf

⁴ Blomberg RD, Peck RC, Moskowitz H, Burns M, Fiorentino D: The Long Beach/Fort Lauderdale relative risk study; J Safety Res 40:285; 2009.

⁵ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813115>

⁶ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813060>

⁷ <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813183>



America, and this percentage has not significantly fluctuated in more than a decade.⁸ We need new strategies to create a culture of change and new laws.

This legislation will save lives and prevent injuries in Hawaii. NSC fully supports SB 2096 and HB 1437, 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 202-445-3121.

Sincerely,

A handwritten signature in black ink that reads "Lorraine M. Martin". The signature is written in a cursive, flowing style.

Lorraine M. Martin
President and CEO

Copy: Senate Committee on Judiciary

⁸ NSC analysis of NHTSA FARS data.

LATE

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Jarrett Keohokalole, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB2096, Relating to the use of Intoxicants While Operating a Vehicle.

Hrg: Friday, February 18, 2022 at 9:30am via Videoconference

Position: Support

My name is Kawena Bagano and I am a resident of Hanamā‘ulu, Kaua‘i submitting testimony in STRONG SUPPORT of SB2096. SB2096 lowers the blood alcohol content to .05 percent for the offense of operating a vehicle while under the influence of an intoxicant.

Evidence suggest that lowering the BAC limit to .05 is an effective public health strategy to reduce Hawai‘i’s current epidemic of impaired driving and its related consequences. Below are the highlights to support a .05 BAC limit for Hawai‘i:

Lowering the BAC limit to .05 will save lives and improve traffic safety

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah’s law that lowered the BAC limit to .05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.¹ Additionally, the study found that lowering of the BAC limit from .08 to .05 showed reductions for almost all crash- and driver-level BAC measures (i.e. there were fewer crashes and lower alcohol involvement). Table 1 below shows the monthly reductions in crash and driver measures in the 12 months following Utah’s change to a .05 BAC limit.²

¹ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah’s .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

² Evaluation of Utah’s .05 BAC Per Se Law, Traffic Tech Technology Transfer Series, Issue Brief February 2022. <https://rosap.nhtl.bts.gov/view/dot/60427>

Table 1. Estimated Average Monthly Changes for Selected Crash and Driver Measures

Measure	After .05 Law in Effect (12 months) Δ%
Crashes	
Total per VMT ¹	-9.6*
Injury (including fatalities) per VMT	-10.8*
Single Vehicle Nighttime per VMT	-7.8
Single Vehicle Nighttime Injury per VMT	-13.7*
Alcohol Positive per VMT	-8.9*
BAC ≥ .05 per VMT	-14.7
BAC ≥ .08 per VMT	-13.7
BAC ≥ .15 per VMT	-9.1
Drivers	
% Suspected Alcohol	-12.5*
% Alcohol Positive	-14.6*
% BAC ≥ .05	-22.5*
% BAC ≥ .08	-22.9*
% BAC ≥ .15	-22.5*

Δ% = estimated percentage change.

* $p < .05$, two-tailed ARIMA model.

¹VMT is per 100 million vehicle miles traveled.

New findings suggest that a .05 BAC limit will not reduce alcohol sales, tourism, and tax revenues

The February 2022 NHTSA report on the alcohol sales, tourism, and tax revenues since the .05 BAC law went into effect in Utah shows no decline in any of these areas. Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the .05 BAC law.³

A .05 BAC limit is not likely to increase arrests

DUI arrest data from Utah's .05 BAC law shows no large spikes in overall arrests relative to the passage of the .05 BAC law. In 2019, there was a slight increase in arrests for drives with a .05 to .079 BAC, which was expected given that law enforcement could now cite drives for a per se offense in this BAC range.⁴

Approximately 100 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.⁵

³ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

⁴ Ibid.

⁵ Global Status Report on Road Safety 2018, World Health Organization, 2018.
https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

Lowering the BAC limit to .05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and it is an effective strategy that our communities deserve.

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. We ask that you **pass SB2096** forward, for the benefit of the people of Hawai'i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

Kawena Bagano

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Jarrett Keohokalole, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB2906, Relating to the use of Intoxicants While Operating a Vehicle.

