



Testimony of

Thomas Chapman
Board Member
National Transportation Safety Board

Before the

House Transportation Committee
Hawai'i State Legislature

— *On* —

HB 1935
Relating to the Use of Intoxicants While Operating a Vehicle

Honolulu, HI • February 6, 2024

NTSB | National
Transportation
Safety Board
An Independent Federal Agency

Good morning, Chair Todd, Vice Chair Kila, and Members of the Committee. Thank you for the opportunity for the National Transportation Safety Board (NTSB) to testify before you today.

The NTSB is an independent federal agency charged by Congress with investigating aviation, marine, and rail accidents, commercial space launch and re-entry mishaps, highway crashes, and hazardous materials releases, in pipelines and elsewhere in transportation.

We determine their probable causes and issue safety recommendations to prevent them from happening again. We also conduct safety research.

The NTSB has no power to regulate or legislate, and we rely on the persuasive power of our comprehensive investigations and research to encourage the recipients of our recommendations to act to improve safety. We appreciate the opportunity to testify on our recommendation to Hawai'i to lower its per se impairment threshold from .08 grams per deciliter blood alcohol concentration (BAC) to .05 grams per deciliter BAC.¹

We have recommended that Hawai'i, and all states, the District of Columbia, and the Commonwealth of Puerto Rico, reduce the alcohol impairment threshold to .05 or lower.² We view the opportunity to testify today as an opportunity to support this committee's important work to save lives—the predictable outcome of lowering the threshold to .05.

Too many people are dying on our roads because of alcohol impairment. These deaths are 100 percent preventable. Fewer people will die with a change of the per se limit from .08 to .05. This change has been made elsewhere without adverse economic consequences.

Simply put, .05 saves lives. The remainder of this testimony supports this conclusion.

The Persistent Problem: Impaired-Driving Crashes Still Kill Thousands

Progress addressing impaired driving has stalled. In fact, the problem has gotten worse. In 2021, there were 13,384 alcohol-impaired driving fatalities in the US, the highest number since 2008.^{3,4} The State of Hawai'i experienced 354 fatalities involving a driver with BAC of .08+ between 2012 and 2021. The COVID-19 pandemic has only made this problem worse.

Impaired driving crashes hit people in the pocketbook too. The National Highway Traffic Safety Administration (NHTSA) last estimated the economic cost of all alcohol-involved crashes

¹ For the remainder of this testimony, we use the common shorthand of .08 and .05, omitting repeated references to units of measure for BAC and breath alcohol concentration (BrAC). Blood Alcohol Concentration (BAC) is commonly rendered without units, but it stands for the grams of alcohol per tenth of a liter, or deciliter, of blood. Breath Alcohol Concentration (BrAC) uses grams of alcohol per 210 liters of breath (alcohol is 2,100 times more concentrated in blood than in breath). As a result, .05 g/dL BAC, for example, is considered the equivalent of .05 g/210 liters BrAC.

² Safety Recommendation <https://data.nts.gov/carol-main-public/sr-details/H-13-005>.

³ The National Highway Traffic Safety Administration (NHTSA) reports drivers as alcohol-impaired at .08 BAC or greater. However, in 2019, an additional 1,775 people were killed in alcohol-related crashes where a driver had a BAC of .01 to .07 g/dL. <https://www.nhtsa.gov/risky-driving/drunken-driving>.

⁴ Stewart, T. (2023). Overview of motor vehicle crashes in 2021 (Report No. DOT HS 813 435). National Highway Traffic Safety Administration.

in the U.S. at \$68.9 billion for the year 2019.⁵ So while the ongoing tragedy of impaired driving *can* strike anybody, its economic burden *does* strike everybody.

Due to the lack of continued progress in reducing the impact of impaired driving, in 2012, an NTSB forum called “Reaching Zero” kicked off a year-long effort to assess impaired-driving countermeasures. The effort culminated with a 2013 report, “Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving,”⁶ which identified the most effective, scientifically based actions that could save lives presently lost to alcohol-impaired driving. One of these actions was to lower the *per se* impaired driving limit from .08 BAC to .05 BAC or lower for all drivers.⁷

Lowering the Per Se BAC Limit to .05

From 2006 to 2017⁸, all states had a per se BAC threshold of .08 for noncommercial drivers age 21 and over. But .08 BAC is not when impairment begins. Let’s be clear. Drivers are impaired at a BAC of .05. Individuals at a BAC of .05 can experience lowered alertness, reduced coordination, impaired judgment, and difficulty tracking moving objects.⁹ Most of us would not want to be in the same vehicle as a driver experiencing those impairments, and neither should we want to share the road with those impaired drivers. These abilities are critical for safe driving and explain why drivers at a BAC of .05 have a 38% increase in the risk of being in a crash as compared to a sober driver. There is a reason that it is already illegal for commercial truck and bus drivers to drive at a BAC of .04 or higher.

The science behind .05 BAC limits is also clear, well-documented, and irrefutable. More than 100 countries have established a BAC limit of .05 to reduce alcohol-related crashes, and the benefits of the lowering BAC limits have been documented.¹⁰ A 2017 study estimated that this standard could result in an estimated 11 percent decline in fatal alcohol-related crashes and save at least 1,700 lives annually in the United States.¹¹ This is not surprising because similar benefits were realized when BAC limits were reduced from .10 to .08.

The power of lowering the BAC limit to .05 is that it causes a general deterrent effect. In other words, taking a strong stand against impaired driving discourages drinking drivers of all BACs from getting behind the wheel.

⁵ Blincoe, L., Miller, T., Wang, J.-S., Swedler, D., Coughlin, T., Lawrence, B., Guo, F., Klauer, S., & Dingus, T. (2022, December). The economic and societal impact of motor vehicle crashes, 2019 (Report No. DOT HS 813 403). Washington, DC: National Highway Traffic Safety Administration. Available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>

⁶ National Transportation Safety Board. 2013. Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving. Safety Report NTSB/SR-13/01. Washington, DC: NTSB. Available at <https://www.nts.gov/safety/safety-studies/Documents/SR1301.pdf>

⁷ NTSB Safety Recommendation H-13-5

⁸ In 2017, Utah lowered its per se threshold to .05 BAC, effective December 30, 2018 (see “The Utah Experience”).

⁹ <https://www.nhtsa.gov/sites/nhtsa.gov/files/809844-theabcsofbac.pdf>

¹⁰ Fell, J. C. & M. Scherer. 2017. “Estimation of the potential effectiveness of lowering the blood alcohol concentration (BAC) limit for driving from 0.08 to 0.05 grams per deciliter in the United States.” *Alcoholism: Clinical and Experimental Research*. 41(12) 2128-2139.

¹¹ Fell, J. C., & Scherer, M. (2017). Estimation of the Potential Effectiveness of Lowering the Blood Alcohol Concentration (BAC) Limit for Driving from 0.08 to 0.05 Grams per Deciliter in the United States. *Alcoholism, clinical and experimental research*, 41(12), 2128–2139. <https://doi.org/10.1111/acer.13501>.

The Utah Experience

On March 23, 2017, the Governor of Utah signed a law to lower the state's BAC limit for noncommercial drivers from .08 to .05, effective December 30, 2018. Initial data are promising. In February 2022, NHTSA published a report entitled "Evaluation of Utah's .05 BAC Per Se Law," which compared the state's crash data before and after the law went into effect.¹²

The report found there was a reduction in crashes and fatalities, as compared to the rest of the country. When vehicle miles traveled (VMT) is considered, the fatal crash rate reduction from 2016 to 2019 in Utah was 19.8 percent, and the fatality rate reduction was 18.3 percent. In comparison, the rest of the United States showed a 5.6 percent fatal crash rate reduction and 5.9 percent fatality rate reduction during the same time. In addition, the neighboring States of Arizona, Colorado, and Nevada did not show the same levels of improvement in fatal crash and fatality rates as Utah. And even though Utah's alcohol-impaired crashes have gone up since then, this increase is consistent with other States during the pandemic.

Further, the study found that there was no impact on alcohol sales, tax revenues, or tourism, nor were there substantially increased arrests.

Support for .05

National and international traffic safety and public health organizations, including the American Medical Association; the World Health Organization; the World Medical Association; the Association for the Advancement of Automotive Medicine; the National Academies of Science, Engineering, and Medicine; the American Public Health Association, Advocates for Highway and Auto Safety; Mothers Against Drunk Driving; and the Governor's Highway Safety Association have advocated setting BAC limits at .05 or lower.

Conclusion

Progress toward eliminating alcohol-impaired driving fatalities has unnecessarily stagnated. More can and should be done to prevent these tragedies.

The evidence is clear: per se BAC limits of .05 or lower can save lives and *have* saved lives. Utah saw an 18.3 percent reduction in its fatality rate between 2016 and 2019 following the passage of .05 legislation.

The NTSB believes that the only acceptable number of deaths on our roads is zero, and it has been our charge since our founding to determine how to eliminate transportation fatalities. Deaths due to impaired driving are 100 percent preventable, and Hawai'i can be a leader in implementing policies that will save lives and prevent impaired driving.

¹² National Center for Statistics and Analysis. (2022, February). Evaluation of Utah's .05 BAC Per Se Law. (Traffic Tech Technology Transfer Series. Report No. DOT HS 813 234). Washington, DC: National Highway Traffic Safety Administration.



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Nā Hope Luna Ho'okele
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February 6, 2024
10:00 a.m.
State Capitol, RM 312

HB 1935
RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE

House Committee on Transportation

The Hawaii Department of Transportation (HDOT) **supports H.B. 1935**, which lowers the threshold blood alcohol concentration (BAC) for the offenses of operating a vehicle under the influence of an intoxicant and habitually operating a vehicle under the influence of an intoxicant.

Laboratory and driving simulator studies have found that most adults, even experienced drinkers who typically reach BACs of .15 or greater, are significantly impaired at .05 BAC, with critical driving-related skills such as divided attention, braking, tracking, perception, and reaction time impacted.¹ According to the Fatality Analysis Reporting System and Hawaii preliminary state data from 2020-2022, 10 drivers who were involved in a fatal crash and were tested had a BAC between .05 and .079. As a result of those crashes, 11 lives were lost.

Year	Driver with Alcohol .05-.079 - # of crashes	Driver with Alcohol .05-.079 - # of fatalities
2020	1	1
2021	3	3
2022	6	7
Totals	10	11

Lowering the per se limit from .08 to .05 is a proven countermeasure that has reduced alcohol-impaired driving fatalities in other countries. As stated in the National Transportation Safety Board's *Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving*, "a study of per se BAC reductions in several European countries (Albaladejo 2008, 20-39) found that the change from a 0.08 to a 0.05 per se BAC limit reduced traffic fatalities by 8-12 percent among people aged 18-49. Finally, in Australia, fatal crashes decreased significantly in two states (by 18 percent in Queensland and by 8

¹ Fell, James C. and Robert B. Voas. "The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States." *Addiction* (2014): 869-874.

percent in New South Wales after those states lowered their per se BAC limits from 0.08 to 0.05 (Henstridge, Homel, and Mackay 1997).² Most other industrialized nations around the world have already lowered their illegal per se limits; Australia, Austria, Belgium, Finland, France, Germany, Greece, Ireland, Italy, New Zealand, Scotland, Spain, and Switzerland are just a few of the countries with a .05 illegal BAC limit, while Japan, Norway, Poland, Sweden, and Taiwan have set their limits at .03 or .02.

According to a meta-analysis of studies on lowering BAC in general, researchers found a 11.1 percent decline in fatal alcohol-related crashes from lowering the BAC to .05 or lower. They estimate that 1,790 lives would be saved each year if all states adopted a .05 BAC limit.³

Lowering the illegal BAC limit does not mean that people are no longer allowed to drink; we would just like to separate the acts of drinking and driving to keep all of our roadway users safe.

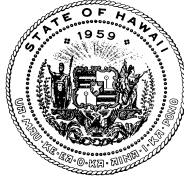
The HDOT is primarily concerned about improving highway safety and protecting the lives of our community members and visitors. Changing the illegal per se limit is a start to change behaviors so that people plan ahead and arrange for alternatives to driving while impaired, such as using rideshare or public transportation, or designating a sober driver.

The HDOT urges your support with HB 1935.

Thank you for the opportunity to provide testimony.

² National Transportation Safety Board. 2013. *Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving*. Safety Report NTSB/SR-13/01. Washington, DC: NTSB.

³ James C. Fell, M.S., Michael Scherer, Ph.D. "Estimation of the Potential Effectiveness of Lowering the Blood Alcohol Concentration (BAC) Limit for Driving from .08 to .05 grams per deciliter in the United States." *Alcohol Clin Exp Res.* (2017): 2128-2139.



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of HB1935
RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE**

REPRESENTATIVE TODD, CHAIR
HOUSE COMMITTEE ON TRANSPORTATION

February 06, 2024, 10:00 AM Room Number: 312

1 **Fiscal Implications:** None

2 **Department Position:** The Department supports this measure.

3 **Department Testimony:** The Alcohol and Drug Abuse Division (ADAD) provides the
4 following testimony on behalf of the Department.

5 The bill will lower the blood alcohol concentration (BAC) threshold for driving while under the
6 influence from 0.08% to 0.05% for offenders who operate a vehicle under the influence of an
7 intoxicant.

8 The Department defers to the Judiciary on the implementation of Chapter 291E, HRS.

9 More alcohol-impaired driving prevention work to change practices and attitudes to driving after
10 drinking is needed because the percentage of deaths involving alcohol still remains high.

11 According to Fatality Analysis Reporting System (FARS) data, 31.5% of driving deaths in
12 Hawaii between 2016 – 2020 involved alcohol; higher than the national average of 27%, placing
13 Hawaii in the 2nd worst quartile of states. States in the top two quartiles have a value lower than
14 28.8% while states in the worst quartile have a value higher than 32.8%. Per the Behavioral Risk
15 Factor Surveillance System (BRFSS) survey, 2.1% of Hawaii drivers said that they drove after
16 drinking too much, again higher than the national average of 1.7%. The Centers for Disease

1 Control also estimates that 400 people between 2008 – 2018 were killed in crashes involving
2 alcohol impaired drivers in Hawaii.

