



*Testimony of*

National Transportation Safety Board

*Before the*

Senate Committee on Judiciary  
Hawaii State Legislature

*– On –*

SB 1285 SD1  
Relating to Highway Safety

–

Honolulu, HI • February 20, 2025

**NTSB** | National  
Transportation  
Safety Board  
*An Independent Federal Agency*

Good afternoon, Chair Rhoads, Vice Chair Gabbard, 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 probable cause and issue safety recommendations to prevent such events 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 Hawaii to lower its per se impairment threshold from .08 blood alcohol concentration (BAC) to .05.<sup>1</sup>

Due to the lack of progress toward reducing the impact of impaired driving, in 2012, we held a forum, titled "Reaching Zero," that kicked off a year-long effort to assess impaired-driving countermeasures. The effort culminated with our 2013 report, *Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving*,<sup>2</sup> which identified the most effective, scientifically based actions that could save lives from being 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. We recommended that all states, the District of Columbia, and the Commonwealth of Puerto Rico reduce the alcohol impairment per se threshold to .05 or lower.<sup>3</sup>

We view our testimony today as an opportunity to support this committee's important work to save lives. Too many people are dying on our roads every year because of alcohol impairment. These deaths are 100-percent preventable, and fewer people will die when states lower the legal per se BAC 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.

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<sup>1</sup> 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.

<sup>2</sup> 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>.

<sup>3</sup> NTSB Safety Recommendation H-13-5 <https://data.nts.gov/carol-main-public/sr-details/H-13-005>.

## **The Persistent Problem: Impaired-Driving Crashes Still Kill Thousands**

Progress addressing impaired driving has stalled. In fact, over the past several years, the problem has gotten worse. In 2022, there were 13,524 alcohol-impaired driving fatalities in the United States—accounting for 32 percent of all traffic fatalities in 2022.<sup>4,5</sup> Hawaii alone lost 37 lives to alcohol-impaired driving in 2022, 31 percent of all traffic fatalities.<sup>6</sup>

Impaired-driving crashes negatively impact people financially, too. The National Highway Traffic Safety Administration (NHTSA) last estimated the economic cost of all alcohol-involved crashes in the United States to be \$68.9 billion for 2019.<sup>7</sup> So, although the ongoing tragedy of impaired driving *can* strike anybody, its economic burden *does* strike everybody.

### **Lowering the Per Se BAC Limit to .05**

From 2006 to 2017,<sup>8</sup> all states had a per se BAC threshold of .08 for noncommercial drivers aged 21 and over. But .08 BAC is not when impairment begins: drivers are impaired at .05 BAC. Individuals with a BAC of .05 experience lowered alertness, reduced coordination, impaired judgment, and difficulty tracking moving objects.<sup>9</sup> 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-percent increased risk of being in a crash 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 or lower to reduce alcohol-related crashes, and the benefits of the lowering BAC limits have been documented. 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

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<sup>4</sup> The National Highway Traffic Safety Administration (NHTSA) reports drivers as alcohol impaired at .08 BAC or greater. However, in 2022, an additional 2,337 people were killed in alcohol-related crashes where a driver had a BAC of .01 to .07.

<sup>5</sup> National Center for Statistics and Analysis. 2024, August, Revised. *Alcohol-Impaired Driving: 2022 Data*. Traffic Safety Facts. Report No. DOT HS 813 578. Washington, DC: NHTSA.

<sup>6</sup> National Center for Statistics and Analysis. 2024, May. *State Alcohol-Impaired-Driving Estimates: 2022 Data*. Traffic Safety Facts. Report No. DOT HS 813 579. Washington, DC: NHTSA.

<sup>7</sup> Blincoe, L., Miller, T., Wang, J.S., Swedler, D., Coughlin, T., Lawrence, B., Guo, F., Klauer, S., and Dingus, T. 2022, December. *The Economic and Societal Impact of Motor Vehicle Crashes, 2019*. Report No. DOT HS 813 403. Washington, DC: NHTSA. Available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>.

<sup>8</sup> In 2017, Utah lowered its per se threshold to .05 BAC, effective December 30, 2018.

<sup>9</sup> The ABCs of BAC: A Guide to Understanding Blood Alcohol Concentration and Alcohol Impairment. 2016, July. Washington, DC: NHTSA. Available at <https://www.nhtsa.gov/sites/nhtsa.gov/files/809844-theabcsofbac.pdf>.

lives annually in the United States.<sup>10</sup> This is not surprising, as similar benefits were realized when BAC limits were reduced from .10 to .08.

We can also learn from Utah's example. Utah lowered the state's legal BAC limit for noncommercial drivers from .08 to .05, effective December 30, 2018. In February 2022, NHTSA published a report, *Evaluation of Utah's .05 BAC Per Se Law*, comparing the state's crash data before and after the law went into effect.<sup>11</sup> The report found crash and fatality rates were reduced in Utah compared to the rest of the country. When vehicle miles traveled are 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 crash and fatality rates as Utah. Further, the study found that there was no impact on alcohol sales, tax revenues, or tourism in Utah.

During the COVID-19 pandemic, the United States experienced a significant increase in traffic fatalities, including impaired-driving fatalities. Utah was not immune to this, which also saw a similar effect. However, as traffic fatalities have leveled out, Utah saw a 30-percent decline in alcohol-impaired driving traffic fatalities in 2023 compared to 2022. There were also significant decreases in the total number of alcohol-related crashes and the alcohol-related fatal crash rate in 2023.<sup>12</sup>

Lowering the BAC limit to .05 causes a general deterrent effect—lowering the limit prevents drinking drivers of all BACs from getting behind the wheel. A 2019 Utah survey found that 22 percent of drinkers reported changing their behavior following the .05 law. The most frequent change was making sure alternate transportation was available when drinking away from home.<sup>13</sup> This is where the power of lowering the BAC limit lies—drivers make better decisions when considering drinking and driving.

### **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

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<sup>10</sup>Fell, J.C. and 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.

<sup>11</sup> 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: NHTSA.

