

The Judiciary, State of Hawai'i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Judiciary and Hawaiian Affairs

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Friday, March 28, 2025, 2:00 PM
State Capitol, Conference Room 325 and Videoconference

by

Karilee Harada
Chief Adjudicator
Administrative Driver's License Revocation Office

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 1285, SD2, HD1, Relating to Highway Safety.

Purpose: Amends the administrative process at the Administrative Driver's License Revocation Office. Establishes a tiered administration revocation period of a driver's license for those arrested for operating a vehicle under the influence of an intoxicant. Effective 7/1/3000. (HD1)

Judiciary's Position:

The Administrative Driver's License Revocation Office has concerns about this measure, which proposes significant changes to the ADLRO process. In *Kernan v. Tanaka*, 75 Haw. 1, 856 P.2d 1207 (1993), the Hawaii State Supreme Court recognized driver's licenses as a property interest protected by due process rights. As such, the Court did a thorough evaluation and review of the constitutionality of the ADLRO processes and procedures.

This measure shifts the responsibility to the arrestee (referred to as "Respondent") to request an administrative review of their driver's license revocation. This proposed amendment raises concerns, as established legal precedents and constitutional protections place the burden on the State to demonstrate why a driver's license should be revoked. The Notice of Administrative Review Decision serves as notice to the Respondent that the State has met its burden of establishing that a respondent was operating a vehicle under the influence of an intoxicant and provides the specific period of revocation.



Senate Bill No. 1285, SD2, HD1, Relating to Highway Safety
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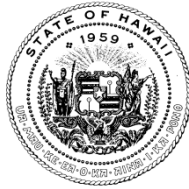
The current ADLRO process involves a review of all OVUII cases in which HPD or other law enforcement agency issues a Notice of Administrative Revocation (NOAR). After the ADLRO receives the law enforcement agency's statutorily required documents, an ADLRO Administrative Review Officer assesses whether the information on said documents meets the statutory requirements to sustain the administrative revocation of the respondent's privileges to operate a motor vehicle. (See HRS 291E-37(d)(1), (2), and (3)). The respondent may submit to the ADLRO, documents for consideration, within three days of the issuance of the NOAR. The administrative review must be completed and a Notice of Administrative Review Decision must be mailed within 8 days from the issuance date of the NOAR for alcohol cases, and 22 days from the issuance of the NOAR for drug cases.

If the Notice of Administrative Review Decision sustains the administrative revocation, the Respondent's driving privileges will be revoked for a period of time pursuant to HRS 291E-41 and specified in the administrative review decision. If the administrative revocation is not sustained, the Notice of Administrative Review Decision will indicate that Respondent's driving privileges are restored.

Therefore, the Notice of Administrative Review Decision provides notice to the Respondent of whether the State has met its burden of establishing that his/her driving privileges are revoked and specifies the period of revocation. Thereafter, if the Notice of Administrative Review Decision sustains an administrative revocation, the Respondent may request an administrative hearing.

The Committee may wish to carefully consider how the proposed amendments align with established legal precedents and constitutional protections to ensure a fair and balanced process for driver's license revocations.

Thank you for the opportunity to testify on this measure.



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

March 28, 2025
2:00 p.m.
State Capitol, Room 325 & Videoconference

**S.B. 1285 S.D. 2 H.D. 1
RELATING TO HIGHWAY SAFETY**

House Committee on Judiciary and Hawaiian Affairs

The Hawaii Department of Transportation (HDOT) **supports** S.B. 1285 S.D. 2 H.D. 1, which amends the administrative process at the Administrative Driver's License Revocation Office and establishes a tiered administration revocation period of a driver's license for those arrested for operating a vehicle under the influence of an intoxicant.

Alcohol- and drug-impaired driving are serious issues that compromise the safety of our roadway users. According to HDOT's annual Behavioral Survey, 13 percent of car drivers and 22 percent of pickup truck drivers admitted to driving while feeling buzzed in the past six months. In addition, 24 percent of passengers of motor vehicles witnessed the driver of the vehicle they were in looking buzzed or admitted to feeling buzzed.