Hrg: Friday, February 18, 2022 at 9:30am via Videoconference

Position: Support

My name is Becky Harrison and I am a resident of Kaneohe submitting testimony in STRONG SUPPORT of SB2096. SB2096 would lower the blood alcohol concentration limit to .05 percent for the offense of operating a vehicle while under the influence of an intoxicant.

Evidence suggests that lowering the BAC limit to .05 is an effective public health strategy to reduce Hawai'i's current epidemic of impaired driving and its related consequences. Below are the highlights to support a .05 BAC limit for Hawai'i.

Lowering the BAC limit to .05 will save lives and improve traffic safety

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to .05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.ⁱ Additionally, the study found that that lowering of the BAC limit from .08 to .05 showed reductions for almost all crash- and driver-level BAC measures (i.e. there were fewer crashes and lower alcohol involvement). Table 1 below shows the monthly reductions in crash and driver measures in the 12 months following Utah's change to a .05 BAC limit.ⁱⁱ

Table 1. Estimated Average Monthly Changes for Selected Crash and Driver Measures

Measure	After .05 Law in Effect (12 months) Δ%
Crashes	
Total per VMT [†]	-9.6*
Injury (including fatalities) per VMT	-10.8*
Single Vehicle Nighttime per VMT	-7.8
Single Vehicle Nighttime Injury per VMT	-13.7*
Alcohol Positive per VMT	-8.9*
BAC ≥ .05 per VMT	-14.7
BAC ≥ .08 per VMT	-13.7
BAC ≥ .15 per VMT	-9.1
Drivers	
% Suspected Alcohol	-12.5*
% Alcohol Positive	-14.6*
% BAC ≥ .05	-22.5*
% BAC ≥ .08	-22.9*
% BAC ≥ .15	-22.5*

Δ% = estimated percentage change.

* $p < .05$, two-tailed ARIMA model.

[†]VMT is per 100 million vehicle miles traveled.

New findings suggest that a .05 BAC limit will not reduce alcohol sales, tourism, and tax revenues

The February 2022 NHTSA report on the alcohol sales, tourism, and tax revenues since the .05 BAC law went into effect in Utah shows no decline in any of these areas. Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the .05 BAC law.ⁱⁱⁱ

A .05 BAC limit is not likely to increase arrests

DUI arrest data from Utah's .05 BAC law shows no large spikes in overall arrests relative to the passage of the .05 BAC law. In 2019, there was a slight increase in arrests for drives with a .05 to .079 BAC, which was expected given that law enforcement could now cite drives for a per se offense in this BAC range.^{iv}

Approximately 100 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.^v

Lowering the BAC limit to .05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and it is an effective strategy that our communities deserve.

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. We ask that you **pass SB2096** forward, for the benefit of the people of Hawai'i.

Mahalo for your time and attention to this urgent matter.

Sincerely,
Becky Harrison

ⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

ⁱⁱ Evaluation of Utah's .05 BAC Per Se Law, Traffic Tech Technology Transfer Series, Issue Brief February 2022. <https://rosap.nhtsa.gov/view/dot/60427>

ⁱⁱⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

^{iv} Ibid.

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

SB-2096

Submitted on: 2/15/2022 1:11:09 PM

Testimony for JDC on 2/18/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Colleen Fox	Individual	Support	No

Comments:

My name is Dr. Colleen Fox and I am submitting testimony in support of SB2096. SB2096 would lower the blood alcohol concentration limit to .05 percent for the offense of operating a vehicle while under the influence of an intoxicant.

Evidence indicates that lowering the BAC limit to .05 is an effective public health strategy to reduce impaired driving and its related consequences. A report by the National Highway Transportation Safety Administration (NHTSA) found a 19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to .05. New findings suggest that a .05 BAC limit will not reduce alcohol sales, tourism, and tax revenues, A .05 BAC limit is not likely to increase arrests. Approximately 100 countries have lower alcohol-related crash deaths than the United States due to .05 or lower BAC laws.

Lowering the BAC limit to .05 is about preventing crashes, injuries, and deaths, and it is an effective strategy that our communities deserve. 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. Please pass SB2096 forward, for the benefit of the people of Hawai'i.