3 Alcohol impairment impacts a driver’s thinking, reasoning, and muscle coordination. The
4 National Highway Traffic Safety Administration (NHTSA) notes that drivers are generally
5 impaired at a 0.05% BAC with the following typical effects: exaggerated behavior, may have
6 loss of small-muscle control (e.g., focusing your eyes), impaired judgment, usually good feeling,
7 lowered alertness, and release of inhibition.

8 NHTSA also notes that predictable effects on driving include reduced coordination, reduced
9 ability to track moving objects, difficulty steering, and reduced response to emergency driving
10 situations.

11 Lowering the BAC to 0.05% is an evidence-based practice adopted by over one hundred
12 countries, including nearly all European countries, Australia, New Zealand, Canada, Japan, and
13 most other industrialized Asian countries. For the last decade the National Transportation Safety
14 Board (NTSB) has recommended that all fifty states adopt a BAC of 0.05% and estimated it
15 could save approximately 1,800 lives annually. The CDC also identified lowering BAC from
16 0.08% to 0.05% as a general deterrent to reduce alcohol-impaired drivers, including those at
17 highest risk. And the Substance Abuse and Mental Health Services Administration (SAMSHA)
18 also encourages lowering the BAC to decrease drunk driving incidents.

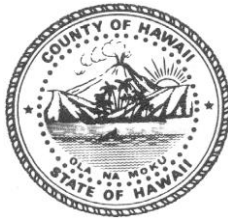
19 As rates of alcohol use and related harms remain high, communities can benefit from guidance
20 on the most effective options to prevent and reduce alcohol misuse. Lowering the BAC to 0.05%
21 is one of them.

22 **Offered Amendments:** None.

23 Thank you for the opportunity to testify on this measure.

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OFFICE OF THE PROSECUTING ATTORNEY
TESTIMONY IN SUPPORT OF HOUSE BILL 1935

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

COMMITTEE ON TRANSPORTATION
Representative Chris Todd, Chair
Representative Darius K. Kila, Vice Chair

Tuesday, February 6, 2023 at 10:00 a.m.
Via Videoconference
State Capitol Conference Room 312
415 South Beretania Street

Honorable Chair Todd, Vice-Chair Kila and Members of the Committee on Transportation. The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in support of House Bill No. 1935.

This bill was drafted with the intent to lower the threshold blood alcohol concentration ("BAC") for the offense of operating a vehicle while under the influence of an intoxicant from .08 to .05 grams of alcohol per two hundred ten liters of breath and .08 to .05 grams of alcohol per one hundred milliliters or cubic centimeters of blood.

According to the National Highway Transportation Safety Administration ("NHTSA"), "[e]very day, about 37 people in the United States die in drunk-driving crashes — that's one person every 39 minutes. In 2021, 13,384 people died in alcohol-impaired driving traffic deaths — a 14% increase from 2020. These deaths were all preventable.¹"

There is strong scientific evidence to consider lowering BAC to .05. According to nationally recognized traffic safety researcher James C. Fell, Principal Research Scientist, Department of Economics, Justice and Society, National Opinion Research Center ("NORC") at the University of Chicago, "[t]he risk of being in a crash begins to rise substantially at .05 blood alcohol concentration and higher when compared to drivers with zero blood alcohol concentration.²" Fell further reasoned, that "[a] recent meta-analysis of international studies on

¹ <https://www.nhtsa.gov/risky-driving/drunk-driving>.

² United Nations Economic and Social Commission for Asia and the Pacific, December 2019, "*Strategies to Tackle the Issue of Impaired Driving for Road Safety in the Asia-Pacific Region: Implementation Framework*," report prepared by James C. Fell, Principal Research Scientist, Department of Economics, Justice and Society, National Opinion Research Center ("NORC") at the University of Chicago, available at,

lowering the blood alcohol concentration limit shows that when countries lower the blood alcohol concentration limit to .05 blood alcohol concentration or lower, there is an 11 per cent decline in fatal alcohol-related crashes associated with that countermeasure.³”

In 2013, the National Traffic Safety Board recommended that all fifty states adopt a BAC cutoff of .05 in an effort to reduce traffic fatalities associated with drinking and driving. This is not a new trend or idea as most industrialized countries around the world already have far stricter BAC limits when compared to the United States. According to the World Health Organization’s Global Status Report on Road Safety in 2018, 89 countries had already implemented a .05 BAC threshold. Following that trend, in 2019, Utah became the first state to lower its BAC limit to .05. According to a February 2022 report by NHTSA, there was a 19.8% reduction in the number of fatal car crashes in the 21-month period following the passage of Utah’s law.

A .05 BAC limit will serve as a general deterrent to all those who choose to drink and drive. This deterrent factor will contribute to fewer drivers driving drunk resulting in a decrease in the number of alcohol-related fatal traffic collisions. Given the growing concerns surrounding the number of alcohol-related fatalities across our State, the time has come to conform with the international trends and follow the Utah example in hopes of reducing the number of alcohol-related traffic collisions on our roads and consequently saving lives.

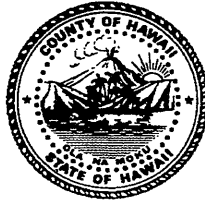
The County of Hawai‘i, Office of the Prosecuting Attorney supports House Bill No. 1935 and agrees that lowering the threshold BAC for the offense of operating a vehicle while under the influence of an intoxicant from .08 to .05 grams will be an effective public health strategy to address Hawai‘i’s current epidemic of impaired driving, reduce the number of traffic fatalities across the State, and make Hawai‘i’s roads safer.

The County of Hawai‘i, Office of the Prosecuting Attorney remains committed to pursuing justice with integrity and commitment. For the foregoing reasons, the County of Hawai‘i, Office of the Prosecuting Attorney supports the passage of House Bill No. 1935. Thank you for the opportunity to testify on this matter.

<https://www.unescap.org/sites/default/files/Strategies%20to%20Tackle%20the%20Issue%20of%20Impaired%20Driving%20for%20Road%20Safety.pdf>.

³ *Id.*

Mitchell D. Roth
Mayor



Benjamin T. Moszkowicz
Police Chief

Reed K. Mahuna
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

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February 2, 2024

Representative Chris Todd
Chairperson and Committee Members
Committee on Transportation
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Representative Todd:

RE: HOUSE BILL 1935; RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE
HEARING DATE: FEBRUARY 6, 2024
TIME: 10:00 A.M.

The Hawai'i Police Department **supports** House Bill 1935, with its purpose to adopt a Blood Alcohol Concentration (BAC) cutoff of 0.05% as opposed to the current limit of 0.08% BAC.

In Hawai'i County, since 2016, 177 individuals have been killed in traffic crashes and alcohol impairment was a factor in many of them. Impairment from alcohol at any level limits a driver from operating a vehicle with the same level of control and safety as when there is no impairment. The Center for Disease Control has identified that a 160-pound male would reach a 0.05% BAC if he were to consume three alcoholic beverages within one hour. The level of impairment would include decline in visual functions and the ability to perform two tasks or more at the same time. They also indicate that there would be a level of reduced coordination, reduced ability to track moving objects, difficulty steering, and a reduced response to emergency driving situations. These functional abilities are critical functions needed to safely operate a vehicle; and without them, the likelihood of being involved in a serious traffic crash increases dramatically.

Over the last several years, the Hawai'i Police Department has conducted many "wet labs" and certain impaired behaviors, such as greater risk-taking, was evident as the participants' BAC drew closer to 0.08%. During these events, participants with a BAC just under 0.05% indicated they would not drive due to consuming alcohol; however, as their BAC levels increased between 0.05% and 0.08%, they later indicated they would in fact operate a vehicle. This is a significant sign of impairment and a contributing factor in many crashes.

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 House Bill 1935.

Sincerely,



BENJAMIN T. MOSZKOWICZ
POLICE CHIEF

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
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TESTIMONY
ON
HB 1935 RELATING TO
THE USE OF INTOXICANTS
WHILE OPERATING A VEHICLE

TO: Honorable Chris Todd, Chair
Honorable Darius K. Kila, Vice Chair
House Committee on Transportation

FROM: Department of the Prosecuting Attorney, County of Maui

DATE: February 5, 2024

SUBJECT: **SUPPORT OF HB 1935, THE USE OF INTOXICANTS WHILE
OPERATING A VEHICLE**

Thank you for the opportunity to testify in **SUPPORT** of HB 1935. This bill amends the per se blood alcohol concentration (“BAC”) for Operating a Vehicle Under the Influence of an Intoxicant (“OVUII”) and Habitual 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 liters of a person’s breath.

We support this bill because it 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 decades, but on statistics and other research provided by, *inter alia*, the State Department of Transportation, the National Transportation Safety Board and the National Highway Traffic Safety Administration. That research indicates that a person with a BAC between .05 grams and .079 grams would have a risk of being in a single vehicle fatal crash at least seven times higher than that of a driver with no alcohol in their system. Moreover, between 2015 and 2019 there were over 5,000 drivers arrested for OVUII in Hawaii that had a BAC test result between .000 and .079, with five fatal crashes between 2018 and 2019 that involved drivers with a BAC between .05 and .079.

A lower BAC threshold also encourages drivers to avoid driving while intoxicated. After

the State of Utah adopted the .05 BAC threshold on December 30, 2018 there was a 14.6% reduction in the number of drivers testing positive for alcohol consumption and a 19.8% reduction in the fatal crash rate between 2016 and 2019. Further, more than 22% of those polled for the study indicated that they had changed their behaviors once the law went into effect. The most common change was ensuring a sober ride was available when drinking away from home. That's a key effect of this measure: people can choose to save lives **before** they're standing in front of a judge or getting behind the wheel of a car.

When we look to enact laws that will have a significant impact on the safety of our community, we do so hoping that the law will change people's behavior -- that it will encourage them to not engage in unlawful and dangerous conduct that has the potential to harm others. Every time an impaired person gets behind the wheel of a car while impaired, they put lives at risk. This law will change the way people make the decisions that lead them to engage in such dangerous conduct.

For these reasons, the Department of the Prosecuting Attorney, County of Maui supports HB 1935. 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.

February 6, 2024

To: Representative Chris Todd, Chair, House Committee on Transportation, Representative Darius Kila, Vice Chair; and Members of the Committee

From: Alice Liu, Program Director; Mothers Against Drunk Driving (MADD) Hawaii

Re: House Bill 1935 – RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

My name is Alice Liu and I am the Program Director for the Hawaii chapter of Mothers Against Drunk Driving.

Thank you for this opportunity to represent the members of Mothers Against Drunk Driving Hawaii in support of House Bill 1935. MADD thanks you Mr. Chairman for authoring this proposal.

Mothers Against Drunk Driving supports House Bill 1935 because the battle against drunk driving is far from over. In 2021, drunk driving deaths in the United States reached its highest level in 15 years with over 13,000 fatalities. Here in Hawaii, according to the National Highway Traffic Safety Administration, there were 28 people killed in drunk driving crashes in 2021. This is unacceptable!

The science behind .05 BAC limits is clear, well-documented, and irrefutable. More than 100 countries across the world have some type of .05 or lower BAC law. Utah enacted .05 legislation in 2018 and remains the only state in the nation. 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.

As I noted a moment before, the Utah study did not find ANY evidence of the economic impacts that had been predicted by opponents with the change from .08 to .05. So why oppose this legislation? .05 BAC saves lives, changes behavior and **will help us work towards a future of no more victims of drunk driving.**

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 urges the committee to please advance House Bill 1935.

Thank you.

Alice Liu, Program Director;
Mothers Against Drunk Driving (MADD) Hawaii



HB1935 Lower Blood Alcohol Concentration for Driving

COMMITTEE ON TRANSPORTATION

Rep. Chris Todd, Chair

Rep. Darius K. Kila, Vice Chair

Tuesday, Feb 6, 2024: 10:00: Room 312 Videoconference

Hawaii Substance Abuse Coalition Supports HB1935:

ALOHA CHAIR, VICE CHAIR, AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies and recovery-oriented services.

HSAC provides research data from the National Institute of Health that supports lowering the BAC limit to .005.¹

It is fairly well-known that a **0.05 BAC limit has the science behind it** to support such a measure. In summary, here are some of the key reasons:

Driving is impaired at 0.05 BAC. Research conducted over the past 30 years clearly indicates that most drivers are impaired at 0.05 BAC and higher with regard to driving performance. Regardless of age, gender, ethnicity, and drinking experience, laboratory, driving simulator, and test track experiments indicate impairment for most participants at 0.05 BAC.

In case-control experimental research, the **risk of being in a crash begins to rise substantially at 0.05 BAC** and higher when compared with drivers with 0.00 BAC.³

Lowering their BAC limit for driving to 0.05 g/dL has reduced alcohol-related traffic fatalities in several countries, most notably Australia. A recent meta-analysis of international studies on lowering the BAC limit found that when countries lowered their BAC limit to 0.05 BAC or lower, there was an 11.1%

¹ National Institute of Health, National Library of Medicine: PubMed Central: Fell JC. Another Major Reason to Lower the Blood Alcohol Concentration Limit for Driving. Am J Public Health. 2019 May;109(5):670-671. doi: 10.2105/AJPH.2019.304987. PMID: 30969815; PMCID: PMC6459663.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6459663/#:~:text=The%20risk%20of%20a%20crash,with%20drivers%20with%200.00%20BAC.&text=Evaluation%20studies%20show%20that%20when,dL%2C%20decreases%20in%20crashes%20occur>.

decline in fatal alcohol-related crashes associated with that countermeasure according to the meta-analysis.⁴

A 0.05 BAC is not typically just one or two drinks. For the average 170-pound man, it would take at least four alcoholic drinks in two hours on an empty stomach to exceed a 0.05 BAC. The average 137-pound woman would have to drink three glasses of wine on an empty stomach in two hours to reach or exceed a 0.05 BAC.