<sup>12</sup> Utah Department of Public Safety. (2024). *Report on Utah's 0.05 BAC Law*. <https://wtsc.wa.gov/wp-content/uploads/2024/08/JUNE-2024-Report-on-Utahs-0.05-BAC-Law.docx.pdf>

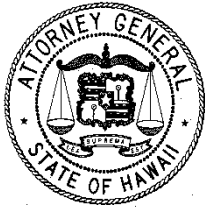
<sup>13</sup> Utah DPS, *Report on Utah's 0.05 BAC Law*.

American Public Health Association, Advocates for Highway and Auto Safety; and Mothers Against Drunk Driving have advocated setting BAC limits at .05 or lower.

### **Conclusion**

Progress toward eliminating alcohol-impaired driving fatalities has stagnated, and more can—and should—be done to prevent these tragedies. The evidence is clear: per se BAC limits of .05 or lower can save (and *have saved*) lives.

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 Hawaii can be a leader in implementing policies that will prevent impaired driving and save lives.



**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2025**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 1285, S.D. 1, RELATING TO HIGHWAY SAFETY.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Thursday, February 20, 2025      **TIME:** 10:01 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):**      **WRITTEN TESTIMONY ONLY.**

(For more information, contact Elyse C.N. Oyama,  
Deputy Attorney General, at (808)586-1160)

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) has concerns about this bill and provides the following comments.

The purposes of this bill are to increase safety and reduce deaths on Hawaii's roadways due to alcohol consumption by establishing a new traffic violation for those driving with a blood alcohol concentration between 0.05 grams and 0.79 grams, and to require the Department to report information relating to certain impaired driving offenses.

While the Department appreciates the intent of this bill to reduce traffic fatalities, we have concerns regarding the implementation of this new infraction. For an offender to reach the point of providing a breath or blood sample to law enforcement for chemical testing, the person would have been arrested for operating a vehicle under the influence of an intoxicant. The fact that there would be an arrest goes against the purpose of chapter 291D, Hawaii Revised Statutes (HRS), which is focused on decriminalizing the traffic process and allowing law enforcement resources to be used more efficiently and effectively. See section 291D-1(a)(5), HRS.

After arrest, the offender will be given the opportunity to take a breath or blood test. If the offender chooses to take a breath test, the results will be immediately known to law enforcement and, if the results fall within the range of the new infraction,

operating a vehicle while impaired, law enforcement may issue a citation to the offender and release the person from custody.

But if the offender chooses to take a blood test, the blood chemical testing result will not be readily available immediately after the subject has his/her blood drawn. Chemical testing by a laboratory often takes place days following the collection of the sample. If there was sufficient evidence of impaired driving, a law enforcement officer would likely arrest the offender for the existing offense of operating a vehicle under the influence of an intoxicant (OVUII).

In addition to the issues related to arrest and blood alcohol testing, the creation of this new infraction could detrimentally affect a prosecutor's ability to charge offenders who are operating a vehicle under the influence of alcohol in an amount sufficient to impair the person's normal mental faculties or ability to care for the person and guard against casualty, as provided in section 291E-61(a)(1), HRS.

Currently, if an offender is charged under section 291E-61(a)(1), HRS, prosecutors can prove impairment based upon evidence other than chemical testing, such as poor driving or a motor vehicle collision. In fact, if test results show that an offender's blood or breath alcohol content was between 0.05 and 0.08 (grams of alcohol per one hundred milliliters or cubic centimeters of defendant's blood or two hundred ten liters of defendant's breath) at the time of incident, section 291E-3(b)(2), HRS, expressly authorizes the court to consider that blood alcohol content as potential evidence defendant was impaired, so long as these results are presented together with evidence of poor driving, motor vehicle collision, or other competent evidence of impairment.

Creating a non-criminal offense that applies when breath or blood test results are lower than 0.08 will likely have the unintended consequence of discouraging police and prosecutors from charging these types of cases as OVUII cases under section 291E-61(a)(1), HRS, because there may be a perception that they are engaging in overzealous prosecution or "inflating" charges, even when the criminal charge is warranted due to poor driving observed by an officer. If breath test results fall within the range of the new infraction, police will likely cite the offender for the infraction. The infraction will be processed pursuant to chapter 291D, and prosecutors will never see

the case unless an offender requests a trial. At that point, a prosecutor would only try the offender for the infraction. The prosecutor would not be able to use the test result to prosecute the offender for OVUII. This process would work against the purposes of this bill to hold offenders of OVUII accountable.

Additionally, the proposed infraction references penalties outside of chapter 291D, HRS, but it is unclear which provisions under chapter 291E, HRS, would apply to this offense. See page 4, lines 4-6. Under section 291D-2, HRS, a "traffic infraction" is defined as "all violations of statutes, ordinances, or rules relating to traffic movement and control, including parking, standing, equipment, and pedestrian offenses, for which the prescribed penalties do not include imprisonment and that are not otherwise specifically excluded from coverage of this chapter." The inclusion of penalties from chapter 291E, HRS, does not appear to comply with this description of an infraction. See also section 291D-9(a), HRS ("A person found to have committed a traffic infraction or emergency period infraction shall be assessed a monetary assessment . . .").

Thank you for the opportunity to provide comments.



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**OFFICE OF THE PROSECUTING ATTORNEY**  
**TESTIMONY IN SUPPORT WITH COMMENTS**  
**OF SENATE BILL 1285 SD1**

A BILL FOR AN ACT  
RELATING TO HIGHWAY SAFETY

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

Thursday, February 20, 2025 at 3:00 p.m.  
Via Videoconference  
State Capitol Conference Room 016  
415 South Beretania Street

**LATE**

Honorable Chair Rhoads, Vice-Chair Gabbard and Members of the Committee on Judiciary. The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in support with comments of Senate Bill No. 1285 SD1.

This bill establishes the traffic infraction or violation of Operating a vehicle while impaired. This bill was drafted with the intent to provide an appropriate sanction for individuals determined to be operating a vehicle while having a blood alcohol content ("BAC") equal to or greater than .05 grams but less than .08 grams alcohol per one hundred milliliters or cubic centimeters of blood. Senate Bill No.1285 SD1 proposes the creation of a traffic infraction or violation in contrast to the petty misdemeanor offense of Operating a vehicle under the influence of an intoxicant under Section 291E-61 of the Hawaii Revised Statutes ("HRS"). The bill also calls for appropriate fines and the other associated statutory penalties within HRS chapter 291E, including but not limited to completion of a substance abuse program, license revocation, and/or requirement of the installation of an ignition interlock.