SB-2096

Submitted on: 2/15/2022 1:36:18 PM

Testimony for JDC on 2/18/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kenichi Yabusaki	Individual	Support	No

Comments:

Dear Chair, Vice Chair, & Members of the Committee:

I fully support the passage of SB2096 as it relates to the use of intoxicants while operating a vehicle. Any substance that impairs human judgment, coordination, and the like while operating a vehicle is a danger to him or herself, to others, and to society as a whole. Thus lowering the limits is not only wise, but can hopefully save lives, injuries, and trauma to victims involving vehicular operation. Please consider the passage of SB2096. Thank you.

Respectfully,

Kenichi K. Yabusaki, Ph.D.

Kaneohe

SB-2096

Submitted on: 2/17/2022 8:41:53 AM

Testimony for JDC on 2/18/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Erick Peter Ehrhorn	Individual	Oppose	No

Comments:

Re: Senate Bill 2096, which would drop the threshold for the crime of “operating a vehicle under the influence on an intoxicant” to a blood alcohol concentration of .05 grams per deciliter, down from the current standard of .08 g/dL.

i oppose reducing this limit for a number of reasons. Perhaps the primary reason is that this is happening days after a state legislator was let off DUI and driving the wrong way on a one way street. How can you pass more strident laws for the common folk when the elite is able to get off on a technicality? This is pure hypocrisy. I wonder how many construction workers have been able to use this technicality?

A second reason I oppose it is that the problem with driving under the influence is not with a .05 or even a .1 level. The paper reported that the average alcohol bust is around .15. I bet most accidents involving alcohol involve levels far above .15. Do you have statistics on this? If so why are you going after the barely influenced while the heavy influenced is ignored?

A third reason is a DUI conviction can result in a lot of pain for the person. Just not justified when someone with connections can just walk. Shame on you for even considering such a bill especially after one of your own walks.

Please reverse your position and kill this disgusting hypocritical bill. Thank you for your consideration.

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Jarrett Keohokalole, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB2096, Relating to the use of Intoxicants While Operating a Vehicle.

Hrg: Friday, February 18, 2022 at 9:30am via Videoconference

Position: Support

My name is Cynthia Au and I am a resident of Honolulu, 96814 submitting testimony in STRONG SUPPORT of SB2096. SB2096 would lower the blood alcohol concentration limit to .05 percent for the offense of operating a vehicle while under the influence of an intoxicant.

Evidence suggests that lowering the BAC limit to .05 is an effective public health strategy to reduce Hawai'i's current epidemic of impaired driving and its related consequences. Below are the highlights to support a .05 BAC limit for Hawai'i.

Lowering the BAC limit to .05 will save lives and improve traffic safety

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to .05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.ⁱ Additionally, the study found that that lowering of the BAC limit from .08 to .05 showed reductions for almost all crash- and driver-level BAC measures (i.e. there were fewer crashes and lower alcohol involvement). Table 1 below shows the monthly reductions in crash and driver measures in the 12 months following Utah's change to a .05 BAC limit.ⁱⁱ

Table 1. Estimated Average Monthly Changes for Selected Crash and Driver Measures

Measure	After .05 Law in Effect (12 months) Δ%
Crashes	
Total per VMT [†]	-9.6*
Injury (including fatalities) per VMT	-10.8*
Single Vehicle Nighttime per VMT	-7.8
Single Vehicle Nighttime Injury per VMT	-13.7*
Alcohol Positive per VMT	-8.9*
BAC ≥ .05 per VMT	-14.7
BAC ≥ .08 per VMT	-13.7
BAC ≥ .15 per VMT	-9.1
Drivers	
% Suspected Alcohol	-12.5*
% Alcohol Positive	-14.6*
% BAC ≥ .05	-22.5*
% BAC ≥ .08	-22.9*
% BAC ≥ .15	-22.5*

Δ% = estimated percentage change.

**p* < .05, two-tailed ARIMA model.

[†]VMT is per 100 million vehicle miles traveled.