Surveys show that the public supports levels below 0.08 BAC. A survey conducted by the AAA Foundation for Traffic Safety indicated that **63%** of a representative sample of drivers in the United States are in favor of lowering the illegal BAC from 0.08 g/dL to 0.05 g/dL.⁵

Close to 100 countries around the world have set BAC limits at 0.05 BAC or lower. All states and territories in Australia have a 0.05 BAC limit, and their per-capita alcohol consumption is higher than that in the United States. Most of Europe, including Spain, France, Austria, Italy, and Germany have established their limit at 0.05 g/dL, while Sweden, Norway, Japan, and Russia have enacted their BAC limit at 0.02 g/dL.

The percentage of US traffic fatalities involving an **alcohol-impaired driver has been around 30% for more than 20 years.** If states lowered their BAC limit from 0.08 g/dL to 0.05 g/dL, studies show that hundreds of lives could be saved. A 0.05 BAC limit has the potential to serve as a general deterrent to all those who drink and drive.

FURTHER EVIDENCE FOR 0.05

There is a growing body of research on alcohol harm to others documenting the [prevalence of a wide range of harms to others attributable to alcohol. These harms to communities include noise, vandalism, property damage, spousal abuse, child neglect, and work-related problems.](#) This enhances the position in the essay on alcohol's harm to others. See Greenfield et al.⁶ and Karriker-Jaffe et al.⁷ for more detailed evidence.

We appreciate the opportunity to provide testimony and are available for questions.



To: The Honorable Representative Chris Todd, Chair
The Honorable Representative Darius K. Kila, Vice Chair
Members of the House Committee on Transportation

Re: **Strong Support of HB 1935**, Relating to the Use of Intoxicants While Operating a Vehicle

Hrg: Tuesday, February 6th, 2024 at 10:00 am, Conference Room 312

Position: Support

I am submitting testimony in STRONG SUPPORT of HB 1935. HB 1935 establishes and defines the per se level for impairment as having a blood alcohol concentration (BAC) between 0.05 BAC and 0.079 BAC.

Lowering the BAC limit for impaired driving to 0.05 is an extremely effective strategy to creating safer roads that is popular with Hawai'i voters, supported by strong research evidence, and endorsed by the world's largest brewer.

Below are some of the reasons why a 0.05 BAC would create safe roads and protect Hawaii's residents, children, and families:

Lowering the BAC limit to 0.05 has shown to be an effective strategy for reducing alcohol-impaired crashes and fatalities, and would create safer roads for all people.

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 0.05.** 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

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 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

Hawai'i voters support the lowering of the BAC limit to 0.05.

A December 2022 statewide poll reveals that more than two-thirds (69%) of Hawai'i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.²

A 0.05 BAC is supported by strong research evidence and nationally recommended to reduce alcohol-impaired crashes, fatalities, and related consequences.

In an effort to prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law.³ Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a 0.00 BAC. Additionally, approximately 85% of the world's population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.⁴

The world's largest alcohol brewer endorses a 0.05 BAC as best practice to prevent alcohol-impaired driving.

The AB InBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a 0.05 BAC limit is best practice at this time.⁵

Utah study shows a 0.05 BAC limit had no negative impact alcohol sales, tourism, and tax revenues
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 0.05 BAC law in Utah, and there's no indication that this would be different with a 0.05 BAC law in Hawai'i.⁶

Utah study shows a 0.05 BAC limit did not increase arrests

DUI arrest data from Utah's 0.05 BAC law shows no large spikes in overall arrests relative to the passage of the 0.05 BAC law. In 2019, there was a slight increase in arrests for drivers with a 0.05 to 0.079 BAC, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range.⁷

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and creating safer streets for all people.

² Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

³ Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving, National Transportation Safety Board, 2013. <https://www.nts.gov/safety/safety-studies/Pages/DCA12SS006.aspx>

⁴ Global Status Report on Road Safety 2018, World Health Organization, 2018. https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

⁵ ABInBev Foundation, <https://www.ab-inbev.com/content/dam/abinbev/what-we-do/road-safety/ABI%20%20Road%20Safety%20%20A4%20layout%20%20digital%20%20v6.pdf>

⁶ 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 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

⁷ Ibid.

Hawai'i has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass HB 1935**.

Mahalo for your time and consideration.

Michael Sparks

President SparksInitiatives

Kihei, HI

HB-1935

Submitted on: 2/4/2024 6:28:25 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Camlyn Pola	Vice Chair of the East Hawai'i Drug Free Coalition	Support	In Person

Comments:

To: The Honorable Representative Chris Todd, Chair

The Honorable Representative Darius Kila, Vice Chair and Members of the House Committee on Transportation

Re: Strong Support of HB1935, RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

Hrg: Tuesday, February 6, 2024 at 10:00 AM, Conference Room 312

Position: STRONG SUPPORT

How many more people need to die? A lot of people still remember the horrific crash that took place on February 24, 1996. A car occupied by five teenagers crashed on the way back to Hilo after a party at Kolekole Beach Park. The two drivers who caused the accident were impaired by alcohol. Three of the people in that car died, along with an innocent motorist who tried to avoid the collision.

I remember it, too. I survived that crash, and I carry the trauma of that night with me every single day. I suffer from post traumatic stress disorder. If I'm a passenger in a motor vehicle, I feel terrified and unsafe. I'm constantly worried. I have anxiety attacks when a car drives too close or if there's any sudden movements. Can you imagine living like this? Never having a normal and relaxing cruise in a car ever again? It sucks. I learned to cope but it's not fair. I didn't ask for this traumatic experience. I didn't ask for two irresponsible drunk drivers to race and cause our accident. I didn't ask for my best friends to die. I didn't ask for my high school memories to be ruined. I didn't ask for injuries that I suffer from till this day. Imagine having children and you can't even run and play with them outside. It's very heart breaking.

In the years since then, I have dedicated much of my life to educating others about the dangers of drinking and driving. The tragedy that claimed the lives of my high school classmates was

preventable, something no one should ever have to experience. Yet, alcohol-related traffic fatalities continue to claim the lives of thousands of people every year, robbing parents of their children, children of their parents, and leaving countless family and friends to forever mourn the loss of their loved ones.

That's why I, along with Governor Josh Green, M.D., and many of our lawmakers, support legislation to lower the legal blood alcohol concentration (BAC) for driving from 0.08 to 0.05 percent. And, we are not alone. A December 2022 statewide poll of Hawai'i voters showed that the majority (62 percent) support lowering the BAC to 0.05 percent (Hawai'i Alcohol Policies Study, SMS Research).

This is not a new idea. The State of Utah lowered the legal BAC to 0.05 percent in 2018. Since then, it's been a proven deterrent to drunk driving and Utah's number of alcohol-related traffic fatalities has decreased. Further, 0.05 percent BAC (and, in some cases, lower) has become the international standard. Here in Hawai'i, this is the fourth legislative session in a row that bills have been introduced to change our BAC law. There are currently four bills being considered — they are HB1935, SB2384, SB2929, and SB3020.

Despite the introduction of these bills, I continue to sense a lack of urgency among our lawmakers to pass this legislation and that is beyond troubling. It costs nothing to change this law. There is no budget implication whatsoever. However, the cost of not changing it is more lives lost. Even one alcohol-related traffic death is too many. While just one life saved makes it all worth it.

Our community supports these bills, and we deserve to see the lawmakers we elected change this law. We deserve to be heard. We deserve to drive on roads made safer because our lawmakers lowered the BAC to 0.05 percent.

How many more people need to die for our lawmakers to take this seriously?

Camlyn Pola is vice chair of the East Hawaii Drug-Free Coalition

HB-1935

Submitted on: 2/5/2024 7:53:51 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Russell Hamilton	Lokahi Treatment Centers	Support	Written Testimony Only

Comments:

My name is Russell Hamilton, Clinical Supervisor from Hilo, Hawaii and I am submitting testimony in STRONG SUPPORT of HB 1935.

I have worked directly with Drivers Education for years. People's lives are at stake here and the next life may be one of our family. We need to reduce this risk by any means possible and lowering the BAC is the first major step.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai'i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai'i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai'i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you pass HB 1935

Mahalo for your time and consideration.

HB-1935

Submitted on: 2/5/2024 8:54:20 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jaron Yamane	Ukiyo Hawai'i	Support	Written Testimony Only

Comments:

Aloha House Committee on Transportation,

My name is Jaron Yamane and I am a business owner of Ukiyo Hawai'i. I am submitting testimony in STRONG SUPPORT of HB 1935.

As a gym owner in Kakaako, my primary concern is the well-being of all our members. Over time, the strong bonds formed within our community make it feel like a family, given the frequency of our interactions and the depth of personal sharing. It's heartening to witness our members extending their camaraderie beyond the gym, often gathering at nearby breweries and restaurants for dinners or birthday celebrations with close friends. As they leave, I consistently remind them to "drive safe" and look forward to their return. While I can only directly influence the safety within our gym, I wholeheartedly endorse the idea of promoting safer streets for everyone through such measures.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai'i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai'i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai'i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you pass HB 1935

Mahalo for your time and consideration.



Date: February 4, 2024

To: The Honorable Representative Chris Todd, Chair
The Honorable Representative Darius Kila, Vice Chair
Members of the House Committee on Transportation

Re: Strong Support of HB1935, Relating to the Use of Intoxicants While Operating a Vehicle.

Hearing: Tuesday, February 6th, 2024, at 10:00am, Conference Room 312

Position: Strong Support

Aloha, my name is Rick Collins, the Director of the Hawai'i Alcohol Policy Alliance (Alliance), a program of the Hawai'i Public Health Institute.ⁱ I am submitting testimony on behalf of the Alliance in STRONG SUPPORT of HB1935. HB1935 amends the definition of "under the influence" and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

A 0.05 BAC level is popular with Hawai'i voters, supported by strong research evidence, and recommended by numerous national and international organizations. Lowering the BAC limit for impaired driving to **0.05 is the most effective legislation known by research science** to reduce alcohol-related traffic crashes and fatalities.

Evidence shows that a 0.05 BAC would create safer roads, reduce traffic fatalities and harms, and protect Hawai'i's residents, children, and families.

A 0.05 BAC limit works

With 85% of the world's population and over 100 countries currently under a 0.05 BAC limit, 0.05 is the international standard.ⁱⁱ A meta-analysis showed that when countries lowered their BAC to 0.05 or lower, there was, on average, an 11.1% decline in fatal alcohol-related crashes.ⁱⁱⁱ The US is an outlier nation with one of the highest BAC limits in the world, and, as a result has one of the highest DUI-related fatality rates in the world. Hawai'i ranks 7th highest in the nation for DUI-related traffic fatalities. A 0.05 would significantly reduce this ranking and make Hawai'i a public health leader in the nation on the issue.

A 0.05 BAC limit is the most effective legislation to reduce alcohol-impaired crashes and fatalities.



A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a **19.8% drop in fatal car crashes in the 21 months following the passage of Utah's law that lowered the BAC limit to 0.05**. This improvement was significantly better than the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.^{iv}

SUPPORT

Hawai'i voters support a 0.05 BAC law.

A December 2022 statewide poll by SMS research revealed that nearly two-thirds (62%) of Hawai'i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.^v

Numerous national and international organizations recommend a 0.05 BAC.

This policy is the priority strategy to reduce alcohol-impaired crashes, fatalities, and related consequences. In an effort to prevent alcohol-impaired driving, and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law.^{vi} Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a .00 BAC. Additionally, approximately 85% of the world's population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.^{vii}

The world's largest alcohol brewer endorses a 0.05 BAC.

The ABInBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a 0.05 BAC limit is best practice at this time.^{viii} They recognize that this BAC level prevents drinking and driving and encourages people to seek alternative transportation options, including rideshare and designated driver options.

No negative impact on alcohol sales, tourism, and tax revenues

A Utah study shows that 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 0.05 BAC law in Utah. There's no indication that this impact would be different with a 0.05 BAC law in Hawai'i.^{ix}

A 0.05 BAC limit did not increase arrests

Furthermore, DUI arrest data from Utah's 0.05 BAC law shows no large spikes in overall arrests relative to the passage of the 0.05 BAC law. In 2019, there was a slight increase in arrests for drives with a 0.05 to 0.079 BAC, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range.^x

Lowering the BAC limit to 0.05 is intended to save lives. That means this action is about separating drinking from driving. This policy has been shown to prevent crashes, injuries, and deaths, therefore, creating safer streets for all people.



Hawai'i has the opportunity to prioritize the lives of all road users by setting a BAC of 0.05. We can improve the overall health and safety of all people in Hawai'i. Please considering **passing HB1935**.

Mahalo for your consideration of our testimony in strong support of this important measure.

Rick Collins

Director
Hawai'i Alcohol Policy Alliance

If you have any questions, please feel free to contact me at rick@hiphi.org or (808) 591-6508, x22.

ⁱ Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

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

ⁱⁱⁱ Fell JC, Scherer M. Estimation of the potential effectiveness of lowering the blood alcohol concentration (BAC) limit for driving from .08 to .05 grams per deciliter in the United States. *Alcohol Clin Exp Res.* 2017;41(12):2128–2139.

^{iv} 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 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

^v Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

^{vi} Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving, National Transportation Safety Board, 2013.
<https://www.nts.gov/safety/safety-studies/Pages/DCA12SS006.aspx>

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

^{viii} ABInBev Foundation, <https://www.ab-inbev.com/content/dam/abinbev/what-we-do/road-safety/ABI%20%20Road%20Safety%20%20A4%20layout%20%20digital%20%20v6.pdf>

^{ix} 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 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

^x Ibid.



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February 6, 2024

TO: Representative Chris Todd, Chair, Committee on Transportation; Vice Chair Darius Kila; and Members of the Committee

FR: JoAnn Hamaji-Oto, Territory Operations Director
Smart Start LLC, Hawaii Corporate Office

RE: HB 1935, Relating to the Use of Intoxicants While Operating a Vehicle- **SUPPORT**

I am JoAnn Hamaji-Oto, Territory Operations Director for Smart Start LLC, Hawaii Corporate Office. Smart Start is the current vendor contracted by the Hawaii Department of Transportation to install and service alcohol ignition interlocks in the state of Hawaii. I am offering written testimony in strong support of HB 1935, Relating to the Use of Intoxicants While Operating a Vehicle.

