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# A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1       SECTION 1. The legislature finds that the amount of  
2       traffic fatalities is greatly reflected in the legal limit of  
3       blood alcohol concentration. Driving with a blood alcohol  
4       concentration of even .05 grams of alcohol per one hundred  
5       milliliters of blood can impair driving ability and lead to a  
6       greater chance of a fatal crash. The National Highway Traffic  
7       Safety Administration reported in 2022 that thirty-two per cent  
8       of all traffic crash fatalities in the United States involved  
9       drunk drivers. Over fifty countries around the world have a  
10      legal limit of .05 grams blood alcohol concentration including  
11      Belgium, Demark, Egypt, France, the Philippines, and more.  
12      Studies provide evidence that lower thresholds for driving under  
13      the influence citations help prevent crashes and deaths  
14      especially between .05 grams and .08 grams blood alcohol  
15      concentration, as people are more conscientious and wait longer  
16      before driving.



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

9       The legislature further notes that there is significant  
10   evidence at both the international and national level in  
11   countless cities, states, and countries that lowering the legal  
12   limit of blood alcohol concentration reduces drunk driving. In  
13   1980, more than half of the United States had a legal limit of  
14   .10 grams blood alcohol concentration, including Hawaii. In  
15   2000, only nineteen states had lowered their blood alcohol  
16   concentration limits to .08 grams, which became the new national  
17   standard four years later. A study funded by the National  
18   Institutes of Health found that between 1982 and 2014, states  
19   lowering their blood alcohol concentration limits to .08 grams  
20   reduced annual fatalities by 10.4 per cent.

21       Accordingly, the purpose of this Act is to:



(1) Increase safety and reduce deaths on Hawaii's roadways due to alcohol consumption by establishing a new traffic infraction for those driving with a blood alcohol concentration between .05 grams and .079 grams; and

(2) Require the department of the attorney general to report certain information on cases relating to certain offenses related to impaired driving.

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

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



1        (b) A person committing the offense of operating a vehicle  
2 while impaired shall be fined \$                      , in addition to any  
3 other civil or administrative penalty.

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

7        SECTION 3. (a) The department of the attorney general  
8 shall submit an annual report to the legislature no later than  
9 thirty days prior to the convening of the regular sessions of  
10 2026, 2027, and 2028 that includes, for each county prosecuting  
11 attorney and the department of the attorney general:

12        (1) The number of cases referred by any state or local law  
13 enforcement agency, for operating a vehicle under the  
14 influence of an intoxicant pursuant to section  
15 291E-61, Hawaii Revised Statutes, and the number of  
16 cases charged, including a breakdown by type of charge  
17 if other than section 291E-61, Hawaii Revised  
18 Statutes;

19        (2) The number of cases referred by any state or local law  
20 enforcement agency, for habitually operating a vehicle  
21 under the influence of an intoxicant under section



291E-61.5, Hawaii Revised Statutes, and the number of cases charged, including a breakdown by type of charge if other than 291E-61.5, Hawaii Revised Statutes;

(3) The number of cases under paragraphs (1) and (2) that resulted in a conviction as charged;

(4) The number of cases under paragraphs (1) and (2) that were dismissed by the court;

(5) The number of cases under paragraphs (1) and (2) that ultimately pled to a different charge by agreement, and a breakdown by type of charge;

(6) The number of cases referred pursuant to section 291D-13, Hawaii Revised Statutes, for operating a vehicle while impaired, under section 291E- , Hawaii Revised Statutes;

(7) A breakdown of outcomes for cases under paragraph (6); and

(8) Any other relevant information that the county prosecuting attorneys or the department of the attorney general may wish to include.

(b) No later than November 1 of 2025, 2026, and 2027, the prosecuting attorney of each county shall provide the department



1 of the attorney general with the data to enable the department  
2 to complete the report under subsection (a); provided that the  
3 data and report submitted prior to the convening of the regular  
4 session of 2026, all required data shall be provided for both  
5 2024 and 2025.

6 SECTION 4. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9 SECTION 5. New statutory material is underscored.

10 SECTION 6. This Act shall take effect on July 1, 2025.



**Report Title:**

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

**Description:**

Establishes the offense of operating a vehicle while impaired and penalties. Requires the Department of the Attorney General to submit reports to the Legislature. (SD1)

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