New findings suggest that a .05 BAC limit will not reduce alcohol sales, tourism, and tax revenues

The February 2022 NHTSA report on the alcohol sales, tourism, and tax revenues since the .05 BAC law went into effect in Utah shows no decline in any of these areas. Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the .05 BAC law.ⁱⁱⁱ

A .05 BAC limit is not likely to increase arrests

DUI arrest data from Utah's .05 BAC law shows no large spikes in overall arrests relative to the passage of the .05 BAC law. In 2019, there was a slight increase in arrests for drives with a .05 to .079 BAC, which was expected given that law enforcement could now cite drives for a per se offense in this BAC range.^{iv}

Approximately 100 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.^v

Lowering the BAC limit to .05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and it is an effective strategy that our communities deserve.

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. We ask that you **pass SB2096** forward, for the benefit of the people of Hawai'i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

Cynthia Au

ⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

ⁱⁱ Evaluation of Utah's .05 BAC Per Se Law, Traffic Tech Technology Transfer Series, Issue Brief February 2022. <https://rosap.nhtl.bts.gov/view/dot/60427>

ⁱⁱⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

^{iv} Ibid.

^v Global Status Report on Road Safety 2018, World Health Organization, 2018.

https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

SB-2096

Submitted on: 2/17/2022 9:19:07 AM

Testimony for JDC on 2/18/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dustin Kaleiupu	Individual	Support	No

Comments:

My name is Dustin Kaleiupu and I am a resident of Lahaina, Maui submitting testimony in STRONG SUPPORT of SB2096. SB2096 lowers the blood alcohol content to .05 percent for the offense of operating a vehicle while under the influence of an intoxicant. Evidence suggests that lowering the BAC limit to .05 is an effective public health strategy to reduce Hawai'i's current epidemic of impaired driving and its related consequences.

LATE

SB-2096

Submitted on: 2/17/2022 9:49:15 AM

Testimony for JDC on 2/18/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kristin Mills	Individual	Support	No

Comments:

My name is Kristin Mills and I am a resident in Pukalani, on Maui. As a health educator and a parent, I am in strong support of SB2096, which lowers the blood alcohol content to .05 percent for the offense of operating a vehicle while under the influence of an intoxicant.

We need more stringent laws around "driving under the influence". Habitual DUIs are up over 500% since before the pandemic. Utah recently passed a similar law which resulted in a 19.8% drop in fatal car crashes in a 21 month period.

Please protect our residents and visitors by supporting SB2096.

Mahalo, Kristin Mills

LATE

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Jarrett Keohokalole, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB2096, Relating to the use of Intoxicants While Operating a Vehicle.

Hrg: Friday, February 18, 2022 at 9:30am via Videoconference

Position: Support

My name is Katie Folio and I am a resident of Kula, Maui submitting testimony in STRONG SUPPORT of SB2096. SB2096 lowers the blood alcohol content to .05 percent for the offense of operating a vehicle while under the influence of an intoxicant.

Evidence suggest that lowering the BAC limit to .05 is an effective public health strategy to reduce Hawai'i's current epidemic of impaired driving and its related consequences. Below are the highlights to support a .05 BAC limit for Hawai'i:

Lowering the BAC limit to .05 will save lives and improve traffic safety

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to .05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.¹ Additionally, the study found that that lowering of the BAC limit from .08 to .05 showed reductions for almost all crash- and driver-level BAC measures (i.e. there were fewer crashes and lower alcohol involvement). Table 1 below shows the monthly reductions in crash and driver measures in the 12 months following Utah's change to a .05 BAC limit.²

Table 1. Estimated Average Monthly Changes for Selected Crash and Driver Measures

Measure	After .05 Law in Effect (12 months) Δ%
Crashes	
Total per VMT [†]	-9.6*
Injury (including fatalities) per VMT	-10.8*
Single Vehicle Nighttime per VMT	-7.8
Single Vehicle Nighttime Injury per VMT	-13.7*
Alcohol Positive per VMT	-8.9*
BAC ≥ .05 per VMT	-14.7
BAC ≥ .08 per VMT	-13.7
BAC ≥ .15 per VMT	-9.1
Drivers	
% Suspected Alcohol	-12.5*
% Alcohol Positive	-14.6*
% BAC ≥ .05	-22.5*
% BAC ≥ .08	-22.9*
% BAC ≥ .15	-22.5*

Δ% = estimated percentage change.