Currently, the only way to stop a drunk driver from reoffending is to install an ignition interlock on the vehicle that a person operates during a license revocation period. Unlike other alcohol monitoring technologies or programs, an ignition interlock is the only technology and the single most effective tool available to physically separate drinking from driving and to enhance public safety. A consequence for trying to drive drunk on an interlock is not incarceration, but rather a parked vehicle that will not start until the driver sobers up.

Since the implementation of Hawaii's Ignition Interlock law in 2011, we have prevented more than 100,000 drunk driving attempts in the state of Hawaii. The interlock did what it was supposed to do, it directly prevented drunk driving and the injuries and deaths it causes.

By lowering the blood alcohol concentration (BAC), HB 1935 will also make the interlock program available to those who violate the laws pertaining to Operating a Vehicle Under the Influence (OVUI) at lower levels which we believe will have an overall net effect of promoting safe driving.

Lowering the BAC to 0.05 presents a crucial step in preventing the tragic crashes that drunk driving causes:

- Research has shown drivers are significantly impaired at a 0.05 BAC, increasing the risk of a crash.

- Reducing the BAC to 0.05 is linked to fewer instances of impaired driving and its' consequences.
- Lowering the BAC from 0.08 to 0.05 is a general deterrent to impaired driving and affects all would-be-drinking drivers.

This measure has the potential to significantly reduce the risk of alcohol-related crashes, injuries and deaths, ultimately saving lives. We support this measure and believe it represents an important step toward keeping Hawaii's roads safe.

Thank you for the opportunity to provide testimony in support of this important bill.



ADDRESS
3442 Waiialae Ave., Suite 1
Honolulu, HI 96816

PHONE
808-735-5756

EMAIL
bicycle@hbl.org

HOUSE COMMITTEE ON TRANSPORTATION
Tuesday, February 6, 2024 – 10:00am

Hawai'i Bicycling League Supports HB 1935
Relating to the use of Intoxicants while Operating a Vehicle

Aloha Chair Todd, Vice Chair Kila, and Committee Members,

My name is Travis Counsell, and I am the Executive Director of the Hawai'i Bicycling League (HBL). We are a non-profit organization founded in 1975 with the mission of enabling more people to ride bicycles for health, recreation, and transportation. We strive to create communities across our islands that have safe, accessible, and inclusive environments for people to bike, walk, and roll.

Hawai'i Bicycling League supports HB 1935, which lowers the threshold blood alcohol concentration for the offenses of operating a vehicle under the influence of an intoxicant and habitually operating a vehicle under the influence of an intoxicant from 0.08 to 0.05. Nationally, nearly 20% of crashes resulting in a fatality of someone walking or biking involve a person driving while intoxicated. In Hawai'i, an estimated 40% of all traffic fatalities involve alcohol. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

People walking and biking are among the most vulnerable users of our roads. They lack the protective shield that vehicles provide, making them particularly susceptible to the actions of impaired and distracted drivers. Lowering the legal BAC limit sends a clear message that we not only prioritize the safety of all road users, but we call on individuals to think twice before drinking and driving.

Research consistently shows that impairment begins well before a BAC of 0.08 and lowering the limit to 0.05 has been shown to reduce the risk of crashes and fatalities. This measure aligns with our State's commitment to Vision Zero by creating a safer and more inclusive environment for everyone who shares our roadways.

At HBL we believe that advocating for a lower BAC limit is a vital step toward achieving our mission. By supporting this bill, we are not only protecting the lives of people walking and biking but also fostering a culture of responsibility and accountability on our roads. We call upon our lawmakers to recognize the importance of this legislation and prioritize the safety of all road users.

Let us work together to create a Hawai'i where every individual, regardless of their mode of transportation, can travel our roads safely and with confidence. Together, we can make a

difference and build a future where everyone arrives at their destination unharmed.
Mahalo for the opportunity to provide testimony.

Please **support HB 1935** and help create safer streets for all road users.

Ride Aloha,

A handwritten signature in black ink that reads "Travis Counsell". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Travis L. Counsell
Executive Director
Hawai'i Bicycling League



February 5, 2024

The Honorable Chris Todd, Chair
The Honorable Darius Kila, Vice Chair
House Committee on Transportation
Hawaii State Legislature
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Todd and Vice Chair Kila:

As representatives of leading public health and safety organizations working to pass roadway and auto safety laws that prevent unnecessary deaths and injuries and contain crash costs, we urge you to support Senate Bill (SB) 2384 and House Bill (HB) 1935. These bills would lower the legal limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), deter drunk driving and save lives.

Drunk driving is a deadly and costly threat to Hawaii families. In 2021, there were 94 fatalities on state roads, and 30 percent of those (24) involved drunk driving.ⁱ In addition, Hawaii incurred \$580 million in economic harm due to motor vehicle crashes according to a 2019 analysis.ⁱⁱ Drunk driving is a serious problem that requires urgent action. Advancing .05 percent BAC legislation will reduce dangerous drinking and driving across all levels of impairment, including high BAC, to prevent deaths and injuries.

Nationwide about 30 percent of traffic fatalities involve a drunk driver. In addition to the physical and emotional impact, these crashes impose a financial burden including on businesses. Drunk driving crashes cost employers \$8 billion each year with 81 percent of those costs coming in crashes while off the job.ⁱⁱⁱ We must implement solutions that are strongly supported by research and the public health and safety community.^{iv} If all states adopted a .05 percent BAC or lower law, fatal alcohol crashes would decline 11 percent and 1,790 lives would be saved each year.^v

Research shows significant impairment at .05 percent BAC.^{vi} Drivers have reduced coordination, decreased ability to track moving objects, difficulty steering and diminished response to emergency situations.^{vii} The risk of being killed in a single-vehicle crash with BACs of .05 to .079 percent is up to 21 times higher than for drivers without measurable alcohol.^{viii}

Opponents may claim that lowering the BAC will decrease alcohol sales. Reducing BAC limits does not discourage alcohol consumption.^{ix} It does deter driving after drinking. Further, studies show that when states lowered their BAC limits from .10 to .08 percent, there were no adverse impacts on the criminal justice system or increase in arrests. Similarly, when Utah reduced its BAC limit from .08 to .05 percent, alcohol sales and tourism went up while DUI arrests went down.^x Per capita DUI arrests declined seven percent since the last full fiscal year before the .05 percent BAC limit went into effect.^{xi}

Lowering the limit of BAC is a research-driven countermeasure successfully employed around the world but underused in the United States. More than 100 countries have .05 percent BAC or lower limits. In these countries average alcohol consumption is equal or higher to that in the United States, but they have less deaths caused by drunk driving.^{xii}

The data are clear, the lifesaving benefits are certain, and the justification for action is compelling. We urge you to seriously address and prevent drunk driving by enacting SB 2384 or HB 1935. Every death caused by an alcohol-

related crash on Hawaii roads forever changes the lives of families and communities. Thank you for your consideration.

Sincerely,

Catherine Chase, President
Advocates for Highway and Auto Safety

Natalie A. Draisin, Director, North American Office
& United Nations Representative
FIA Foundation

Janette Fennell, Founder and President
Kids and Car Safety

Marcus Kowal and Mishel Eder, Co-founders
Liam's Life Foundation
Parents of Liam Mikael Kowal

Alice Liu, Hawaii Program Director
Mothers Against Drunk Driving (MADD)

Lorraine Martin, President and CEO
National Safety Council

David A. Sleet, Ph.D.
Professor Emeritus
College of Health San Diego State University

Honorable T. Bella Dinh-Zarr, Former Vice Chair
National Transportation Safety Board
Co-founder, .05 Saves Lives Coalition

Thomas M. Louizou, Former Regional Administrator
National Highway Traffic Safety Administration
Co-founder, .05 Saves Lives Coalition

Andrew McGuire, Executive Director
Trauma Foundation

Additional organizations that are not signers but recommend or support .05 percent BAC policy:

American Medical Association (AMA)
American Public Health Association (APHA)
Association for the Advancement of Automotive
Medicine (AAAM)
Governors Highway Safety Association
National Academies of Sciences, Engineering and
Medicine (NASEM)
National Road Safety Foundation

National Transportation Safety Board (NTSB)
Remove Intoxicated Drivers (RID)
Safe States Alliance
Society for Public Health Education
Transportation Alternatives
Vision Zero Network
World Health Organization (WHO)

cc: House Committee on Transportation

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- ⁱ State Traffic Safety Information for Hawaii (2021), NHSTA, available at <https://cdan.dot.gov/stsi.htm>.
- ⁱⁱ The Economic and Societal Impact of Motor Vehicle Crashes, 2019, NHTSA, Feb. 2023, DOT HS 813 403, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>.
- ⁱⁱⁱ Cost of Motor Vehicle Crashes to Employers 2019; Network of Employers for Traffic Safety, available at <https://trafficsafety.org/road-safety-resources/public-resources/cost-of-motor-vehicle-crashes-to-employers-2019/>.
- ^{iv} Fell, Jim C., Voas, Robert B, *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, PIRE. June 2014. NTSB Safety Compass, *Drink or Drive Pick One*: <https://safetycompass.wordpress.com/2019/04/29/drink-or-drive-pick-one/>.
- ^v NORC: Fell JC & Scherer M, Estimation of the Potential Effectiveness of Lowering the Blood Alcohol Concentration (BAC) Limit for Driving From 0.08 to 0.05 Grams per Deciliter in the United States, 2017. Available at: <https://bit.ly/2E5pliq>.
- ^{vi} NTSB, .05 BAC Safety Briefing Facts, February 2017, available at <https://portal.ct.gov/-/media/DOT/documents/dvisionzero/NTSB-05-SafetyBriefingMarch2019.pdf>.
- ^{vii} MADD, What is .08? Available at: <http://www.madd.org/drunken-driving/about/understanding-08.html>.
- ^{viii} Fell, Jim C., Voas, Robert B, *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, PIRE. June 2014.
- ^{ix} NTSB, .05 BAC Safety Briefing Facts, February 2017.
- ^x Leaver, Jennifer, The State of Utah's Travel and Tourism Industry 2019, Kem C. Gardner Policy Institute University of Utah, September 2020. Utah Department of Alcoholic Beverage Control, Annual Reports 2018, 2019 and 2020, available [here](#). 17th Annual DUI Report to the Utah Legislature, Utah Commission on Criminal and Juvenile Justice, 2019. Available at: <https://le.utah.gov/interim/2019/pdf/00004834.pdf>.
- ^{xi} 20th annual DUI Report to the Utah Legislature, Utah Commission on Criminal and Juvenile Justice, 2022. Available at: <https://justice.utah.gov/wp-content/uploads/2022-DUI-Annual-Report-Final.pdf>.



TO: Rep. Chris Todd, Chair
Rep. Darius K. Kila, Vice Chair
Committee on Transportation

FR: Shannon Woods, Chief Legal and Strategy Officer
Intoxalock

RE: HB1935 RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

DATE: Tuesday, February 6, 2024

TIME: 10:00 AM; VIA VIDEOCONFERENCE; Conference Room 312

Chair Todd, Vice Chair Kila and members of the Committee on Transportation:

My name is Shannon Woods, Chief Legal and Strategy Officer for Intoxalock. Intoxalock is one of the largest providers of breath alcohol ignition interlock devices in the United States, meeting state requirements in 46 states across the nation. For 30 years, Intoxalock devices have been keeping hundreds of thousands of intoxicated persons from driving. We are also committed to supporting public policy and legislation which reduces driving under the influence.

Intoxalock supports HB1935 which lowers the threshold blood alcohol concentration from .08 to .05 blood alcohol concentration (BAC) for the offenses of operating a vehicle under the influence of an intoxicant and habitually operating a vehicle under the influence of an intoxicant. Because Intoxalock has a national presence throughout the US, the company monitors and supports public policy and legislation which reduces drunk driving.

As a point of reference, in February 2022, the US Department of Transportation National Highway Traffic Safety Administration evaluated Utah's .05 BAC law. Overall, the study's findings indicated that passage of the .05 per se law had demonstrably positive impacts on highway safety in Utah. The crash analysis highlighted reliable reductions in crash rates and alcohol involvement in crashes associated with the new law that were consistent with, or greater than, those observed or predicted by prior research.

Strengthening Hawaii's drunk driving laws saves lives. We urge this Committee to support HB1935. Thank you for the opportunity to testify on this matter.

Sincerely,

/S/

SHANNON WOODS
Chief Legal and Strategy Officer
Intoxalock
11035 Aurora Avenue
Des Moines, IA 50324
swoods@intoxalock.com

HB-1935

Submitted on: 2/5/2024 3:55:26 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
The Honorable T. Bella Dinh-Zarr, PhD, MPH	05 Saves Lives Coalition	Support	Written Testimony Only

Comments:

February 5, 2024

Dear House Committee on Transportation:

The .05 Saves Lives Coalition (www.05saveslives.org) is writing in strong support of HB 1935 which will lower the illegal per se BAC from .08 to .05 in Hawaii. This legislation has been scientifically proven to reduce drunk driving and save lives, without any negative effect on the hospitality or tourism or alcohol industries.

Our founders and our broad coalition of supporters have extensive backgrounds in transportation, public health, education, global road safety, medicine, business, disaster investigation, and philanthropy. Our Founding Chairman was the Hon. Norman Y. Mineta, the longest serving Secretary of Transportation in U.S. history.

Every year, drinking and driving causes thousands of preventable deaths and injuries. Our nation would save at least 1,500 lives each year if every U.S. State passed a .05 BAC law.

We urge you to pass HB 1935 and prevent needless tragedies in Hawaii.

In 2021, 29% of the 94 fatalities on Hawaii’s roads involved alcohol impaired driving. It is undeniable that drivers with extremely high BACs over .15% account for most drunk driving deaths in Hawaii (14 -15% of all fatalities, as the law’s opponents are so quick to point out). But it is also undeniable that a .05 BAC limit reduces drunk driving at *all* BAC levels – high and low.

How does a .05 BAC law prevent crashes, deaths, and injuries? Simply by preventing people from driving after they have been drinking. This common-sense measure is data driven, based on sound research, and is employed by almost 100 countries around the world to deter drunk driving. Opponents’ arguments that .05 BAC laws will increase DWI arrests and reduce alcohol sales have been proven false. The broad deterrent effect of .05 BAC laws has been shown to *reduce drunk driving at all BAC levels, including high BAC levels*. The measure’s strength is that it encourages positive behavior without burdening the criminal justice system.

