

JAN 24 2024

A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the amount of
2 traffic fatalities is greatly reflected in the legal limit of
3 blood alcohol concentration. Driving with a blood alcohol
4 concentration of even .05 grams of alcohol per one hundred
5 milliliters of blood can impair driving ability and lead to a
6 greater chance of a fatal crash. The National Highway Traffic
7 Safety Administration reported in 2021 that about thirty-one per
8 cent of all traffic crash fatalities in the United States
9 involved drunk drivers. Over fifty countries around the world
10 have a legal limit of .05 grams blood alcohol concentration
11 including Belgium, Cuba, Demark, Egypt, France, the Philippines,
12 and more. Studies provide evidence that lower thresholds for
13 driving under the influence citations help prevent crashes and
14 deaths not just between .05 grams and .08 grams blood alcohol
15 concentration, but also about .08 grams blood alcohol
16 concentration, as people are more conscientious and wait longer
17 before driving.



1 The legislature further finds that the blood alcohol
2 concentration of .05 grams is beneficial for restaurant and bar
3 business sales. As a result of increased precaution with lower
4 blood alcohol limits, people feel they can freely order more
5 drinks on average than they otherwise would because they may
6 spend more time at restaurants and bars, and more frequently
7 plan to arrange designated drivers, rideshares, or alternate
8 transportation.

9 The legislature further notes that there is significant
10 evidence at both the international and national level in
11 countless cities, states, and countries that lowering the legal
12 limit of blood alcohol concentration reduces drink driving. In
13 1980, more than half of the United States had a legal limit of
14 .10 grams blood alcohol concentration including Hawaii. In
15 2000, only nineteen states had lowered their blood alcohol
16 concentration limits to .08 grams, which became the new national
17 standard four years later when all fifty states had made the
18 transition. A study funded by the National Institutes of Health
19 found that between 1982 and 2014, states lowering their blood
20 alcohol concentration limits to .08 grams reduced annual
21 fatalities by forty per cent, saving a total of 24,868 lives.



1 Nevertheless, the legislature finds that driving under the
2 influence laws are stringent and unforgiving. Accordingly, the
3 purpose of this Act is to increase safer transportation and
4 reduce deaths on Hawaii's roadways due to alcohol consumption by
5 creating a new traffic fine for those driving with a blood
6 alcohol concentration between .05 grams and .079 grams, that
7 will serve as a meaningful deterrent and warning for everyone to
8 drink more responsibly, without incurring stricter driving under
9 the influence penalties.

10 SECTION 2. Chapter 291E, Hawaii Revised Statutes, is
11 amended by adding a new section to part IV to be appropriately
12 designated and to read as follows:

13 "§291E- **Operating a vehicle while impaired.** (a) A
14 person commits the offense of operating a vehicle while impaired
15 if the person operates or assumes actual physical control of a
16 vehicle while having a blood alcohol concentration equal to or
17 greater than .05 grams but less than .08 grams of alcohol per
18 one hundred milliliters or cubic centimeters of blood, or .05
19 grams but less than .08 grams of alcohol per two hundred ten
20 liters of breath.



1 (b) A person committing the offense of operating a vehicle
2 while impaired shall be fined _____ .

3 (c) The penalty established under this section shall be in
4 addition to any other penalty established and imposed under this
5 chapter.

6 (d) The department of transportation may implement
7 administrative actions against any person who violates this
8 section."

9 SECTION 3. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 4. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

14

INTRODUCED BY: _____



S.B. NO. 3020

Report Title:

DOT; Impaired Driving; Blood Alcohol Concentration; Prohibited;
Penalties

Description:

Establishes the offense of operating a vehicle while impaired,
and penalties. Authorizes the Department of Transportation to
take administrative action.

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not legislation or evidence of legislative intent.*