* $p < .05$, two-tailed ARIMA model.

[†]VMT is per 100 million vehicle miles traveled.

New findings suggest that a .05 BAC limit will not reduce alcohol sales, tourism, and tax revenues

The February 2022 NHTSA report on the alcohol sales, tourism, and tax revenues since the .05 BAC law went into effect in Utah shows no decline in any of these areas. Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the .05 BAC law.³

A .05 BAC limit is not likely to increase arrests

DUI arrest data from Utah’s .05 BAC law shows no large spikes in overall arrests relative to the passage of the .05 BAC law. In 2019, there was a slight increase in arrests for drives with a .05 to .079 BAC, which was expected given that law enforcement could now cite drives for a per se offense in this BAC range.⁴

Approximately 100 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.⁵

Lowering the BAC limit to .05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and it is an effective strategy that our communities deserve.

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. We ask that you **pass SB2096** forward, for the benefit of the people of Hawai‘i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

Katie Folio

¹ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah’s .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

² Evaluation of Utah’s .05 BAC Per Se Law, Traffic Tech Technology Transfer Series, Issue Brief February 2022. <https://rosap.nhtl.bts.gov/view/dot/60427>

³ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah’s .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

⁴ Ibid.

⁵ Global Status Report on Road Safety 2018, World Health Organization, 2018. https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

LATE

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Jarrett Keohokalole, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB2906, Relating to the use of Intoxicants While Operating a Vehicle.

Hrg: Friday, February 18, 2022 at 9:30am via Videoconference

Position: Support

My name is Michelle Park and I am a resident of the Kaneohe community submitting testimony in STRONG SUPPORT of SB2096. SB2096 would lower the blood alcohol concentration limit to .05 percent for the offense of operating a vehicle while under the influence of an intoxicant. Evidence suggests that lowering the BAC limit to .05 is an effective public health strategy to reduce Hawai'i's current epidemic of impaired driving and its related consequences. Below are the highlights to support a .05 BAC limit for Hawai'i.

Lowering the BAC limit to .05 will save lives and improve traffic safety

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to .05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.ⁱ Additionally, the study found that that lowering of the BAC limit from .08 to .05 showed reductions for almost all crash- and driver-level BAC measures (i.e. there were fewer crashes and lower alcohol involvement). Table 1 below shows the monthly reductions in crash and driver measures in the 12 months following Utah's change to a .05 BAC limit.ⁱⁱ

Table 1. Estimated Average Monthly Changes for Selected Crash and Driver Measures

Measure	After .05 Law in Effect (12 months)
	Δ%
Crashes	
Total per VMT [†]	-9.6*
Injury (including fatalities) per VMT	-10.8*
Single Vehicle Nighttime per VMT	-7.8
Single Vehicle Nighttime Injury per VMT	-13.7*
Alcohol Positive per VMT	-8.9*
BAC ≥ .05 per VMT	-14.7
BAC ≥ .08 per VMT	-13.7
BAC ≥ .15 per VMT	-9.1
Drivers	
% Suspected Alcohol	-12.5*
% Alcohol Positive	-14.6*
% BAC ≥ .05	-22.5*
% BAC ≥ .08	-22.9*
% BAC ≥ .15	-22.5*

Δ% = estimated percentage change.

* $p < .05$, two-tailed ARIMA model.

[†]VMT is per 100 million vehicle miles traveled.

New findings suggest that a .05 BAC limit will not reduce alcohol sales, tourism, and tax revenues

The February 2022 NHTSA report on the alcohol sales, tourism, and tax revenues since the .05 BAC law went into effect in Utah shows no decline in any of these areas. Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the .05 BAC law.ⁱⁱⁱ

A .05 BAC limit is not likely to increase arrests

DUI arrest data from Utah's .05 BAC law shows no large spikes in overall arrests relative to the passage of the .05 BAC law. In 2019, there was a slight increase in arrests for drives with a .05 to .079 BAC, which was expected given that law enforcement could now cite drives for a per se offense in this BAC range.^{iv}

Approximately 100 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.^v

Lowering the BAC limit to .05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and it is an effective strategy that our communities deserve.