NHTSA's evaluation of Utah's .05 BAC law confirmed a 19% decline in fatal crash rates, in striking comparison to a 6% decline in border states that served as a control, with no difference in tourism or alcohol sales. In addition, although people in other countries drink more per capita than people in the US, there are fewer deaths on the roads. They drink more, yet they die less – because of a lower BAC law which deters them from driving after drinking. The National Academies of Science, Engineering, and Medicine report also recommends a .05 BAC law.

It isn't every day that you can save dozens of lives immediately with the stroke of a pen. By passing a .05 BAC law, you will do just that, this year and every year. You will leave a lasting legacy of safety. Thank you.

Sincerely, *05 Saves Lives* Coalition Co-Founders

The Honorable T. Bella Dinh-Zarr, PhD, MPH

Senior Advisor, FIA Foundation

Former Vice Chairman/Acting Chairman, National Transportation Safety Board (NTSB)

b.dinhzarr@fiafoundation.org

(202) 701-5656

Thomas Louizou, Former Regional Administrator

National Highway Traffic Safety Administration (NHTSA), USDOT

David Sleet, PhD, Professor Emeritus, San Diego State

University College of Health and Human Services

Former Associate Director for Science, Division of Injury Prevention, CDC

Marilena Amoni, Former Associate Administrator

National Highway Traffic Safety Administration (NHTSA), USDOT

For more information: www.05saveslives.org

HB-1935

Submitted on: 2/2/2024 2:13:43 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Support	Written Testimony Only

Comments:

I strongly urge our Legislature to support the passage of this bill.

HB-1935

Submitted on: 2/2/2024 2:25:25 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
William Hankins	Individual	Support	Written Testimony Only

Comments:

As a retired Traffic Division commander for MPD, I strongly support this bill. Lowering the "measurable amount" of breath/blood alcohol level to .05 has proven successful in Utah and is saving lives. We need to stop impaired drivers from endangering everyone on the road with current BAC limits. Lowering the BAC to 0.05 percent will save lives and hopefully change the mindset to plan ahead if you're going to be drinking . NHTSA has been recommending this for years to lower states legal blood/breath alcohol limits to .05, as it had been proven that drivers ARE IMPAIRED at .05 BAC/BrAC. For the past three years law makers have killed this bill and chosen to do nothing in hopes for a different result with regards to alcohol related driving fatalities. This year we need state elected officials to support this bill and save lives. Even one life lost to an alcohol-related traffic crash is too many. I have knocked on too many doors in my career to deliver the news a loved one is never coming home again as a result of someone's selfish decision to drive impaired. I hope for all those who have lost a loved one to impaired driving, that 2024 is the year our lawmakers make this vital commitment to say we are going to take the necessary steps to make our roadways safer and attack the problem of impaired driving. Please make the smart decision and let's push thru this legislation this year! Help us save lives and prevent senseless impaired driving fatalities.

HB-1935

Submitted on: 2/2/2024 2:29:48 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Colleen Fox	Individual	Support	Written Testimony Only

Comments:

I am submitting testimony in STRONG SUPPORT of HB 1935. HB 1935 amends the definition of “under the influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

Lowering the BAC limit for impaired driving to 0.05 creates safer roads, is popular with Hawai‘i voters, and is supported by strong research evidence. A study of the implementation of a 0.05 BAC limit in Utah found that it had no negative impact alcohol sales, tourism, and tax revenues; and it did not increase arrests. Lowering the BAC limit to 0.05 will prevent crashes, injuries, and deaths, and creating safer streets for all people.

A 0.05 BAC would create safe roads and protect Hawaii’s residents, children, and families by reducing alcohol-impaired crashes and fatalities and making our roads safer in Hawaii. In Utah, they saw a 20% drop in fatal car crashes after the BAC was lowered to 0.05. The National Highway Transportation Safety Board (NTSB) has recommended that all 50 states adopt a 0.05 BAC law. Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a .00 BAC. Additionally, approximately 85% of the world’s population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.

The people of Hawai‘i support the lowering of the BAC limit to 0.05, as seen in a 2022 poll that indicated two-thirds (69%) of Hawai‘i voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.

This law would improve the overall health and safety of all people in Hawai‘i. I ask that you **pass HB 1935**. Mahalo for your time and consideration.

Dr. Colleen Fox

Honolulu (Makiki), Hawaii

HB-1935

Submitted on: 2/2/2024 3:30:45 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
David Hubbard	Individual	Support	Written Testimony Only

Comments:

My name is David Hubbard from Puhi, Kaua`i and I am submitting testimony in **STRONG SUPPORT** of HB 1935.

This relatively small step on behalf of you, our legislators, can have a massive impact on our community. If this measure saves only one life, imagine how great an impact that would have on a family, neighborhood, community, and beyond! The reality is that passing HB 1935 will surely save many many more. This is the right step as a state, as we follow the lead of many other countries who have had success lowering the BAC. Its time to be a front runner in our nation by taking this step towards "no lives lost to drunk driving".

Thank you for your time and consideration of support for HB 1935.

David Hubbard

HB-1935

Submitted on: 2/2/2024 5:23:47 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sariah Mokuahi	Individual	Support	Written Testimony Only

Comments:

As a local resident of Kaua'i I support this bill. I believe that passing HB1935 will not only promote safer roadways, but will also help to shift the social norms towards drinking and driving and excessive alcohol use. I believe that lowering the BAC to .05 will support more responsible drinking and will save lives in my community.

HB-1935

Submitted on: 2/3/2024 10:11:52 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Evans	Individual	Oppose	Written Testimony Only

Comments:

My standpoint on this new bill is against it. I feel it will not make a difference, but rather criminalize more.

Every officer that I talk to, tell me about a DUI case. They all stated that all the DUI cases involving traffic collisions, injuries and fatalities, their suspect's blood alcohol concentration was much greater than 0.08. If we lower the maximum BAC, it will not end the greater amount of drunk drivers who endanger those around them, but possibly criminalize those who want to have a small drink before heading off. It would create more work for our already busy patrol and traffic officers, and take away much needed resources elsewhere.

Those who do not care, will drink as much as they want, and endanger whoever. For anyone who does wish to abide by this law, will now have to learn and understand how much they can drink before driving.

to really combat this issue of drunk drivers, we need a more direct approach to end it. Something that will make people re-think their actions and reconsider driving while impaired.

Please take my Testimony into consideration. Thank you. Aloha

-Michael Evans

HB-1935

Submitted on: 2/3/2024 12:58:09 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

In full support. I support all measures which will keep drunk drivers off the road. Ther joy at drinking should not contribute to injuries and death of others.

HB-1935

Submitted on: 2/3/2024 3:00:56 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Riana Jicha	Individual	Support	Written Testimony Only

Comments:

Aloha, my name is Riana Jicha; I am a current graduate student at Hawaii Pacific University studying Public Administration and a resident of the Big Island.

I am testifying in favor of HB1935 in lowering the threshold of Blood Alcohol Concentration from 0.08 to 0.05 for the offense of operating a vehicle while under the influence of an intoxicant. I believe that the State of Hawaii should comply with the National Transportation Safety Board (NTSB) recommendations to lower BAC to 0.05, aligning with the most recent research that connects such measures to a decrease in alcohol-related vehicular deaths. Research notes that a BAC of 0.05 presents an expedient risk from inebriation, resulting in harm to the driver, all other safe drivers, and innocent pedestrians (Fell, 2019).

An intoxication of 0.05 is not the result of consuming a single alcoholic beverage but an accumulation of several drinks; the BAC level must be lowered to include these blatantly risky behaviors that result in impairment when operating a vehicle. A lowered BAC of 0.05 is necessary to create legal boundaries and keep the people of Hawaii safe. HB1935 focuses on the health and safety of Hawaii residents, an essential measure and expectation we have of our laws and leaders.

I fully support HB1935 as the benefits of this measure outweigh any proposed counterstatements; there are no valid arguments to undermine the lives and safety of those who reside in Hawaii.

Thank you for considering my testimony,

Mahalo,

Riana Jicha.

Fell J. C. (2019). Another Major Reason to Lower the Blood Alcohol Concentration Limit for Driving. *American journal of public health*, 109(5), 670–671.
<https://doi.org/10.2105/AJPH.2019.304987>

HB-1935

Submitted on: 2/3/2024 3:14:48 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacelyn Auna	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Transportation,

My name is Jacelyn Auna from Hilo, Hawai'i, and I am submitting testimony in STRONG SUPPORT of HB 1935.

HB 1935 will be a key intervention, and crucial preventing step to reduce alcohol-impaired driving, and the results of crashes, injuries, and fatalities, by lowering the Blood Alcohol Concentration (BAC). As State legislators, you can enact laws for alcohol-impaired driving, and can save lives, and prevent the pain and loss for families and communities. This is an opportunity to decrease crashes, injuries and fatalities, and an increase in safer roads.

On a typical workday morning, within the hour of 6:30 to 7:30am, over 100 cars are seen driving through a residential Hawaiian Homestead with a speed limit of 35 mph. 80 to 90% of the drivers are driving over the speed limit with no care for the safety of those around them. One day a driver drove into the home of my cousin's yard, almost hitting her children. Yes, this did not involve drunk driving but more so reckless driving. HB1935 can save lives from reckless driving.

According to traffic safety facts released by the National Highway Traffic Safety Administration (NHTSA) in December 2023, an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai'i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated 40 percent of all traffic deaths in Hawai'i involve alcohol.

On Hawai'i Island, since January 1st, 2024, 78 people so far have been arrested for Driving Under the Influence, with 6 drivers under the age of 21. There were three fatal crashes, with three fatalities. What more can we do to convince you that we need more laws to protect our families and communities? How long more do we have to see people make reckless decisions to drink and drive? They should be held accountable.

Pass HB 1935.

Mahalo for your time and consideration.

Erik K. Abe
55 South Kukui Street, #1606
Honolulu, Hawaii. 96813
Ph. (808) 537-3081 Cell: (808) 371-3745

TESTIMONY TO THE HOUSE COMMITTEE ON TRANSPORTATION
TUESDAY, FEBRUARY 6, 2024; 10:00 A.M.
VIA VIDEOCONFERENCE

RE: HOUSE BILL NO. 1935, RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

Chair Todd, Vice Chair Kila, and Members of the Committee:

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

I **SUPPORT** the **INTENT** of House Bill No. 1935, RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE., and offer **PROPOSED AMENDMENTS** for your consideration.

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

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

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

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

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

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

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

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

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

Testimony on House Bill No. 1935
Tuesday, February 6, 2024; 10:00 a.m.
Page 3

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

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

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

For these reasons, I respectfully request that the contents of this measure be deleted, and the substance of House Bill No. 1999, Regular Session of 2020, attached, a measure that would establish a "Zero Tolerance" policy for both minors and adults in the State of Hawaii, be inserted.

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

attachment.

A BILL FOR AN ACT

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

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

1 SECTION 1. Section 291E-61, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) A person commits the offense of operating a vehicle
4 under the influence of an intoxicant if the person operates or
5 assumes actual physical control of a vehicle:

6 (1) ~~[While under the influence of alcohol in an amount~~
7 ~~sufficient to impair the person's normal mental~~
8 ~~faculties or ability to care for the person and guard~~
9 ~~against casualty;]~~ With a measurable amount of alcohol
10 in the person's breath or blood; provided that a law
11 enforcement officer may arrest a person under this
12 section when the officer has probable cause to believe
13 that the arrested person had been operating a vehicle
14 upon a public way, street, road, or highway, or on or
15 in the waters of the State, with a measurable amount
16 of alcohol in the person's breath or blood; or



- 1 (2) While under the influence of any drug that impairs the
2 person's ability to operate the vehicle in a careful
3 and prudent manner[+
4 ~~(3) With .08 or more grams of alcohol per two hundred ten~~
5 ~~liters of breath; or~~
6 ~~(4) With .08 or more grams of alcohol per one hundred~~
7 ~~milliliters or cubic centimeters of blood]."~~

8 SECTION 2. Section 291E-61.5, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) A person commits the offense of habitually operating
11 a vehicle under the influence of an intoxicant if:

- 12 (1) The person is a habitual operator of a vehicle while
13 under the influence of an intoxicant; and
14 (2) The person operates or assumes actual physical control
15 of a vehicle:

16 (A) [~~While under the influence of alcohol in an~~
17 ~~amount sufficient to impair the person's normal~~
18 ~~mental faculties or ability to care for the~~
19 ~~person and guard against casualty;] With a
20 measurable amount of alcohol in the person's
21 breath or blood; provided that a law enforcement~~



1 officer may arrest a person under this section
2 when the officer has probable cause to believe
3 that the arrested person had been operating a
4 vehicle upon a public way, street, road, or
5 highway, or on or in the waters of the State,
6 with a measurable amount of alcohol in the
7 person's breath or blood; or

8 (B) While under the influence of any drug that
9 impairs the person's ability to operate the
10 vehicle in a careful and prudent manner[+

11 ~~(C) With .08 or more grams of alcohol per two hundred~~
12 ~~ten liters of breath; or~~

13 ~~(D) With .08 or more grams of alcohol per one hundred~~
14 ~~milliliters or cubic centimeters of blood]."~~

15 SECTION 3. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



H.B. NO. 1999

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

2

INTRODUCED BY:

[Signature]
Ray A. Ald
[Signature]
[Signature]
[Signature]
[Signature]
Mark Hill
[Signature]
[Signature]

JAN 17 2020



Report Title:

OVUII; Zero Tolerance; Any Measurable Amount of Alcohol

Description:

Changes the standard for the offenses of operating a vehicle under the influence of an intoxicant and habitually operating a vehicle under the influence of an intoxicant from .08 grams of alcohol per 210 liters of breath or 100 milliliters or cubic centimeters of blood to any measurable amount of alcohol in the person's breath or blood. Allows law enforcement officers to arrest a person if there is probable cause to believe that the person was operating a vehicle with a measurable amount of alcohol in the person's breath or blood.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



HB-1935

Submitted on: 2/3/2024 4:23:23 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lynette Auna	Individual	Support	Written Testimony Only

Comments:

Aloha!