HRS Section 291E-61(a)(1) provides as follows:

*A person commits the offense of operating a vehicle under the influence of an intoxicant if the person operates or assumes actual physical control of a vehicle while under the influence of alcohol in an amount sufficient to impair the person's normal mental faculties or ability to care for the person and guard against casualty.*

According to the World Health Organization's Global Status Report on Road Safety in 2018, 89 countries have already implemented a .05 BAC threshold. In 2019, Utah became the

first state to lower its BAC limit to .05. According to a February 2022 report by the National Highway Transportation Safety Administration (“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.

The County of Hawai‘i, Office of the Prosecuting Attorney, supports the intent of Senate Bill No. 1285 SD1 and acknowledges the Legislature’s goal of creating a new section to address impaired driving with a BAC between .05 and .079. However, we are concerned that simply imposing a fine may give the false impression that driving under these conditions is not serious or dangerous. We would prefer to align with the language in S.B. 346, which reduces the illegal BAC threshold from .08 to .05.

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 with comments the passage of Senate Bill No. 1285 SD1. Thank you for the opportunity to testify on this matter.

C. Kimo Alameda, Ph.D.  
Mayor



Benjamin T. Moszkowicz  
Police Chief

William V. Brillhante Jr.  
Managing Director

Reed K. Mahuna  
Deputy Police Chief

## County of Hawai`i

### POLICE DEPARTMENT

349 Kapi`olani Street • Hilo, Hawai`i 96720-3998  
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February 19, 2025

Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair and Committee Members  
Committee on Judiciary  
State Capitol  
415 South Beretania Street  
Honolulu, Hawai`i 96813

RE: SENATE BILL, 1285 SD1; RELATED TO HIGHWAY SAFETY  
HEARING DATE: FEBRUARY 20, 2025  
TIME: 10:01 A.M.  
CONFERENCE ROOM 016 & VIDEOCONFERENCE

Dear Senator Rhoads:

The Hawai`i Police Department supports with comments the intent of Senate Bill 1285, which aims to lower the legal blood alcohol concentration (BAC) limit from .08 to .05 grams per 100 milliliters of blood. In 2024, 11 out of the 26 fatal crashes in Hawai`i County involved drivers impaired by alcohol or a combination of alcohol and drugs, highlighting the urgent need for stronger measures to reduce impaired driving. Studies have shown that even a BAC as low as .05 can impair judgment and reaction time, significantly increasing the risk of fatal accidents. By lowering the BAC threshold, this Bill would help prevent further tragedies and protect the lives of our community members.

This legislation enhances public safety and supports the local economy by promoting responsible drinking, as lower BAC limits encourage more conscientious behaviors, such as using designated drivers. The new traffic fine for BAC levels between 0.05 and 0.079 acts as a deterrent, improving road safety and reducing fatalities. However, it conflicts with existing laws that prohibit commercial drivers from having alcohol in their system (HRS §286-242 and §286-243). Therefore, we recommend excluding commercial drivers from this provision. Additionally, we suggest revising the legislation to address drivers under the influence of multiple substances, include administrative penalties, and outline specific penalties for repeat offenders.

The National Highway Traffic Safety Administration (NHTSA) reports that alcohol-impaired driving is the deadliest and most costly risk on U.S. roadways, causing about 37 deaths daily. Studies, including those by the National Academies of Sciences, Engineering, and Medicine (NASEM), show that lowering the BAC limit is a proven, effective measure to reduce alcohol-related fatalities.

It is for these reasons, we urge this committee to approve this legislation with the recommended revisions. Thank you for allowing Hawai`i Police Department to provide comments relating to Senate Bill 1285 SD1.

Sincerely,

  
BENJAMIN T. MOSZKOWICZ  
POLICE CHIEF



## **SB1285 SD1 Lower Blood Alcohol Concentration for Driving**

### COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Thursday, Feb 20, 2025: 10:01: Room 016 Videoconference

### **Hawaii Substance Abuse Coalition Supports SB1285 SD1:**

*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 0.05.<sup>1</sup>

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%

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<sup>1</sup> 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.

**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.



## Testimony of the Oahu Metropolitan Planning Organization

### Committee on Judiciary

02/20/25 10:01AM  
CR 016 & Videoconference

### SB1285 SD1 RELATING TO HIGHWAY SAFETY

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB1285 SD1** which establishes the offense of operating a vehicle while impaired and penalties and requires the Department of the Attorney General to submit reports to the Legislature.

This bill supports 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.

**SB-1285-SD-1**

Submitted on: 2/18/2025 10:48:17 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jacelyn Auna	Testifying for Mala Hanai Pua LLC	Support	Written Testimony Only

Comments:

Aloha!

I am Jacelyn Auna, the owner of Mala Hanai Pua LLC, and I am in strong support of SB1285 SD1.

Drinking and driving should stop being normalized. We need to change the drinking culture of Hawai'i by placing laws and regulations that prevent driving impaired car accidents and fatalities. For those who choose or continue to choose to drink and drive should be held accountable for their actions. It is extremely reckless and dangerous when driving while intoxicated.

Research says that at a blood alcohol concentration (BAC) level of 0.05, a person can be impaired. SB1285 SD1 can make a difference to save lives and keep our communities and road safe.

We need SB1285 SD1 to pass.

**SB-1285-SD-1**

Submitted on: 2/18/2025 5:45:13 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Vonnell Ramos	Testifying for Hale Opio Kauai & Ho'okele Coalition	Support	Written Testimony Only

Comments:

As a provider of Prevention services for children, youth and community, we are in favor of lowering the BAC level. This change will bring more safer roads as drivers will think twice before consuming additional beverages and getting behind a wheel

Mahalo for your support.



**SB-1285-SD-1**

Submitted on: 2/18/2025 7:02:49 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Amanda Ybanez	Testifying for Kalihi Palama NB # 15	Support	Written Testimony Only

Comments:

Chairwoman of Kalihi Palama # 15, is in strong support of this bill.