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. We ask that you **pass SB2096** forward, for the benefit of the people of Hawai'i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

Michelle Park

ⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

ⁱⁱ Evaluation of Utah's .05 BAC Per Se Law, Traffic Tech Technology Transfer Series, Issue Brief February 2022. <https://rosap.nhtl.bts.gov/view/dot/60427>

ⁱⁱⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

^{iv} Ibid.

^v Global Status Report on Road Safety 2018, World Health Organization, 2018.

https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

LATE

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Jarrett Keohokalole, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB2096, Relating to the use of Intoxicants While Operating a Vehicle.

Hrg: Friday, February 18, 2022 at 9:30am via Videoconference

Position: Support

My name is Shawn Blair and I am a resident of Pearl City submitting testimony in STRONG SUPPORT of SB2096. SB2096 lowers the blood alcohol content to .05 percent for the offense of operating a vehicle while under the influence of an intoxicant.

Evidence suggest that lowering the BAC limit to .05 is an effective public health strategy to reduce Hawai'i's current epidemic of impaired driving and its related consequences. Below are the highlights to support a .05 BAC limit for Hawai'i:

Lowering the BAC limit to .05 will save lives and improve traffic safety

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to .05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.ⁱ Additionally, the study found that that lowering of the BAC limit from .08 to .05 showed reductions for almost all crash- and driver-level BAC measures (i.e. there were fewer crashes and lower alcohol involvement). Table 1 below shows the monthly reductions in crash and driver measures in the 12 months following Utah's change to a .05 BAC limit.ⁱⁱ

Table 1. Estimated Average Monthly Changes for Selected Crash and Driver Measures

Measure	After .05 Law in Effect (12 months)
	Δ%
Crashes	
Total per VMT [†]	-9.6*
Injury (including fatalities) per VMT	-10.8*
Single Vehicle Nighttime per VMT	-7.8
Single Vehicle Nighttime Injury per VMT	-13.7*
Alcohol Positive per VMT	-8.9*
BAC ≥ .05 per VMT	-14.7
BAC ≥ .08 per VMT	-13.7
BAC ≥ .15 per VMT	-9.1
Drivers	
% Suspected Alcohol	-12.5*
% Alcohol Positive	-14.6*
% BAC ≥ .05	-22.5*
% BAC ≥ .08	-22.9*
% BAC ≥ .15	-22.5*

Δ% = estimated percentage change.

* $p < .05$, two-tailed ARIMA model.

[†]VMT is per 100 million vehicle miles traveled.

New findings suggest that a .05 BAC limit will not reduce alcohol sales, tourism, and tax revenues

The February 2022 NHTSA report on the alcohol sales, tourism, and tax revenues since the .05 BAC law went into effect in Utah shows no decline in any of these areas. Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the .05 BAC law.ⁱⁱⁱ

A .05 BAC limit is not likely to increase arrests

DUI arrest data from Utah's .05 BAC law shows no large spikes in overall arrests relative to the passage of the .05 BAC law. In 2019, there was a slight increase in arrests for drivers with a .05 to .079 BAC, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range.^{iv}

Approximately 100 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.^v

Lowering the BAC limit to .05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and it is an effective strategy that our communities deserve.

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. We ask that you **pass SB2096** forward, for the benefit of the people of Hawai'i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

Shawn M. Blair

ⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

ⁱⁱ Evaluation of Utah's .05 BAC Per Se Law, Traffic Tech Technology Transfer Series, Issue Brief February 2022. <https://rosap.nhtl.bts.gov/view/dot/60427>

ⁱⁱⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

^{iv} Ibid.

^v Global Status Report on Road Safety 2018, World Health Organization, 2018.

https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

LATE

SB-2096

Submitted on: 2/17/2022 11:51:45 AM

Testimony for JDC on 2/18/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Allen Bartolome	Individual	Support	No

Comments:

Aloha Chair, Vice Chair and members of the Senate Committee on Judiciary.