My name is Lynette Auna, and I am from Hilo, Hawai'i. I support Bill HB1935. Lowering the Blood Alcohol Concentration (BAC) from 0.08 to 0.05 presents a crucial prevention step in alcohol-related accidents. Our roads are not safe when we have reckless drivers who chose to drink or drive.

My sister died because of the reckless choice of my nephew high on cocaine mixed with other drugs. Yes, it was not an alcohol-related accident, it was still an accident based on recklessness. HB 1935 can deter drivers to make smarter choices to think before drinking and driving.

Keep our families and communities safe. Pass HB 1935.

Mahalo!

HB-1935

Submitted on: 2/3/2024 8:48:03 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Keoni Shizuma	Individual	Comments	Written Testimony Only

Comments:

Aloha,

I wanted to provide the following comments to this bill. I am neither for nor against lowering the threshold of blood alcohol concentration from 0.08 to 0.05. I did want to express that merely lowering the blood alcohol concentration limit in order to prevent accidents related to alcohol consumption does not seem like a well thought through solution. I am unaware of data that shows that there is a significant amount of accidents with drivers of a blood alcohol concentration of 0.05-0.08, which could be prevented by lowering the limits down to 0.05. I do believe that other efforts such as improved enforcement of a 0.08 blood alcohol concentration could result in greater benefit than lowering the limit down to 0.05. I am in full support of preventing drunk or intoxicated driving, and educational and other efforts to prevent intoxicated driving, but i do not expect that simply lowering the limit from 0.08 to 0.05 will bring about the improvements in safety that this bill is hoping to achieve.

Mahalo for your consideration.

HB-1935

Submitted on: 2/4/2024 3:17:14 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Allen Bartolome	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and Members of the Committee,

I am writing to testify in support of this bill. As a multiple time survivor of drunk drivers (3), I believe that this intervention will not cost the state anything to change this law. We need to support community health and safety and not put the rights of reckless and careless in front of law-abiding citizens. Changing this law will promote respect for the law and reduce injuries and fatalities on the road. My hope is that no one in this state will suffer the same physical pain that I feel daily since 1994.

Respectfully,

Allen Bartolome

HB-1935

Submitted on: 2/4/2024 3:40:00 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Daysha Mendes	Individual	Support	Written Testimony Only

Comments:

Aloha,

I really don't have much to say except that this bill is a no-brainer and should of been passed and put into effect years and years ago. Needless to say, I support HB1935.

Mahalo,

Daysha-Rae Mendes

To: The Honorable Representative Chris Todd, Chair

The Honorable Representative Darius Kila, Vice Chair and Members of the House
Committee on Transportation

Re: Strong Support of HB1935, RELATING TO THE USE OF INTOXICANTS WHILE
OPERATING A VEHICLE.

Hrg: Tuesday, February 6, 2024 at 10:00 AM, Conference Room 312

Position: **Strong Support**

I am writing to express my STRONG SUPPORT for HB1935, which seeks to amend the measurable amount of alcohol for impaired driving of a vehicle by lowering the blood alcohol concentration (BAC) from 0.08 to 0.05.

As a volunteer member of the Hawai'i Alcohol Policy Alliance and a resident of Hilo, I believe that supporting safe driving practices is crucial for creating safer communities. Lowering the BAC limit to 0.05 can significantly reduce the number of crashes, injuries, and deaths on our roads, fostering an environment of increased safety for all.

It is important to emphasize that lowering the BAC limit is not about restricting drinking; rather, it is about separating drinking from driving. This measure is a proactive step towards preventing accidents and ensuring the safety of our streets. By adopting this change, Hawai'i can join the ranks of 6 other states that have introduced similar legislation, presenting an opportunity to set a new BAC standard for our nation.

Statistics reveal that an estimated 40 percent of all traffic deaths in Hawai'i involve alcohol. Lowering the BAC limit to 0.05 aligns with the goal of the Hawai'i Alcohol Policy Alliance to create safer communities. Furthermore, a December 2022 statewide poll indicates that nearly 70% of Hawai'i voters support this change, reflecting widespread public endorsement for enhancing road safety.

Hawai'i has a history of leading the nation in public health policies, and adopting HB1935 provides an opportunity to continue this tradition. I urge the House Committee on Transportation to consider the well-being of our communities and support the passage of HB1935. This legislation would undoubtedly contribute to the overall health and safety of the people of Hawai'i.

Sally Ancheta
Resident of Hilo, HI

HB-1935

Submitted on: 2/4/2024 8:24:59 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicole Ward	Individual	Support	Written Testimony Only

Comments:

I am in support of HB1935. Passage of this will save many precious lives.

HB-1935

Submitted on: 2/4/2024 8:50:20 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Davonne Pacheco	Individual	Support	Written Testimony Only

Comments:

I support this bill

HB-1935

Submitted on: 2/4/2024 9:04:31 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Pat Taira	Individual	Support	Written Testimony Only

Comments:

I fully support this bill to lower the blood alcohol level from .8 to .5. I believe that this will reduce the amount of motor vehicle collisions and reduce the amount of senseless loss of life.

HB-1935

Submitted on: 2/4/2024 9:26:04 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Paula S Kurashige	Individual	Support	Written Testimony Only

Comments:

I agree with lowering the blood alcohol level from .8 to .5.

HB-1935

Submitted on: 2/4/2024 10:44:32 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
JoAnne Dakujaku	Individual	Support	Written Testimony Only

Comments:

Blood alcohol level needs to be lowered. There are too many instances of drunk drivers taking innocent lives or damaging property and not being punished for their irresponsible actions. we had a drunk driver who recently crashed through our pasture fences. He took out 3 different fences and was NOT arrested or even tested for dui at the scene of the accident. Worst yet, he had no insurance and didn't pay for the damages he caused.

Had he kept going on his current vehicle path, if our fences didn't stop him he could've crashed into my parents bedroom.

In my opinion no one should be driving after drinking ANY alcohol. Period. The next time they get into an accident it could be you or your loved ones innocently killed.

please support this bill. Thank you for your time.

HB-1935

Submitted on: 2/5/2024 12:16:11 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Angela McCarthy	Individual	Support	Written Testimony Only

Comments:

I'm submitting on behalf of my family of 5 that was hit by a drunk driver on October 20, 2022. My 3 children were in the back seat of our F-150 and my husband & I were in the front seat, I was driving. My children all sustained injuries to their spines and other parts of their bodies, our oldest child had to learn how to walk again after a lengthy stay in a rehabilitation hospital. My husband suffered a shattered shoulder and I had an injury from the steering wheel column and the seat belt. My husband & I were rushed in to emergency surgery.

My injuries are so bad that I had a total bowel resection. I no longer have the ability to maintain nutrition. I have malnutrition, bile malnutrition & heart issues and kidney issues from a lack of potassium (hypokalemia). And my organs are slowly deteriorating now. I was a 41 year old normal wife & mother who was active.

We were on our way home from my in-laws house and we were hit by a drunk driver who was more than 3 times the legal limit (.151) This is what was recorded an hour after our crash. The driver who hit us walked away with no injuries & basically no consequences. He never served time, and he also was allowed to defer to a lighter sentence of reckless driving and he never officially received a DUI after being arrested for a DUI and failing a BAC on scene and at the police station.

My family and many others deserve better than this! We deserve to have the BAC lowered and to be respected in this regard. Our roads are not safe. Lowering the BAC will make them safer. It is a step in the right direction.

I will never give up in this fight. We have to do better and we have to keep our roads safer!

Mahalo

I am writing to support HB1935 in lowering the blood alcohol concentration (BAC) to 0.05. The 0.05 level has been implemented by the state of Utah in 2018 and, according to the National Highway Traffic Safety Administration, Utah saw a decrease in their fatal crash and fatality rates in 2019. There is only one issue of importance and that is the saving of lives. Hawaii has had too many drunk driving crashes and deaths related to this irresponsible behavior. Unfortunately, it is not just the impaired driver that sustains injury or loses his/her life, but innocent people have suffered at the hands of a drunk driver behind the wheel of a 4,000+ pound killing machine.

According to the CDC's Alcohol-Impaired Driving factsheet for Hawaii, there have been 400 people who were killed in crashes involving an alcohol-impaired driver from 2009 to 2018. That's 400 people gone forever. And we all know that in 2019, there was a horrific crash in Kaka'ako by a drunk driver that plowed into and killed three innocent pedestrians and injured four more. In addition to the grief and anguish experienced by the victims' families, there is also a social and economic loss associated with the premature deaths of the victims. Their ability to contribute to society has been lost. In reality, we should have a zero tolerance policy for alcohol-impaired driving.

No one has the right to drink and drive. Driving is a privilege. Lowering the BAC to 0.05 is a small step towards getting dangerous drivers off our streets. A BAC of 0.05 shouldn't be viewed as a "small price to pay" or a "minor inconvenience". Instead, it should be seen as a tool for law enforcement to use to arrest drivers who pose a danger to our community. Other countries like Australia, France, Italy, and Switzerland have responsibly adopted a 0.05 BAC level. It is infinitely better to be proactive to protect our family members, our good friends, and our precious keiki from drunk drivers who don't care about the lives of others when they get behind the wheel. I ask that the elected members of our Legislature vote to pass HB1935.

HB-1935

Submitted on: 2/5/2024 12:18:10 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Melissa-Iris Lau	Individual	Support	Written Testimony Only

Comments:

I support HB1935 because my life was drastically changed forever on 1/28/2019 when my husband, Dr. William Travis Lau was one of 3 who were killed in Kakaako by a drunk driver. This was completely avoidable, but a motorist chose to drive impaired and lives were destroyed as a result.

Lowering the BAC to .05 will significantly decrease the risk of injuries and fatalities caused by motorists who chose to drive impaired because it will force drinkers and those who serve alcohol to be more cautious of how much alcohol is served and consumed. Individuals who drink will be forced to drink less if they plan to drive

Drinkers will often drink "just enough" that they're not drunk before driving. But they are often already impaired even if they're not completely drunk and are therefore unable to make wise choices which leads to driving impaired with slower reaction times, which leads to collisions, injuries, and death.

Utah is the first and only state to implement the lowering of BAC to .05. Please see the following link for stats and research related to this: <https://highwaysafety.utah.gov/drive-sober/new-05-bac-law/>

Pedestrians, cyclists, and even other motorists in Oahu are especially at risk given how densely populated this island is.

This state can do and be better. It's time we prioritize public safety over profits. It's time that we stop pretending that people will start making wise choices and do what's right. We're beyond this now. It's time for us to make change that's actually effective and brings us closer to a state that has zero tolerance for impaired driving.

HB-1935

Submitted on: 2/5/2024 8:31:11 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Melissa Bolton	Individual	Support	Written Testimony Only

Comments:

I am in support of this bill

HB-1935

Submitted on: 2/5/2024 8:41:44 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Chelsea Gonzales	Individual	Support	Written Testimony Only

Comments:

My name is Chelsea Gonzales and I am a resident in the Kakaako-Ala Moana neighborhood and I am submitting testimony in STRONG SUPPORT of HB 1935.

I take great pride and feel fortunate to reside in close proximity to numerous fantastic restaurants and bars, all within walking distance. However, it becomes disconcerting when I realize the significant number of individuals who opt to drive in from the opposite side of the island without a clear plan or limit on their alcohol consumption before heading home. On nights when the atmosphere is particularly lively, I often choose to stay in to steer clear of potential encounters with drunk drivers, especially when navigating as a pedestrian.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai'i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai'i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai'i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you pass HB 1935

Mahalo for your time and consideration.

Aloha House Committee on Transportation

My name is Charlene Brown from Maui, HI and I am submitting testimony in STRONG SUPPORT of HB 1935.

Aloha my name is Charlene Brown and I am the mother of Hannah Brown who was killed by a drunk driver on June 23, 2019. She was only 19 years old and had so much life ahead of her. Please take a moment and step into my shoes as you read this. We as a community need the Hawaii Government to take a stand and pass the bill to lower the legal blood alcohol concentration (BAC) for driving from 0.08 to 0.05! This bill will not only show a decline in drinking and driving but will also show that with the lowering of the (BAC) we can help to stop repeat offenders. I know passing this bill will not bring back our daughter, but it can definitely save multiple lives. The pain our family goes through day in and day out is something I really try hard to educate our community on the risk of drinking and driving. I continue to watch too many families have to go through life missing someone they love. **I believe that if a member of your family or friends were killed by a drunk driver you the members of the government would have no problem passing this bill instantly**, so look at it as a bill that could not only save yourself, but your family. I hope that by saying yes and passing the bill to lower the legal blood alcohol concentration (BAC) for driving from 0.08 to 0.05 you will feel confident that you made a change in the right direction and the future Hawai'i!

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related accidents, ultimately saving lives and preventing immeasurable pain and loss for families and communities. According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai'i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai'i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai'i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass HB 1935**.

Mahalo for your time and consideration.

HB-1935

Submitted on: 2/5/2024 8:56:35 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Zane Lacaden	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Transportation,

My name is Zane Lacaden from District 10-07 and I am submitting testimony in STRONG SUPPORT of HB 1935.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related accidents, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai'i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai'i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai'i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you pass HB 1935

Mahalo for your time and consideration.

Zane Lacaden

District 10-07

Kahului, HI 96732

HB-1935

Submitted on: 2/5/2024 8:57:08 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Joshua Franklin	Individual	Support	Written Testimony Only

Comments:

To: Members of the House Committee on Transportation,

I stand firmly in favor of passing HB 1935.

The scourge of drunk driving has left deep scars across our state, with my own family grappling with its repercussions. The proposed reduction of the Blood Alcohol Concentration (BAC) limit to 0.05 is a pivotal move toward mitigating this issue. This legislation is not only about curbing the incidence of alcohol-impaired driving but also about fostering a culture of responsible behavior that distinctly separates the act of drinking from the responsibility of driving.

Recent figures from the National Highway Traffic Safety Administration reveal a decline in traffic-related deaths, with a noteworthy 19 percent decrease in Hawai‘i. While these statistics are heartening, the persistent role of alcohol in 40 percent of traffic-related fatalities in our state is alarming. It underscores the necessity for this legislation.