Date: February 18,2025

To: The Honorable Senator Karl Rhoads, Chair  
The Honorable Senator Mike Gabbard, Vice Chair  
Members of the Senate Committee on Judiciary

Re: Strong Support of SB1285 SD1 SD1, Relating to Highway Safety.

Hearing: Thursday, February 20, 2025 at 10:01am, Conference Room 016

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**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.<sup>1</sup> I am submitting testimony on behalf of the Alliance in STRONG SUPPORT of SB1285 SD1. SB1285 SD1 creates the definition of “operating a vehicle while impaired” and defines the measurable amount of alcohol for impaired driving of a vehicle to a blood alcohol concentration (BAC) of 0.05 or more. SB1285 SD1 requires the Dept. of the Attorney General to submit reports to the Legislature.

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.<sup>2</sup> 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.<sup>3</sup> The US is an outlier nation with one of the highest BAC limits in the world, resulting in one of the

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<sup>1</sup> 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.

<sup>2</sup> Global Status Report on Road Safety 2018, World Health Organization, 2018.  
[https://www.who.int/violence\\_injury\\_prevention/road\\_safety\\_status/2018/en/](https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/)

<sup>3</sup> 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.



highest DUI-related fatality rates in the world. Hawai'i ranks 7<sup>th</sup> 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.<sup>4</sup>

### **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%.<sup>5</sup> 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.<sup>6</sup>

### **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.<sup>7</sup>

### **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.<sup>8</sup>

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<sup>4</sup> 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.

<sup>5</sup> 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/>

<sup>6</sup> 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.

<sup>7</sup> Ibid.

<sup>8</sup> Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.



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.<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup> 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 **passing SB1285 SD1**.

Mahalo for your consideration of our testimony in strong support of this important measure. If you have any questions, please feel free to contact me at [rick@hiphi.org](mailto:rick@hiphi.org) or (808) 591-6508, x22.

Rick Collins

Director  
Hawai'i Alcohol Policy Alliance

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<sup>9</sup> Reaching Zero: Actions to Eliminate Alcohol-Impaired Driving, National Transportation Safety Board, 2013. <https://www.nts.gov/safety/safety-studies/Pages/DCA12SS006.aspx>

<sup>10</sup> Global Status Report on Road Safety 2018, World Health Organization, 2018. [https://www.who.int/violence\\_injury\\_prevention/road\\_safety\\_status/2018/en/](https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/)

<sup>11</sup> 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>

**SB-1285-SD-1**

Submitted on: 2/19/2025 8:12:41 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lindsey Fernandes	Testifying for Maikai Cleaning Services LLC.	Support	Written Testimony Only

Comments:

My name is Lindsey Fernandes and I'm a Līhu'e, Kaua'i resident. I am submitting testimony in STRONG SUPPORT of SB1285 SD1.

According to the National Highway Traffic Safety Commission (NHTSA), about 37 people in the United States die in drunk-driving crashes every day — that's one person every 39 minutes. In 2022, 13,524 people died in alcohol-impaired driving traffic deaths. These deaths were all preventable.

Drivers are significantly impaired at a 0.05 percent BAC, increasing the risk of a crash.

Research shows that if your BAC is between 0.05 and 0.079, your chances of getting killed in a crash where only your vehicle is involved are at least seven times higher than if you hadn't been drinking at all. Evidence shows a 0.05 BAC would create safer roads, reduce traffic fatalities and harms, and protect Hawai'i's residents, children, and families.

More than 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.

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 SB1285 SD1.

Mahalo nui for your time,  
Lindsey Fernandes

**SB-1285-SD-1**

Submitted on: 2/18/2025 4:02:13 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

Strong support. Thank you.

**SB-1285-SD-1**

Submitted on: 2/18/2025 4:12:03 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Patricia Blair	Individual	Support	Written Testimony Only

Comments:

Lower blood alcohol concentration to keep drunk drivers off the streets

**SB-1285-SD-1**

Submitted on: 2/18/2025 4:25:42 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joella Speelman	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure to reduce traffic fatalities in our state. Hawai'i's alcohol-related traffic fatalities rate is higher than the national average. From 2011-2022, at least 40 percent of traffic fatalities in Hawai'i involved alcohol. Moreover, research shows that if your BAC is between 0.05 and 0.079, your chances of getting killed in a crash where only your vehicle is involved are at least seven times higher than if you hadn't been drinking at all. Lowering the legal blood alcohol concentration for driving from 0.08 to 0.05 percent will keep our streets safe from alcohol-impaired driving and save lives in our community.



**SB-1285-SD-1**

Submitted on: 2/18/2025 5:47:07 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
William Hankins	Individual	Support	Written Testimony Only

Comments:

My Name is William Hankins and I am the former Traffic Commander for Maui Police Department. I have been involved in impaired driving awareness for decades and actually began the push to lower Hawai'i's BAC from .08 to .05. I have seen first-hand the destruction impaired drivers cause. I firmly believe that if we could lower the BAC to .05, we will save lives by changing people's behaviors. The overachieving goal is to gain voluntary compliance with the laws and by lowering the BAC to .05 is huge step towards achieving that goal. Studies have proven that people under the influence of alcohol ARE IMPAIRED at .05. I have seen this as well while conducting numerous drinking labs with police recruits for SFTS training. If the house/senate are serious about saving lives, then we need to do more and this bill will address a huge problem in this state. Currently only Utah has adapted a .05 law. The National Highway Traffic Safety Administration (NHTSA) has recommended for years to lower the legal BAC to .05. For too many years the push to lower our states BAC has fallen upon deaf ears while many more lives have been lost. I am again asking this legislative body to step up and do something to save lives. Please help save lives and make Hawai'i's legal BAC limit .05



To: The Honorable Senator Karl Rhoads, Chair  
The Honorable Senator Mike Gabbard, Vice Chair  
Members of the Senate Committee on Judiciary

Re: **Strong Support of SB 1285 SD1**, Relating to Highway Safety

Hrg: Thursday, February 20th, 2025 at 10:01 pm, Conference Room 016

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**Position: Strong Support**

I am submitting testimony in STRONG SUPPORT of SB1285 SD1. SB1285 SD1 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.<sup>1</sup>

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<sup>1</sup> Thomas, F. D., Blomberg, R., Darrach, 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.<sup>2</sup>

**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.<sup>3</sup> 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.<sup>4</sup>

**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.<sup>5</sup>

**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.<sup>6</sup>

**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.<sup>7</sup>

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.