My name is Allen Bartolome and I write to you as a survivor of multiple auto collisions as a result of an impaired drivers. I believe that all the data and testimony provided in similar bills introduced in past years supports the need for this law. This bill will hold offenders accountable for their actions and promote public safety.

We don't need any more lives lost as a result of individuals poor decisions. We don't need people to suffer the lost of a loved one. We don't need people like me to live in physical pain as a result of individuals poor decisions of drinking and driving.

I plea to you all to support the passage of this bill.

Respectfully,

Allen Bartolome

Member, Democratic Party of Hawaii

Former District 4 Chair

SB-2096

Submitted on: 2/17/2022 3:46:46 PM

Testimony for JDC on 2/18/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Samuel Mitchell	Individual	Support	No

Comments:

I support SB2096 Because Hawaii's drunk driving laws are too loose.

LATE

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Jarrett Keohokalole, Vice Chair
Members of the Senate Committee on Judiciary

Re: Strong Support of SB2096, Relating to the use of Intoxicants While Operating a Vehicle.

Hrg: Friday, February 18, 2022 at 9:30am via Videoconference

Position: Strong Support

My name is Sally Ancheta, and I am a resident of Hilo, HI submitting testimony in STRONG SUPPORT of SB2096. SB2096 would lower the blood alcohol concentration limit to .05 percent for the offense of operating a vehicle while under the influence of an intoxicant.

With an elevated rate of traffic accidents in Hawai'i County in early 2022 and with a recent report PRELIMINARY YEAR-END STATE OF HAWAII TRAFFIC FATALITY DATA FOR 2021 from Hawaii Department of Transportation, published on February 10, 2022, driving under the influence, speed, and distracted driving were top contributors to Hawaii's traffic fatalities in 2021.

That trend is continuing as 2022 begins to unfold, with preliminary data showing a majority of the 16 fatalities for the month of January (as of this posting), resulting from unlawful and avoidable behavior on the road. Highway users continue to put themselves and others at risk through these actions.

Evidence suggests that lowering the BAC limit to .05 is an effective public health strategy to reduce Hawai'i's current epidemic of impaired driving and its related consequences. Below are the highlights to support a .05 BAC limit for Hawai'i.

Lowering the BAC limit to .05 will save lives and improve traffic safety

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21-month period following the passage of Utah's law that lowered the BAC limit to .05.** This was a significant improvement over the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.ⁱ Additionally, the study found that that lowering of the BAC limit from .08 to .05 showed reductions for almost all crash- and driver-level BAC measures (i.e. there were fewer crashes and lower alcohol involvement).

New findings suggest that a .05 BAC limit will not reduce alcohol sales, tourism, and tax revenues

The February 2022 NHTSA report on the alcohol sales, tourism, and tax revenues since the .05 BAC law went into effect in Utah shows no decline in any of these areas. Alcohol sales and sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continued to trend upward following the implementation of the .05 BAC law.ⁱⁱ

A .05 BAC limit is not likely to increase arrests

DUI arrest data from Utah's .05 BAC law shows no large spikes in overall arrests relative to the passage of the .05 BAC law. In 2019, there was a slight increase in arrests for drives with a .05 to .079 BAC, which was expected given that law enforcement could now cite drives for a per se offense in this BAC range.ⁱⁱⁱ

Lowering the BAC limit to .05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and it is an effective strategy that our communities deserve.

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. We ask that you **pass SB2096** forward, for the benefit of the people of Hawai'i.

Mahalo for your time and attention to this urgent matter.

Sincerely,

Sally Ancheta

Sally Ancheta

ⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

ⁱⁱ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's .05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

ⁱⁱⁱ Ibid.

LATE

SB-2096

Submitted on: 2/17/2022 10:14:28 PM

Testimony for JDC on 2/18/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Merrill K Sadang	Individual	Support	No

Comments:

Unfortunately, I know firsthand how drinking and driving can devastate and change lives forever. My grandson, Kahiau Hill, passed away last year because of a drunk driving accident. I firmly believe that drinking and driving do not mix. By lowering the BAC I know we can save lives.