Lowering the BAC limit to 0.05 aligns with a global trend towards stricter standards that have proven effective in other countries. By adopting this measure, Hawai‘i can not only lead the way in the United States but can also honor our commitment to public safety and the well-being of all who call our islands home.

In light of the clear benefits reflected in international studies, and the positive trends we are beginning to see, I urge the committee to take this step. Let us position Hawai‘i at the forefront of traffic safety reform, ensuring our roads are safer for every family traveling them.

I appreciate the committee's time and earnestly request your support for HB 1935.

Me Me Aloha

Joshua Franklin
Hawaii Family Advocacy Group

HB-1935

Submitted on: 2/5/2024 9:00:28 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ed werner	Individual	Support	In Person

Comments:

I fully support this bill.

Mahalo

HB-1935

Submitted on: 2/5/2024 9:07:02 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shelly Ogata	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Todd and members of the House Committee on Transportation,

My name is Shelly Ogata from Hilo, HI and I am submitting testimony in STRONG SUPPORT of HB 1935. We all know the horrors of driving while impaired and we all have been touched by these tragedies in some way, shape or form.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai‘i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai‘i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai‘i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai‘i. I ask that you **pass HB 1935**

Mahalo for your time and consideration.

HB-1935

Submitted on: 2/5/2024 9:12:11 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cameron Zulevic	Individual	Support	Written Testimony Only

Comments:

I strongly support this Bill! We need safer roadways for our keikis.

Cameron Zulevic

HB-1935

Submitted on: 2/5/2024 9:12:51 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Matson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

Please pass this legislation to help keep our community safe.

- Drivers are significantly impaired at a 0.05 percent BAC, increasing the risk of a crash.
- Reducing the BAC to 0.05 percent is linked to fewer instances of impaired driving and its consequences.
- Lowering the BAC from 0.08 to 0.05 is a general deterrent to impaired driving and affects all would-be-drinking drivers.
- Over 100 countries have reduced their legal BAC levels to 0.05 percent or lower. Specifically, all states in Australia have a 0.05 percent BAC limit. France, Austria, Italy, Spain, and Germany have lowered their limit to 0.05 percent BAC, while Sweden, Norway, Japan, and Russia have set their limit at 0.02 percent BAC. In most of those countries, traffic fatalities in which drivers had an illegal BAC are under 25 percent, with many falling in the single-digit range.

Mahalo,

Shannon Matson

Hawai'i Island Resident

HB-1935

Submitted on: 2/5/2024 9:14:34 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristin Mills	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Kristin Mills and I'm from the town of Pukalani (on Maui). I am a Health Educator, a mother of two, and a two-time survivor of auto crashes where I was hit by a drunk driver. Thank you so much for the opportunity to submit testimony in **STRONG SUPPORT** of HB1935, Relating to lowering the threshold blood alcohol concentration while operating a vehicle..

HB1935 lowers the limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), which deters drunk driving and saves lives. Lowering the BAC to 0.05 is a necessary step to reduce traffic deaths and related injuries. As a mother of a young driver, making the roads safer for my son, and other teens, is very important to me.

Internationally, approximately 100 countries have some type of .05 or lower BAC laws which have lowered their traffic deaths. Having a lower level of BAC has been shown to be effective. In the US, a .05 BAC or lower limit would result in an estimated 11% decline in fatal alcohol crashes and save at least 1700 lives annually.

The data is clear, the lifesaving benefits are certain, the support is documented, and the justification for action is compelling. The purpose of reducing BAC limits is not to discourage alcohol consumption. The purpose is to deter the combination of drinking AND driving. Each person killed or injured in a preventable alcohol-related crash on Hawaii roads not just has their life prematurely ended, but it forever changes the lives of their families and communities.

On a more personal note, I am one of the lucky ones, twice over. Twice I have been involved in an automobile crash that involved the other driver being intoxicated while driving. Twice I have been lucky to survive even though my vehicle was totaled in one of the crashes and the second crash resulted in a 5-car pile-up where the intoxicated driver did not survive. I was in the first of the five cars in the pile up. I am not only lucky to be alive, but lucky to not have lasting health effects from being hit by another car travelling over 65 miles per hour because the driver was intoxicated.

Our Hawaii community members deserve to not need to rely on "luck" in order to "arrive alive". By lowering the legal BAC level, we will increase everyone's chances of arriving safely rather than having their life forever changed.

I urge you to support HB1935 to reduce the death and injury toll of alcohol-impaired driving by simply reducing the BAC to .05.

Mahalo for the opportunity to submit testimony.

Sincerely,

Kristin Mills, M.S., M.A.

HB-1935

Submitted on: 2/5/2024 9:15:02 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrea Maniago	Individual	Support	Written Testimony Only

Comments:

Hi my name is Andrea Maniago and my son died due to a drunk driving crash in 2009. Since then we have done everything we can to be proactive. Examples are sign waving on the side of the road, PSA's, spoken at schools, even spoken at DUI classes. We have done everything anyone has asked us to do and in 14 years there has been no change! So now we turn to all of you and beg for you to help us make a change.

We are your community, we voted for all of you to come into office and help make a change so what now? Are you going to help your people or are you going to kill this bill to help WHO!? If this bill is killed then who are you helping? This bill is not preventing anyone from drinking but by passing this bill we are asking drivers to get home responsibly. It is as simple as that! So if you kill this bill ask yourself why and who is this benefiting? Also ask yourself if you can save multiple lives by adding this bill then isn't worth it? So are you going to do nothing again and hope no else dies from a drunk driver? Or are you going to be the change that you promise when you ran for office? Please don't let any more blood rest on your hands because you did nothing. I don't think a life needs to be sacrificed for another drunk driver.

Mahalo,

Andrea Maniago

HB-1935

Submitted on: 2/5/2024 9:16:19 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Abby Poisson	Individual	Support	Written Testimony Only

Comments:

My name is Abby Poisson, and I am a resident of the Kaka‘ako neighborhood; I am submitting testimony in STRONG SUPPORT of HB 1935.

I love living in a neighborhood in which I can walk to and from so many different breweries, bars, and restaurants. However, rarely do I feel safe as a pedestrian at night as a result of knowing that individuals may be getting behind the wheel after drinking. As a resident of this area, I feel strongly that it is important to take into account the importance of equity for individuals who practice alternative modes of transportation, including pedestrians and bicyclists, who oftentimes go unseen by an impaired driver, especially at night. Knowing that individuals might think twice before getting behind the wheel after drinking is reassuring as a resident. I believe passing this bill is vital to ensuring an intentionally safe community.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai‘i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai‘i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai‘i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai‘i. I ask that you pass HB 1935

Mahalo for your time and consideration.

HB-1935

Submitted on: 2/5/2024 9:19:59 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lindsey Fernandes	Individual	Support	Written Testimony Only

Comments:

Dear House Committee on Transportation,

My name is Lindsey Fernandes and I am a mother of three. I strongly support HB 1935 as I believe it will help lower traffic fatalities while making our roadways safer for me and my family. I've seen so many lives lost tragically from drunk driving including innocent lives which isn't fair. I think it's time our community stand up to create safer roadways and I believe this bill will help us accomplish that. Thank you for taking the time to hear my testimony.

Sincerely,

Lindsey Fernanes

HB-1935

Submitted on: 2/5/2024 9:20:52 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
DAVID GARVIN	Individual	Support	Written Testimony Only

Comments:

I support this

HB-1935

Submitted on: 2/5/2024 9:21:18 AM

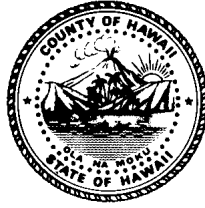
Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gwendolyn Kalani	Individual	Support	Written Testimony Only

Comments:

I strong support HB1935

Jennifer Kagiwada
Council Member District 2 South Hilo



Office: (808) 961-8272
jennifer.kagiwada@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: February 5, 2024
TO: House Committee on Transportation
FROM: Jennifer Kagiwada, Council Member
Council District 2
SUBJECT: HB 1935

Aloha Chair Todd, Vice Chair Kila, and members of the Committee,

I am writing to you in strong support of HB 1935. Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai'i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai'i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai'i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass HB 1935**

Mahalo for your time and consideration,

Jenn Kagiwada

HB-1935

Submitted on: 2/5/2024 9:22:14 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mahiai Naihe	Individual	Support	Written Testimony Only

Comments:

I ask that you pass HB 1935

Mahalo

Mahi Na'ihe

HB-1935

Submitted on: 2/5/2024 9:24:51 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kinohi Naihe	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Kinohi Naihe and I am from Kapaa, Kaua‘i and I am submitting restimonyh in strong support of HB1935.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related accidents, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai‘i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai‘i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai‘i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai‘i. I ask that you pass [Bill #]

Mahalo for your time and consideration.

Kinohi Naihe

HB-1935

Submitted on: 2/5/2024 9:27:59 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Theresa Pauette	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee On Transportation,

My name is Theresa Pauette, from District 50, and I am submitting testimony in strong support of HB 1935, which lowers the threshold blood alcohol concentration for offenses of operating a vehicle under the influence of an intoxicant and habitually operating a vehicle under the influence of an intoxicant.

I am a mother whose only son was killed in a crash involving a man who had 6 DUI arrests. Lowering the BAC level from .08 to .05 will save lives and injuries due to impaired driving. For drivers with BACs of .05 - .079 the risk of being in a fatal crash (single-vehicle) is at least 7 times higher than for drivers with no alcohol in their system. BAC of .02, about 2 alcoholic drinks, results in a decline in visual function and the ability to perform two tasks at the same time. BAC of .05, about 3 alcoholic drinks, results in reduced coordination, reduced ability to track moving objects; difficulty steering, and reduced response to emergency driving situations. (The number of drinks represents the approximate amount of alcohol that a 160-pound man would need to drink in one hour to reach the stated BAC.)

A .05 BAC would not only save lives and injuries, but also help to continue to educate the driving public about the number of drinks to reach a .05 rather than the misinformation campaign that just 1 drink would put the average person at a .05.

Why does Hawaii, and the US, continue with an 08 BAC lagging behind the rest of the civilized world with over 100 countries at a .05 BAC or lower? Not passing a .05 BAC, sends a message to our citizens that our Legislators don't value saving lives and injuries due to impaired driving.

Thank you for the opportunity to testify in strong support of HB 1935.

HB-1935

Submitted on: 2/5/2024 9:34:07 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Aaron	Individual	Support	Written Testimony Only

Comments:

Hi,

My name is Aaron Hoff, I'm a male resident on the island of Kaua'i. I also founded Keala Foundation, a non-profit who's mission is to prevent substance abuse through CrossFit training and recovery based services including treatment for youths on Kaua'i. I am in STRONG SUPPORT of HB1935.

I'm a recovering drug addict and alcoholic of 26 years and I've been in the trenches of making poor choices in my past. Today, I've dedicated my life to helping serve our community on Kaua'i while teaching youths skills to help them navigate through life's challenges. I lost my nephew recently to driving under the influence and he was just a young man with his whole life ahead of him. That life can never be taken back. This is why I am a strong supporter of this bill in lowering the Blood Alcohol Concentration (BAC) to 0.05 to prevent more lives from ending prematurely.

Even one fatality due to drunk driving is one too many, and lowering the BAC to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related accidents, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai'i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai'i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai'i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you pass [Bill #]

Mahalo for your time and consideration.

Aaron Hoff,

President and Founder of Keala Foundation

HB-1935

Submitted on: 2/5/2024 9:35:18 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Syrus Melandish	Individual	Support	Written Testimony Only

Comments:

I strongly support HB 1935!

Syrus Melandish,

JiuJitsu Black Belt, Kaua'i Resident

HB-1935

Submitted on: 2/5/2024 9:36:31 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tasha Bagano	Individual	Support	Written Testimony Only

Comments:

I am submitting testimony in STRONG SUPPORT of HB1935.

Tasha

HB-1935

Submitted on: 2/5/2024 9:37:49 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Pono Matthews	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Pono Matthews, owner of Foil Fever. I am submitting testimony to support HB 1935. Mahalo nui.

HB-1935

Submitted on: 2/5/2024 9:38:19 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Tehani Diaz	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Transportation,

My name is Tehani Diaz from Mililani, Oahu and I am submitting testimony in STRONG SUPPORT of HB 1935.

As a prior employee of an organization supporting alcohol and drug abuse, I have see the data and heard the stories of how alcohol abuse affects individuals and communities

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai‘i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai‘i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai‘i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai‘i. I ask that you pass HB 1935.

Mahalo for your time and consideration.

-Tehani

HB-1935

Submitted on: 2/5/2024 9:38:24 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Rochelle Cariaga	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Transportation,

My name is Rochelle from Ewa Beach, and I am submitting testimony in STRONG SUPPORT of HB 1935.

I have had friends who have driven under the influence of alcohol and he got into a major accident that broke through a brick wall with rebar support. He also totaled his only car. He still suffers from pains from the accident even though it's been several years. Luckily, he was the only car involved in the accident.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai'i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai'i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai'i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you pass HB 1935

Mahalo for your time and consideration.

HB-1935

Submitted on: 2/5/2024 9:39:10 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Aaron	Individual	Support	Written Testimony Only

Comments:

Hi,

My name is Aaron Akau, I'm a Waimanalo Resident. I'm submitting testimony in STRONG SUPPORT of HB1935.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related accidents, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai'i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai'i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai'i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you pass [Bill #]

Mahalo for your time and consideration.

Aaron Akau

HB-1935

Submitted on: 2/5/2024 9:48:39 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Angelika Ramos	Individual	Support	Written Testimony Only

Comments:

As a concerned citizen and advocate for road safety, I wholeheartedly support the HB1935 bill that aims to lower the threshold blood alcohol concentration for the offense of operating a vehicle under the influence. This bill seeks to protect our communities by reducing the instances of impaired driving, ultimately saving lives. The safety and well-being of all road users matter, we have to champion this bill and raise awareness among everyone about its significance in making our roads safer.