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<sup>2</sup> Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

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

<sup>4</sup> Global Status Report on Road Safety 2018, World Health Organization, 2018. [https://www.who.int/violence\\_injury\\_prevention/road\\_safety\\_status/2018/en/](https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/)

<sup>5</sup> 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>

<sup>6</sup> 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.

<sup>7</sup> 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 SB1285 SD1**.

Mahalo for your time and consideration.

*Michael Sparks*

**President SparksInitiatives**

Kihei, HI

**SB-1285-SD-1**

Submitted on: 2/18/2025 6:02:22 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Melissa Magonigle	Individual	Support	Written Testimony Only

Comments:

I am submitting testimony in **strong support** of SB1285, which seeks to lower the blood alcohol concentration (BAC) threshold for driving while under the influence of an intoxicant from 0.08 to 0.05. This legislation is a critical step toward reducing impaired driving and saving lives on Hawai‘i’s roads.

**Key Points of Support**

**1. Public Health and Safety**

- The National Highway Traffic Safety Administration (NHTSA) and the National Transportation Safety Board (NTSB) have shown that lowering the BAC limit to 0.05 can reduce alcohol-related traffic fatalities by up to 11%.
- Utah, the first U.S. state to implement a 0.05 BAC law, experienced a 19.8% reduction in fatal car crashes in the first year after its enactment, with no negative impact on alcohol sales or tourism.

**2. International Evidence**

- Over 100 countries worldwide, including Australia, Japan, New Zealand, and most European nations, have adopted a BAC limit of 0.05 or lower. These nations have seen reductions in alcohol-related traffic fatalities without a significant economic impact.

**3. Impairment at 0.05 BAC**

- Scientific studies demonstrate that drivers at 0.05 BAC are impaired, with reduced coordination, slower reaction times, and difficulty tracking moving objects. The crash risk at 0.05 BAC is up to 38% higher than at 0.00 BAC.

**4. Community Support**

- Surveys indicate strong public support for a lower BAC limit. Nearly two-thirds of Hawai‘i voters favor reducing the limit to 0.05 to enhance public safety and reduce fatalities.

**5. Economic and Social Benefits**

- Lowering the BAC limit is not about restricting alcohol consumption; it is about separating drinking from driving to save lives. This measure promotes safer roadways and can reduce the emotional and financial toll on families and communities affected by impaired driving crashes.

**Conclusion**

SB1285 represents a necessary and evidence-based measure to reduce impaired driving and save lives. By adopting a 0.05 BAC limit, Hawai'i can follow the lead of other forward-thinking jurisdictions, reduce preventable fatalities, and make our roads safer for all.

Thank you for your time and consideration of this critical legislation.

Melissa Magonigle

**SB-1285-SD-1**

Submitted on: 2/18/2025 6:32:48 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Toby Portner	Individual	Support	Written Testimony Only

Comments:

*I strongly support this measure to reduce traffic fatalities in our state. Hawai'i's alcohol-related traffic fatalities rate is higher than the national average, which somehow doesn't fit the Aloha spirit. Lowering the legal blood alcohol concentration for driving from 0.08 to 0.05 percent will keep our streets safe from alcohol-impaired driving and save lives in our community, and may make people who drink 'casually' and drive home think twice about their intake before taking to the road. Mahalo for accepting testimony on this very doable and reasonable measure.*

**SB-1285-SD-1**

Submitted on: 2/18/2025 6:50:33 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
John A. H. Tomoso	Individual	Support	Written Testimony Only

Comments:

02-18-25

SB1283 SD1

Aloha

I know that Hawai'i's alcohol-related traffic fatalities rate is higher than the national average. Data provided me confirms that between the years 2011-2022, at least 40 percent of traffic fatalities in Hawai'i involved alcohol-impaired driving. This is alarming to me. Studies have shown that lowering the threshold for driving under the influence reduces accidents, as people become more conscientious, certainly more aware and wait longer before getting behind the wheel.

iI am in **STRONG SUPPORT** of [SB 1285, SD1](#) which would lower the legal blood alcohol concentration from 0.08 to 0.05 percent, which will go a long way in preventing intoxicated driving and save lives on our state's roadways.

Mahalo,

John A H Tomoso+, MSW, ACSW

51 Kuula St., Kahului, Maui, HI 96732-2906

808-280-1749

john.a.h.tomoso@gmail.com



**SB-1285-SD-1**

Submitted on: 2/18/2025 7:34:47 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Elizabeth Winternitz	Individual	Support	Written Testimony Only

Comments:

Dear Members of the Senate Committee of the Judiciary,

*I strongly support this measure to reduce traffic fatalities in our state. Hawai'i's alcohol-related traffic fatalities rate is higher than the national average. From 2011-2022, at least 40 percent of traffic fatalities in Hawai'i involved alcohol. Moreover, research shows that if your BAC is between 0.05 and 0.079, your chances of getting killed in a crash where only your vehicle is involved are at least seven times higher than if you hadn't been drinking at all. Lowering the legal blood alcohol concentration for driving from 0.08 to 0.05 percent will keep our streets safe from alcohol-impaired driving and save lives in our community.*

Mahalo,

Elizabeth Winternitz

**SB-1285-SD-1**

Submitted on: 2/18/2025 8:01:00 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Charles Hirata	Individual	Support	Written Testimony Only

Comments:

Aloha, my name is Charles Hirata and I am a retired police captain, having served as a police officer for 32 years. For 11 years I served as the Traffic Commander for the Maui Police Department. As the commander, I became intimately familiar with fatal and near fatal crashes in Maui County. I also served on the State Highway Safety Council and know that Hawaii has a high percentage of alcohol related crash fatalities and injuries. Reducing the legal limit for BAC from .08 to .05 will serve to address the serious problem on our highways and reduce the suffering caused by impairment related crashes.

Thank you for your time and attention.

