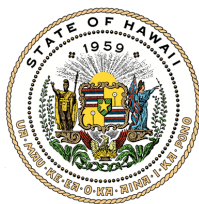


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



JORDAN LOWE
DIRECTOR

MICHAEL VINCENT
Deputy Director
Administration

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'okō Kānāwai
715 South King Street
Honolulu, Hawaii 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

**TESTIMONY ON HOUSE BILL 1934
RELATING TO DRIVING WHILE INTOXICATED**

Before the House Committee on Transportation

Tuesday, February 6, 2024; 10:00 a.m.

State Capitol Conference Room 312, Via Videoconference

Testifiers: Jordan Lowe, Michael Vincent, or Jared Redulla

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

The Department of Law Enforcement (DLE) submits the following comments on House Bill 1934.

This bill establishes a working group to study, investigate, and recommend transformative changes to laws relating to the operation of operating a vehicle while under the influence of an intoxicant to reduce incidents of intoxicated driving.

The DLE notes that law enforcement is not part of the working group.

Thank you for the opportunity to submit comments on this bill.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



TESTIMONY BY:

EDWIN H. SNIFFEN
DIRECTOR
KA LUNA HO'OKELE

Deputy Directors
Nā Hope Luna Ho'okele
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO

STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 6, 2024
10:00 a.m.
State Capitol, Room 312

H.B. 1934
RELATING TO DRIVING WHILE INTOXICATED

House Committee on Transportation

The Hawaii Department of Transportation (HDOT) **supports the intent of H.B. 1934**, which establishes an intoxicated driving reduction working group to make recommendations for amendments to existing laws to reduce incidents of intoxicated driving.

The HDOT is currently updating their Strategic Highway Safety Plan (SHSP), which includes an impaired driving emphasis area. In 2006, which was prior to the requirement that Hawaii develop an SHSP, there were 161 fatalities on Hawaii's highways, 79 or 49.1 percent of them died in alcohol-related traffic crashes. Since the inception of the SHSP in 2007, Hawaii's traffic fatalities have dropped to an average of 104 each year and 37 alcohol-related fatalities each year. The drop in fatalities is largely due to the collaborative effort of the stakeholders involved in the SHSP process, including legislatures, and implementation of policy recommendations.

We offer the following recommendations:

Use the existing SHSP process to discuss, study and examine existing recommendations put forth in this measure, and submit a copy of the updated Strategic Highway Safety Plan with an outline of policy recommendations to combat impaired driving to the legislature by end of 2024, and an SHSP action plan with an outline of policy recommendations to combat impaired driving to the legislature by the end of 2025.

We believe using SHSP would be a good process and plan to help accomplish the intent of this measure.

Thank you for the opportunity to provide testimony.



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: Comments on HB1934, Relating to Driving While Intoxicated.

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

Position: Comments

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.¹ HB1934 would establish a workgroup to make recommendations to reduce the incidents of intoxicated driving.

Reducing alcohol related deaths is important. This workgroup would provide the Legislature with important recommendations to reduce the number of road incidents that result from intoxicated driving. The Alliance appreciates the Legislature's desire to keep our roadways safer. The formation of a workgroup to review and recommend strategies to reduce alcohol-related traffic crashes and fatalities is vital.

To continue to lose lives on the roads as a result of alcohol related incidences is unnecessary. We support bringing together people to make recommendations to address this issue. Furthermore, as this workgroup begins their work, we strongly recommend that immediate strategies be put into place.

HB 1935 would lower the blood alcohol content from 0.08 to 0.05. We urge the Legislature to consider including that language within HB1934. This action would create a bill that would immediately enact best practice while also ensuring there is continued work to identify and implement further strategies to keep our communities safe. It is critical for the Legislature to expeditiously address alcohol-related traffic crashes and fatalities during this legislative session. We strongly support action this session, as waiting another year will continue to keep alcohol-related traffic fatalities and crashes unaddressed.



Including this language would significantly strengthen the bill by allowing for immediate action to implement strategies that the research and traffic safety organizations currently prioritize to reduce alcohol-impaired driving fatalities and crashes. 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.

- 1) With numerous studies published on the efficacy of a 0.05 BAC, and the recommendations by the National Traffic Safety Board and the World Health Organization, a 0.05 needs no additional research at this time. To delay its implementation will likely leave Hawai'i's traffic deaths unnecessarily high. Hawai'i is currently 7th highest in the nation, but 0.05 BAC would likely reduce this figure almost immediately.