HB-1935

Submitted on: 2/5/2024 9:53:40 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Cynthia Okazaki	Individual	Support	Remotely Via Zoom

Comments:

To: The Honorable Representative Chris Todd, Chair

The Honorable Representative Darius K. Kila, Vice Chair

Members of the House Committee on Transportation

Re: Support of HB 1935, Relating to the Use of Intoxicants While Operating a Vehicle

Hrg: Tuesday, February 6, 2024, Conference Room 312

Position: **Support**

HB 1935 amends the definition of “under the influence” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more.

Lowering the BAC limit for impaired driving to 0.05 is an effective strategy to create safer roads that is popular with Hawaii voters, supported by research evidence, and endorsed by the world’s largest brewer.

A 0.05 BAC would create safer roads for all people.

- **To prevent alcohol-impaired driving and its related consequences, the National Highway Transportation Safety Board (NTSB) recommends that all 50 states adopt a 0.05 BAC law.** Drivers at 0.05 BAC are up to seven times more likely to be involved in a crash than those drivers at a 0.00 BAC. Additionally, approximately **85% of the world's population has already adopted per se levels for alcohol-impaired driving at 0.05 BAC or lower.**
- 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 0.05.** 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.
- A December 2022 statewide poll reveals that more than two-thirds (69%) of **Hawaii voters support lowering the BAC limit for alcohol-impaired driving from 0.08 to 0.05.**
- The ABInBev Foundation (formerly Anheuser-Busch) agrees with the World Health Organization that a **0.05 BAC limit is best practice** at this time.
- **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 0.05 BAC law in Utah,** and there's no indication that this would be different with a 0.05 BAC law in Hawaii.
- **DUI arrest data from Utah's 0.05 BAC law shows no large spikes** in overall arrests relative to the passage of the 0.05 BAC law. In 2019, there was a slight increase in arrests for drivers with a 0.05 to 0.079 BAC, which was expected given that law enforcement could now cite drivers for a per se offense in this BAC range.

Hawaii can help set a new BAC standard. This law would improve the overall health and safety of all people in Hawaii. Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths, and creating safer roads for all people.

I urge you to **pass HB 1935** out of Committee.

Thank you for the opportunity to provide testimony.

Cynthia Okazaki

Hawaii Alcohol Policy Alliance

HB-1935

Submitted on: 2/5/2024 10:05:57 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Raquel Gali	Individual	Support	Written Testimony Only

Comments:

Aloha,

As a community member, parent, and service provider serving youth and families in Hawaii County, I strongly support HB 1935 to lower the BAC to .05.

Mahalo,

Raquel Gali

HB-1935

Submitted on: 2/5/2024 10:19:28 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kealoha Madriaga	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Transportation,

My name is Kealoha Madriaga from Kamuela, and I am submitting testimony in STRONG SUPPORT of HB 1935.

I have experienced a lot of loss due to impaired driving. In 2009, right outside of the town of Kamuela near Lakeland, my sister-in-law's life was taken due to drunk driving. She died at 22 years old. Such a young age. I didn't personally get to meet her, but I have a forever connection to her as we named our daughter after her.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai'i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you pass HB 1935

Mahalo for your time and consideration.

HB-1935

Submitted on: 2/5/2024 11:39:20 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherilyn Long	Individual	Support	Written Testimony Only

Comments:

When did it become okay to drink an alcoholic beverage and drive because you aren't buzzed or feeling okay. This bill should help save lives and make people think twice about drinking or having more drinks.

HB-1935

Submitted on: 2/5/2024 11:58:06 AM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anika Mejia	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Transportation,

My name is Anika M. from Honolulu, and I am submitting testimony in STRONG SUPPORT of HB 1935.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai'i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai'i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai'i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai'i. I ask that you pass HB 1935.

Mahalo for your time and consideration.

COMMENT ON LOWERING THE BAC LIMIT FOR DRIVING TO .05

By James C. Fell, M.S.

Principal Research Scientist at NORC at the University of Chicago

Mr. Fell has 57 years of experience in impaired driving research and in evaluating impaired driving countermeasures such as lowering the BAC limit for driving. He has published numerous studies of a .05 BAC limit and his latest report of a meta-analysis of .05 BAC effectiveness showed that it has the potential to reduce impaired driving fatal crashes by 11% in the US if all States adopted that limit which would save an estimated 1790 lives annually.

Mr. Fell's Comments:

In all my years of research, I am not aware of better rationale for a law than to lower the blood alcohol concentration (BAC) limit for driving to 0.05 grams per deciliter. It has solid laboratory science behind it, the public supports it, evaluation studies in other countries show it to be effective in reducing impaired driving fatalities, it has a general deterrent effect on impaired driving, and it is cost-effective. A recent evaluation of Utah's .05 BAC law showed an association with a 19% reduction in fatal crashes in that State.

In fact, there are seven very good reasons to adopt a .05 BAC limit:

- (1) *Virtually all drivers are impaired with regard to driving performance at .05 BAC.*
- (2) *The risk of being involved in a crash increases significantly at .05 BAC.*
- (3) *Lowering the illegal per se limit to .05 BAC is a proven effective countermeasure which has reduced alcohol-related traffic fatalities in several countries and in Utah*
- (4) *.05 BAC is a reasonable standard to set.*
- (5) *The public supports levels below .08 BAC.*
- (6) *Most industrialized nations around the world have set BAC limits at .05 BAC or lower.*
- (7) *Further progress is needed in reducing alcohol-impaired driving*

I have heard all of the reasons by opponents to adopting a .05 BAC limit and I have been able to counter every single reason with research.

James C. Fell
February 6, 2024

HB-1935

Submitted on: 2/5/2024 1:44:17 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Greg Tjapkes	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Transportation,

My name is Greg Tjapkes (chap-kes) from House District 49, and I am submitting testimony in STRONG SUPPORT of HB 1935.

I have lost a family member that was hit head-on by a drunk driver.

Even one fatality due to impaired driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

I ask that you pass HB 1935. This law would improve the overall health and safety of all people in Hawai'i.

Thank you for your consideration.

Greg Tjapkes

February 5, 2024

Re: Support for House Bill 1935

Aloha House Committee on Transportation,

My name is Alexa Jade De La Pena. I am currently a UH Manoa student and a State of Hawai'i citizen residing in Waipahu, Hawaii or District 39 of the Island of Oahu. I am submitting my testimony in **STRONG SUPPORT of HB 1935**.

As someone who has previously worked in the Food and Beverage industry, I have seen individuals, including my own peers, often try to push the limits in adhering to the current 0.08 Blood Alcohol Concentration (BAC) restriction. Depending on your size, a 0.08 BAC could mean anywhere from 4-5 drinks within your first hour of drinking whereas a 0.05 BAC cuts that number in nearly half, landing at about 2-3 drinks within your first hour. According to the National Library of Medicine Journal entitled *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, most individuals would elect to refrain from driving after having 2-3 drinks. The same article states that "At least 91 countries around the world have adopted a 0.05 illegal BAC or lower limit for driving." For example Japan, despite its heavy drinking culture, has lowered their BAC limit to 0.03 to mitigate drunk driving accidents. It is unreasonable not to lower the BAC to 0.05 because it promotes responsible driving and safer communities.

As a community member, I think HB1935 has the potential to significantly reduce the risk of alcohol-related accidents. The fact that an estimated 40 percent of all traffic deaths in Hawai'i involves alcohol should be outrageous and unacceptable to our representatives, to our police enforcement, to our health systems, and to all our community members. Lowering the BAC limit to 0.05 is not about drinking or criminalizing alcohol consumption. This is about creating a boundary between drinking and driving for the safety of our communities and most importantly our keiki. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. The State of Hawai'i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard.

Given the reasons stated above, I ask that you pass HB 1935. Thank you for your time and consideration.

Kindly,

Alexa Jade De La Pena

HB-1935

Submitted on: 2/5/2024 3:17:43 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dayna Schultz	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Transportation,

My name is [Dr. Dayna Schultz] from [Ewa Beach, Oahu] and I am submitting testimony in STRONG SUPPORT of HB 1935.

I am a survivor of a head on collision crash that happened over 40 years ago. The male who crashed into my father did so while fleeing the scene of a previous hit and run. His choice to get behind the wheel changed my family's lives forever. My mother was lucky to survive after going through the windshield twice, and I live with residual injuries and learning deficits from a fractured skull as a result of this collision. Medical doctors told my parents I would never be able to handle college- yet I graduated with my Doctorate Degree in 2017. I am in strong support of lowering the BAC, as this is the first step of many that can be a harm reduction and preventative measure to saving precious lives. It is our kuleana to malama our `aina and`ohana, so let's start here.]

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months

of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai‘i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai‘i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai‘i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai‘i. I ask that you **pass HB 1935**

Mahalo for your time and consideration.

HB-1935

Submitted on: 2/5/2024 4:55:33 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Katie Folio	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Transportation,

My name is Katie Folio, a mother of two from Maui, and I am submitting testimony in STRONG SUPPORT of HB 1935.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai‘i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai‘i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai‘i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai‘i. I ask that you pass HB 1935

Mahalo for your time and consideration,

Katie Folio

HB-1935

Submitted on: 2/5/2024 5:16:07 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Charissa Vallesteros	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Transportation,

My name is Charissa Vallesteros a resident in Ocean Pointe and I am submitting testimony in STRONG SUPPORT of HB 1935.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. This measure has the potential to significantly reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

According to [traffic safety facts released by the National Highway Traffic Safety Administration \(NHTSA\) in December 2023](#), an early estimate of motor vehicle traffic fatalities for the first nine months of 2023 indicates a 4.5 percent decrease across the United States, a 19 percent decrease in Hawai‘i. Following a spike in traffic fatalities during the pandemic, this reduction is encouraging. However, as has been confirmed for nearly 20 years, an estimated [40 percent of](#) all traffic deaths in Hawai‘i involve alcohol.

Lowering the BAC limit to 0.05 is not about drinking; it is about separating drinking from driving. It is about preventing crashes, injuries, and deaths and creating safer streets for everyone. Hawai‘i, along with 6 other states that introduced similar legislation, has the opportunity to help set a new BAC standard for our nation. This law would improve the overall health and safety of all people in Hawai‘i. I ask that you pass HB 1935

HB-1935

Submitted on: 2/5/2024 6:04:48 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dawn Yogi	Individual	Support	Written Testimony Only

Comments:

I am strongly in favor of this measure as it provides protection for all citizens of the state of Hawaii and strongly request that this measure be passed

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Submitted on: 2/5/2024 9:16:53 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
William Lau	Individual	Support	Written Testimony Only

Comments:

Dear legislators,

I support HB 1935. My family and I have been devastated by a drunk driver who killed not only my son W. Travis Lau and two others on January 28, 2019. This event was totally preventable if the killer was incarcerated for repeated infractions of our laws. A lower blood alcohol level for qualifying as an infraction is a small step in protecting our community by keeping these violators off the road.

We need to prevent further lost of talent (my son was a premier cardiovascular anesthesiologist) and life by enforcing the lower blood alcohol level.

Other states and countries use the lower level with good success. We should follow and help lead the nation to help protect ourselves.

Mahalo,

William Lau, MD

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Submitted on: 2/5/2024 9:44:16 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Esther Lau	Individual	Support	Written Testimony Only

Comments:

No one should lose a son and a parent by an intoxicated driver. It's sudden and unexpected. It's senseless.

My mother was a passenger who was killed 50 years ago..an innocent passenger, mother, teacher and wife.

My son was killed 5 years ago. He was a pedestrian killed instantly after a high speed chase and severely crushed by a "drunk driver".

Both drivers were repeat offenders. By lowering the blood alcohol levels in offenders and imposing stricter standards hopefully it can prevent alcohol associated car crashes from happening again

Thank you,

Esther Lau

Aloha House Committee on Transportation,

My name is Courteney Martin from Koloa, Hawaii, and I am submitting testimony in strong support of HB 1935.

I have a personal connection to this bill because a beautiful, intelligent, and kind close friend of mine, Madeline Healey, tragically and senselessly was killed by a drunk driver at 18 years old in 2012. Madeline's death and every injury, accident, and death caused by drunk driving are entirely preventable.

Lowering the Blood Alcohol Concentration (BAC) to 0.05 presents a crucial step in preventing such tragic crashes. Drivers are significantly impaired at a 0.05 percent BAC, increasing the crash risk. A body of research suggests that at a .05 BAC, people are already too intoxicated to operate a car. At that level, alcohol will impact someone's vision, ability to focus, small muscle control, reflexes, and ability to respond to unexpected situations, like a person walking in front of their car or crossing a sidewalk. This measure has the potential to dramatically reduce the risk of alcohol-related crashes, ultimately saving lives and preventing immeasurable pain and loss for families and communities.

Each day, about 28 people in America die in drunk-driving car crashes, according to the National Highway Traffic Safety Administration (NHTSA). It has been confirmed for nearly 20 years that an estimated 40 percent of all traffic deaths in Hawai'i involve alcohol.

Lowering the BAC limit to 0.05 is not about stopping drinking; it is about separating drinking from driving and being preventative. This law is intended to encourage people to make safer choices about transportation before they start drinking and to prevent crashes, injuries, and deaths.

Over 100 countries have already reduced their legal BAC levels to 0.05 percent or lower. Hawai'i has the opportunity to help set BAC to .05 as a standard for our nation by implementing a policy to help save lives.

Deaths due to impaired driving are 100 percent preventable, and this law would improve the overall health and safety of all people in Hawai'i. I ask that you **pass HB 1935**

Mahalo for your time and consideration,

Courteney Martin

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Submitted on: 2/5/2024 11:16:58 PM

Testimony for TRN on 2/6/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Trisha Inoue	Individual	Support	Written Testimony Only

Comments:

I am support of this bill as it will make our roads safer. Every year is seems that there is an increase in traffic fatalities.

I personally have lost a close friend to a drunk driver. My friend was a pedestrian and was on a pedestrian island when he was struck by a speeding drunk driver. He was killed instantly. He was a physician, son, loving husband gone too soon at age 39.

There needs to be more action to prevent unnecessary deaths by drunk drivers and this is a great start. Please support this bill.