Charles Hirata

**SB-1285-SD-1**

Submitted on: 2/18/2025 9:20:51 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	Individual	Support	Written Testimony Only

Comments:

*I strongly support this measure to reduce traffic fatalities in our state. Hawai'i's alcohol-related traffic fatalities rate is higher than the national average. From 2011-2022, at least 40 percent of traffic fatalities in Hawai'i involved alcohol. Moreover, research shows that if your BAC is between 0.05 and 0.079, your chances of getting killed in a crash where only your vehicle is involved are at least seven times higher than if you hadn't been drinking at all. Lowering the legal blood alcohol concentration for driving from 0.08 to 0.05 percent will keep our streets safe from alcohol-impaired driving and save lives in our community.*

## **In Support of SB1285 SD1 Related to Highway Safety**

Aloha Chair Rhoads, Vice Chair Gabbard, and committee members,

My name is Jeanell-Nohelani Corpuz, and I am a student at the University of Hawai'i at Manoa in the Master's Social Work Program specializing in Behavioral Mental Health. I am a concerned Hawai'i resident and a mother of one.

I strongly support **SB1285 SD1** relating to highway safety, which aims to enhance road safety in Hawai'i by establishing a new offense of "operating a vehicle while impaired" for drivers with a Blood Alcohol Concentration (BAC) between 0.05 and 0.079 grams. This bill is a crucial step towards reducing traffic fatalities and improving overall highway safety in our state. Additionally, it addresses a critical gap in our current laws by targeting drivers who, while not meeting the current legal limit of 0.08 BAC, still pose a significant risk on our roads. Research has consistently shown that even low levels of alcohol can impair driving ability and increase the risk of accidents.

The county of Maui, according to the Hawai'i Alcohol Policy Alliance, has reported that between 2011 and 2022, 40% of traffic fatalities involved alcohol. In 2022, the national average for alcohol-related traffic fatalities bumped up to 37%. I had lost a dear friend to a drunk driver, and my friend did not have the chance to live his life because someone had decided to make irresponsible decisions that night. By implementing this law, Hawai'i would join other states and countries in taking a proactive stance against impaired driving. The potential to save lives and reduce injuries on our roads far outweighs any inconvenience this law might cause.

I urge the committee to pass SB1285 and take this critical step towards making Hawai'i's roads safer for the sake of our own families, sons, daughters, grandkids, and grandparents. Thank you for your time and the opportunity to testify.

Sincerely,

Jeanell-Nohelani Corpuz

**SB-1285-SD-1**

Submitted on: 2/19/2025 5:54:15 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Cynthia Okazaki	Individual	Support	Written Testimony Only

Comments:

Committee on Judiciary

Senator Karl Rhoades, Chair

Senator Mike Gabbard, Vice Chair

Testimony in support of SB1285, SD1

Aloha Chair, Vice Chair and Committee members,

My name is Cynthia Okazaki and I am in strong support of SB1285,SD1

Reducing the blood alcohol content (BAC) to 0.05 percent is linked to fewer instances of impaired driving and its consequences. A 0.05 BAC limit is a general deterrent to impaired driving and affects all would be drivers.

More than 100 countries have reduced their legal BAC levels to 0.05 percent or lower. 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.

Key findings in Utah after the state lowered the BAC to 0.05 percent in 2019 show the **alcohol related traffic fatality rate decreased and from 2018-2024, alcohol sales increased 28 percent.**

This law would improve the overall health and safety of all people in Hawaii. I urge you to pass SB 1285 SD1 out of committee.

Mahalo for your time and consideration.

Cynthia Okazaki



**SB-1285-SD-1**

Submitted on: 2/19/2025 7:27:49 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cyan Lau	Individual	Support	Written Testimony Only

Comments:

I am in strong opposition of lowering the blood alcohol concentration. Drunk driving is a huge hazard and is responsible for 40% of driving related fatalities. In addition, Hawaii rates of drunk driving are higher than the national average. Please do right by our community and help pass this bill.

**SB-1285-SD-1**

Submitted on: 2/19/2025 7:30:20 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Julia Ringgold	Individual	Support	Written Testimony Only

Comments: Aloha Senate Committee on Transportation and Culture and the Arts, My name is Julia Ringgold from Kauai and I am submitting testimony in STRONG SUPPORT of SB1285 SD1. 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. The United States is an outlier nation with one of the highest blood alcohol concentration (BAC) limits in the world and, as a result, has one of the highest DUI-related fatality rates in the world. Hawai'i's alcohol-related traffic fatalities rate is higher than the national average. From 2011-2022, at least 40 percent of traffic fatalities in Hawai'i involved alcohol. During the same timeframe, the national average for alcohol-related traffic fatalities hovered between 35 and 36 percent, bumping up to 37 percent in 2022. Not only would a 0.05 BAC serve as a general deterrent to intoxicated driving and prevent future deaths, it would significantly reduce this high fatality rate and make Hawai'i a public health leader in the nation on the issue. Evidence shows a 0.05 BAC would create safer roads, reduce traffic fatalities and harms, and protect Hawai'i's residents, children, and families. According to the National Highway Traffic Safety Commission (NHTSA), about 37 people in the United States die in drunk-driving crashes every day — that's one person every 39 minutes. In 2022, 13,524 people died in alcohol-impaired driving traffic deaths. These deaths were all preventable. 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 SB1285 SD1. Thank you for your time and consideration in this serious matter Julia Ringgold



**SB-1285-SD-1**

Submitted on: 2/19/2025 7:45:25 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kawena Bagano	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Kawena Bagano from Hanamā‘ulu, Līhu‘e and I am submitting testimony in **STRONG SUPPORT** of SB1285 SD1.

I have been an active advocate in creating safer communities through prevention efforts for nearly a decade now. Today, I represent myself as a concerned makua (parent) of two keiki and as a concerned kama‘āina who was born and raised here on the islands. I strongly believe that this bill is a proven strategy that works and will help save lives. I’ve witnessed too many loved ones including my grandfather who lost their lives from impaired driving of alcohol consumption. These tragedies I do believe are preventable and passing this bill will help individuals think twice before getting behind the wheel after consuming alcohol. This is not about drinking or punishing those who drink. This is about separating drinking from driving and bringing awareness to the community of the seriousness of this issue.

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.