According to the National Highway Traffic Safety Administration, in 2022, Hawaii experienced 37 alcohol-impaired driving fatalities (BAC .08+), which were all 100 percent preventable. Additionally, 2023 preliminary state data shows that 49 of the 117 (42 percent) drivers involved in a fatal crash tested positive for having alcohol and/or drugs in their systems.

HDOT is primarily concerned about improving highway safety and protecting the lives of our community members and visitors.

We respectfully urge the Committee to pass this measure.

Thank you for the opportunity to provide testimony.



SB1285 SD2 HD1 Lower Blood Alcohol Concentration for Driving

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

Friday, Mar 28, 2025: 2:00: Room 325 Videoconference

Hawaii Substance Abuse Coalition Supports SB1285 SD2 HD1:

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 respectfully urges the legislators to reverse recent amendments so that the language returns to follow the National Institute of Health recommendations to lower the BAC limit to 0.05.¹

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.

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%

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

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.

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.

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



SB1285_SD2_HD1 Lower Blood Alcohol Concentration for Driving

COMMITTEE ON Judiciary & Hawaiian Affairs

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

Friday, Mar 28, 2025: 2:00PM: Room 325 Videoconference

Hina Mauka Supports SB1285_SD2_HD1:

*ALOHA CHAIR, VICE CHAIR, AND DISTINGUISHED COMMITTEE MEMBERS.
My name is Brian Baker. I am the Chief Operating Officer for Hina Mauka, a
mental health and substance use disorder treatment and prevention agency for
thousands of adults and adolescents on Oahu and Kauai, including recovery-
oriented services and housing transitional living programs.*

Hina Mauka provides this testimony as a community treatment and prevention provider, as well as a member of the Hawaii Substance Abuse Coalition (HSAC).

We support SB1285_SD2_HD1 for its other improvements to current law; but we strongly and respectfully request the committee to reverse the recent amendment which removed the scientifically-supported BAC of 0.05.

It is widely accepted by experts and demonstrated by quality studies that 0.05 BAC is the wisest level to support crash reduction and alcohol-related traffic fatalities.

With nearly 100 countries in agreement and setting their standards at the 0.05 BAC level, if we maintain this bill without returning the 0.05 BAC, we are allowing hundreds of additional deaths due to avoidable accidents each year. **We implore you to return the language.**

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



Date: March 26, 2025

To: The Honorable Representative David Tarnas, Chair
The Honorable Representative Mahina Poepoe, Vice Chair
Members of the House Committee on Judiciary and Hawaiian Affairs

Re: Comments on SB1285 SD2 HD1, Relating to Highway Safety.

Hearing: Friday, March 28, 2025 at 2:00pm, Conference Room 325

Position: Comments with Recommended Amendments

Aloha, my name is Julie Mejia, the Coordinator of the Hawai'i Alcohol Policy Alliance (Alliance), a program of the Hawai'i Public Health Institute.¹ I am submitting comments on behalf of the Alliance in on SB1285 SD2 HD1. SB1285 SD2 HD1 amends the administrative process at the Administrative Driver's License Revocation Office. Establishes a tiered administration revocation period of a driver's license for those arrested for operating a vehicle under the influence of an intoxicant.

While we appreciate the legislature's attempt to address the issue of impaired driving (DUIs) on our roads, there is currently no scientific evidence to show that mandatory license revocation for refusing a breath or blood test reduces DUI crashes or fatalities. This lack of evidence suggests that passing legislation that only addresses license revocation without including language that lowers the blood alcohol concentration (BAC) to 0.05 will not have the intended impact of reducing DUIs and their associated consequences.

However, there is a large body of evidence and recommendations from numerous public health organizations showing that lowering the per se limit for alcohol-impaired driving from 0.08 to 0.05 BAC will significantly reduce DUI-related crashes and fatalities.