In addition to including 0.05 BAC legislation into this bill is the inclusion of a law enforcement representative on the working group. As the lead enforcement agency for many of the proposed policies in the bill, their participation and input will be essential in ensuring that these policies are easily and effectively enforced by those who will be charged with carrying out the policies. Their expertise will ensure that the work group has a clear understanding of the challenges and opportunities faced by law enforcement when implementing these proposed policies.

Hawai'i has the opportunity to prioritize the lives of all road users and take immediate action this year by inserting the language from HB1935 to this bill. A workgroup alone would only leave our alcohol-related fatalities and crashes stubbornly high for yet another year. We can improve the overall health and safety of all people in Hawai'i. Please consider include these recommended bill amendments into HB1934.

Mahalo for your consideration of our testimony on 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.

HB-1934

Submitted on: 2/5/2024 10:04:28 AM

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

Submitted By	Organization	Testifier Position	Testify
Arkie Koehl	MADD Hawaii	Support	In Person

Comments:

I am Arkie Koehl, offering testimony on behalf of the members of Mothers Against Drunk Driving Hawaii, in support of House Bill 1934 calling for an impaired driving working group.

MADD has participated over the years in many working groups, task forces, and other groupings on the often difficult issues surrounding the prevention of impaired driving and its enforcement. We look forward to participating in this proposed new grouping, especially at a time when change may be imminent in cannabis regulation and other major issues.

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. 1934, RELATING TO DRIVING WHILE INTOXICATED.

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 **OFFER COMMENTS** on House Bill No. 1934, RELATING TO DRIVING WHILE INTOXICATED., and offer **PROPOSED AMENDMENTS** for your consideration.

As received by your Committee, this bill would establish an intoxicated driving reduction working group within the Department of Transportation to study, investigate, and recommend transformative changes to the State's existing laws relating to the operation of a vehicle while under the influence of an intoxicant to reduce incidents of intoxicated driving.

In my humble opinion, there is more than ample evidence that demonstrate the need to do something about driving under the influence. What is lacking is sufficient **POLITICAL WILL** to do something about it.

It is interesting to note that during this legislative session, as has been the case in previous session, legislators who introduce measures to lower the blood alcohol levels for DUI also introduce measures to allow for the expungement of records for persons who are convicted of DUI. To me, that sends a mixed message – yes, DUI is bad, but not so bad that it should ruin a convicted person's life.

I suggest that those same legislators should explain their positions to the families who have lost loved ones to persons who driven while intoxicated – constituents whose lives are forever changed because of the choices made by these irresponsible drivers.

Testimony on House Bill No. 1934
Tuesday, February 6, 2024; 10:00 a.m.
Page 2

If this Committee is sincere in its assertion that DUI needs to be addressed, then I recommend it take meaningful action – not merely defer to a Task Force where discussion will languish for months or years. That only raises the expectations of persons who have lost so much without giving them tangible results.

As a starting point for action, why not go with the most extreme position that can be taken? During the 2020 Regular Session, House Bill No. 1999 was introduced to establish a “zero tolerance” policy for DUI. It would also allow law enforcement 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.

“Zero tolerance” is not new in Hawaii. This is the standard that is already applied to minors. It is also not new as a policy in the Traffic Code nor by the Department of Transportation. In fact, the drivers’ manual already says that all persons who operate a vehicle, not just minors, should not drink.

Accordingly, it is my recommendation that the substance of this measure be deleted and the provisions of House Bill No. 1999, Regular Session 2020, be inserted with additional language asserting that the amended bill is in keeping with the underlying purpose of this bill as it was originally introduced – to address driving while intoxicated.

For your consideration, attached please find a copy of House Bill No. 1999, Regular Session 2020.

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]
My. Ald
[Signature]
[Signature]
[Signature]
[Signature]
Mark Hill
[Signature]
[Signature]

JAN 17 2020



H.B. NO. 1999

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-1934

Submitted on: 2/4/2024 5:31:22 PM

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

Submitted By	Organization	Testifier Position	Testify
Tamara Paltin	Individual	Support	Written Testimony Only

Comments:

I support HB1934, we need to do what we can to reduce driving under the influence.

Mahalo,

Tamara Paltin