The United States is an outlier nation with one of the highest blood alcohol concentration (BAC) limits in the world and, as a result, has one of the highest DUI-related fatality rates in the world. Hawai‘i’s alcohol-related traffic fatalities rate is higher than the national average. From 2011-2022, at least 40 percent of traffic fatalities in Hawai‘i involved alcohol. During the same timeframe, the national average for alcohol-related traffic fatalities hovered between 35 and 36 percent, bumping up to 37 percent in 2022. Not only would a 0.05 BAC serve as a general deterrent to intoxicated driving and prevent future deaths, it would significantly reduce this high fatality rate and make Hawai‘i a public health leader in the nation on the issue.

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

According to the [National Highway Traffic Safety Commission](#) (NHTSA), about 37 people in the United States die in drunk-driving crashes every day — that's one person every 39 minutes. In 2022, 13,524 people died in alcohol-impaired driving traffic deaths. These deaths were all preventable.

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 SB1285 SD1.

Mahalo for your time and consideration.

Kawena Bagano

**SB-1285-SD-1**

Submitted on: 2/19/2025 7:48:46 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tasha Yamamoto	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Tasha Yamamoto from the South side on the island of Kauai and I am submitting testimony in STRONG SUPPORT of SB1285 SD1. Please consider passing this bill as I believe it will help reduce traffic fatalities and make our roadways a lot safer. Ultimately, I believe this bill will help save lives from senseless drivers who choose to drive while impaired. Mahalo for your time.

Tasha Yamamoto

**SB-1285-SD-1**

Submitted on: 2/19/2025 7:53:13 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Syrus Melandish	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Syrus Melandish, local resident from Kealia, Kauai and I am submitting testimony in **STRONG SUPPORT** of SB1285 SD1. We need to create safer roadways for our children and kupuna and passing this bill will help get us closer to that goal. This is a major issue on our island and I've personally been involved in an accident due to impaired driving and am grateful to be here today. Please pass this bill as it will help save not only my life, but your life as well. Thank you.

Syrus Melandish

**SB-1285-SD-1**

Submitted on: 2/19/2025 7:54:35 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

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

Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Kinohi Naihe from the island of Kaua‘i and I am submitting testimony in **STRONG SUPPORT** of SB1285 SD1.

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.

The United States is an outlier nation with one of the highest blood alcohol concentration (BAC) limits in the world and, as a result, has one of the highest DUI-related fatality rates in the world. Hawai‘i’s alcohol-related traffic fatalities rate is higher than the national average. From 2011-2022, at least 40 percent of traffic fatalities in Hawai‘i involved alcohol. During the same timeframe, the national average for alcohol-related traffic fatalities hovered between 35 and 36 percent, bumping up to 37 percent in 2022. Not only would a 0.05 BAC serve as a general deterrent to intoxicated driving and prevent future deaths, it would significantly reduce this high fatality rate and make Hawai‘i a public health leader in the nation on the issue.

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

According to the [National Highway Traffic Safety Commission](#) (NHTSA), about 37 people in the United States die in drunk-driving crashes every day — that’s one person every 39 minutes. In 2022, 13,524 people died in alcohol-impaired driving traffic deaths. These deaths were all preventable.

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 SB1285 SD1.

Mahalo for your time and consideration.

Kinohi Naihe

**SB-1285-SD-1**

Submitted on: 2/19/2025 8:01:36 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Aaron Hoff	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Aaron Hoff and I am the founder of Keala Foundation, a non-profit that fights for safer drug-free communities. I am submitting testimony in STRONG SUPPORT of SB1285 SD1.

I lost my nephew a few years back from a DUI and it devastated my family. He was a young boy and had his whole future taken from him. I have over 26 years of sobriety but prior to that I had my share of past mistakes including driving while impaired. I'm grateful to be alive today and I'm committed to sharing the message to everyone that it's important to not get behind the wheel after drinking alcohol. Passing this Bill I believe will help send a message that it is intolerable and will cause people to think twice before drinking and driving. Please pass this bill and help support a safer community for us all. Mahalo

Aaron Hoff

**SB-1285-SD-1**

Submitted on: 2/19/2025 8:03:17 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

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

Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Tassy Diaz, I was born and raised on Kaua‘i and I am submitting testimony in STRONG SUPPORT of SB1285 SD1.

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.

The United States is an outlier nation with one of the highest blood alcohol concentration (BAC) limits in the world and, as a result, has one of the highest DUI-related fatality rates in the world. Hawai‘i’s alcohol-related traffic fatalities rate is higher than the national average. From 2011-2022, at least 40 percent of traffic fatalities in Hawai‘i involved alcohol. During the same timeframe, the national average for alcohol-related traffic fatalities hovered between 35 and 36 percent, bumping up to 37 percent in 2022. Not only would a 0.05 BAC serve as a general deterrent to intoxicated driving and prevent future deaths, it would significantly reduce this high fatality rate and make Hawai‘i a public health leader in the nation on the issue.

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

According to the [National Highway Traffic Safety Commission](#) (NHTSA), about 37 people in the United States die in drunk-driving crashes every day — that's one person every 39 minutes. In 2022, 13,524 people died in alcohol-impaired driving traffic deaths. These deaths were all preventable.

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 SB1285 SD1.



Thank you for your time and consideration in this serious matter.

Tassy Diaz

**SB-1285-SD-1**

Submitted on: 2/19/2025 8:09:09 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Aaron Akau	Individual	Support	Written Testimony Only

Comments:

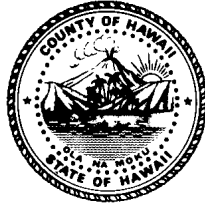
My name is Aaron Akau and I'm a Waimanalo Native Hawaiian resident. I am submitting testimony in STRONG SUPPORT of SB1285 SD1.

I'm an uncle of five boys who I adopted, and haven't felt safe on the highways in a long time. I've witnessed a lot of vehicle accidents in our small town that I feel could have been prevented if they didn't chose to drink and drive. I'm supporting this bill because I believe its the best next approach we have to help lessen traffic fatalities from people drinking and driving. They should be held accountable. Please pass SB1285 SD1 and help support the wellbeing of our communities.