As such, the Alliance recommends the following amendment:

Amend the current SB1285 SD2 HD1 bill language back to the bill language found in SB1285 SD2, which includes the new definition of "Operating a Vehicle While Impaired." Including new legislation that lowers the legal limit for impaired driving from 0.08 to 0.05 BAC will ensure the strongest intended outcome of this legislation, which is to reduce DUI-related crashes and fatalities and ultimately save lives.



Below is some of the irrefutable evidence from the field that shows evidence of the effectiveness of a 0.05 BAC in reducing alcohol-related crashes and fatalities:

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, resulting in 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}

A 0.05 BAC limit does not reduce alcohol sales, tourism, or tax revenues

In the six years since Utah's passage of a 0.05 BAC law, there has been a continual and significant increase in alcohol sales. Since the passage of the 0.05 BAC law in 2018, alcohol sales in Utah have increased 28%.^v Additionally, Utah's sales tax revenues from restaurant, rental car, hotel, air travel and resort sales continue 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.^{vi}

A 0.05 BAC limit does 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 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.^{vii}



Voters, Federal Agencies and Industry Support 0.05

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.^{viii}

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.^{ix} 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.^x

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

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, 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 consider **including our recommended amendment in SB1285 SD2 HD1.**

Mahalo for your consideration of our comments. If you have any questions, please feel free to contact me, Rick Collins, at rick@hiphi.org or (808) 591-6508, x22.

Rick Collins

Director
Hawai'i Alcohol Policy Alliance

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 The data for each annual report can be found on the report page of the Utah Department of Alcoholic Beverage Services at: <https://abs.utah.gov/about-dabs/annual-reports/>

^{vi} 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.

^{vii} Ibid.

^{viii} Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

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

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

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

^{xi} 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.

SB-1285-HD-1

Submitted on: 3/27/2025 6:57:50 AM

Testimony for JHA on 3/28/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacelyn Auna	Mala Hanai Pua LLC	Support	Written Testimony Only

Comments:

A driver's license should be revoked if they are found to be driving impaired. For the safety of themselves and all others, revoking their license should be enforced upon arrest. We already have laws for suspended drivers license or driving with out a license, why not make this possible for DUI's? Yes, there's not much data to support where revoking the driver's license deter impaired drivers. By revoking the driver's license can set precedence that they need to be held accountable for their choices. This can prevent impaired driving and prevent from fatal car crashes and injuries. Think about the safety of our ohana and communities.

Do the right thing and advance this bill out of the committee for the purpose of reinstating the language for the sole purpose of accountability and safety.



Testimony of the Oahu Metropolitan Planning Organization

House Committee on Judiciary and Hawaiian Affairs

03/28/25 2:00PM

CR 430 & Videoconference

SB1285 SD2 HD1

RELATING TO HIGHWAY SAFETY

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB1285 SD2 HD1** which amends the administrative process at the Administrative Driver's License Revocation Office and establishes a tiered administration revocation period of a driver's license for those arrested for operating a vehicle under the influence of an intoxicant.

This bill would help us achieve our goal of reducing traffic related deaths and serious injuries to zero by 2045. Traffic fatalities increased ten percent between 2023 and 2024 in Hawaii. Nearly a [third of traffic deaths in Hawaii](#) are the result of impaired driving, where drivers have a Blood Alcohol Concentration of 0.08 or higher. While 0.08 is the legal BAC limit for impaired driving, the [National Highway Traffic Safety Administration \(NHTSA\)](#) notes that at a 0.05 BAC, drivers may start to show signs of impairment including loss of small-muscle control, impaired judgment, lowered alertness and inhibitions, reduced coordination including steering, and reduced response to emergency driving situations.

The OahuMPO is the federally designated Metropolitan Planning Organization (MPO) on the island of Oahu responsible for carrying out a multimodal transportation planning process, including the development of a long-range (25-year horizon) metropolitan transportation plan, referred to as the Oahu Regional Transportation Plan (ORTP), which encourages and promotes a safe, efficient, and resilient transportation system that serves the mobility needs of all people and freight (including walkways, bicycles, and transit), fosters economic growth and development, while minimizing fuel consumption and air pollution ([23 CFR 450.300](#)).

Mahalo for the opportunity to provide testimony on this measure.