Mahalo,

Aaron Akau

**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 18, 2025  
TO: Senate Committee on Judiciary  
FROM: Jennifer Kagiwada, Council Member  
Council District 2  
SUBJECT: SB 1285 SD1

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Committee,

I am writing to you in strong support of SB 1285. Even one fatality due to drunk driving is one too many and lowering the 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 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 SB 1285 SD1**.

Mahalo for your time and consideration,

Jenn Kagiwada

**SB-1285-SD-1**

Submitted on: 2/19/2025 8:14:58 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

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

Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Mahiai Naihe, Native Hawaiian born and raised, business owner on the island of Kauai and I am submitting testimony in STRONG SUPPORT of SB1285 SD1.

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

According to the [National Highway Traffic Safety Commission](#) (NHTSA), about 37 people in the United States die in drunk-driving crashes every day — that's one person every 39 minutes. In 2022, 13,524 people died in alcohol-impaired driving traffic deaths. These deaths were all preventable.

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 SB1285 SD1.

Mahalo nui for your time and consideration.

Mahiai Naihe

**SB-1285-SD-1**

Submitted on: 2/19/2025 8:16:25 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Valarie Cabreira	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Valarie Cabreira from Kauai and I am submitting testimony in **STRONG SUPPORT** of SB1285 SD1.

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

According to the [National Highway Traffic Safety Commission](#) (NHTSA), about 37 people in the United States die in drunk-driving crashes every day — that's one person every 39 minutes. In 2022, 13,524 people died in alcohol-impaired driving traffic deaths. These deaths were all preventable.

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 SB1285 SD1.

Thank you for your time and consideration in this serious matter

Valarie Cabreira

I am submitting testimony in STRONG SUPPORT of SB1285 SD1. SB1285 SD1 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 on alcohol sales, tourism, and tax revenues; and it did not increase arrests.<sup>1</sup> Lowering the BAC limit to 0.05 will prevent crashes, injuries, and deaths, and create 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.<sup>2</sup> The National Highway Transportation Safety Board (NTSB) has recommended that all 50 states adopt a 0.05 BAC law.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup>

This law would improve the overall health and safety of all people in Hawai‘i. I ask that you **pass SB 1285 SD1**. Mahalo for your time and consideration.

Dr. Colleen Fox  
Makiki

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<sup>1</sup> 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.

<sup>2</sup> 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.

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

<sup>4</sup> Global Status Report on Road Safety 2018, World Health Organization, 2018. [https://www.who.int/violence\\_injury\\_prevention/road\\_safety\\_status/2018/en/](https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/)

<sup>5</sup> Hawaii Alcohol Policies Study, SMS Hawaii, December 2022.

**SB-1285-SD-1**

Submitted on: 2/19/2025 8:17:54 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kamalu Kepa	Individual	Support	Written Testimony Only

Comments:

My name is Kamalu Kepa and I'm a Waimanalo Native Hawaiian, born and raised. I am submitting testimony in STRONG SUPPORT of SB1285 SD1.

Growing up in this Homestead community, I've witnessed a lot of car crashes that led to me losing people I love. The common denominator for the majority of the car crashes that I seen was from people drinking then driving. This is a problem in my community and in our whole state. Just look at the statistics, those numbers don't lie. We need to do something now. I have a baby on the way and I don't want her life to be jeopardized because of people not being held accountable for driving impaired.

Mahalo for your time,

Kamalu Kepa

**SB-1285-SD-1**

Submitted on: 2/19/2025 9:16:15 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. It will save lives and reduce the tragic news reports of people killed by drunk drivers.



**SB-1285-SD-1**

Submitted on: 2/19/2025 9:33:05 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cameron Zulevic	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Cameron Zulevic and I'm from Kaua'i. I want to support this bill SB1285 SD1 because I strongly believe that it will help reduce traffic fatalities and cause people to think twice before getting behind the wheel and driving. I appreciate your time in this serious matter.

Cameron Zulevic

**SB-1285-SD-1**

Submitted on: 2/19/2025 9:35:27 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

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

Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Gwendolyn Kalani from Waimanalo, O‘ahu and I am submitting testimony in **STRONG SUPPORT** of SB1285 SD1.

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.

The United States is an outlier nation with one of the highest blood alcohol concentration (BAC) limits in the world and, as a result, has one of the highest DUI-related fatality rates in the world. Hawai‘i’s alcohol-related traffic fatalities rate is higher than the national average. From 2011-2022, at least 40 percent of traffic fatalities in Hawai‘i involved alcohol. During the same timeframe, the national average for alcohol-related traffic fatalities hovered between 35 and 36 percent, bumping up to 37 percent in 2022. Not only would a 0.05 BAC serve as a general deterrent to intoxicated driving and prevent future deaths, it would significantly reduce this high fatality rate and make Hawai‘i a public health leader in the nation on the issue.

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

According to the [National Highway Traffic Safety Commission](#) (NHTSA), about 37 people in the United States die in drunk-driving crashes every day — that's one person every 39 minutes. In 2022, 13,524 people died in alcohol-impaired driving traffic deaths. These deaths were all preventable.

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 SB1285 SD1.

Thank you for your time and consideration in this serious matter

Gwendolyn Kalani

February 19, 2025

To: The Honorable Senator Karl Rhoads, Chair

The Honorable Senator Mike Gabbard, Vice Chair

Members of the Senate Committee on Judiciary

Re: Strong Support of SB 1285 SD 1, Relating to the Highway Safety.

Hrg: Thursday, February 20th , 2025 at 10:00am, Conference Room 016

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**Position: Support**

My name is Katie Folio, from Kula, Maui, Hawai'i and I am submitting testimony in STRONG SUPPORT of SB1285 SD1, which would establish the offense of driving while impaired and defines the per se level for impairment of having a blood alcohol concentration (BAC) between 0.05 BAC and 0.079 BAC.

I was a coordinator for the Coalition for a Tobacco-Free Hawai'i for almost five years, so I understand how important and effective public health policy can be. Where tobacco control has been so effective in helping prevent death and disease in the State of Hawaii and across the nation, we are failing to protect our communities from the harms of alcohol, and specifically alcohol impaired driving, through simple measures that can save lives.

Here on Maui, we have seen far too many lives lost to drunk driving incidents in recent years. As a mother with two young children, I can't imagine what these families have endured and I am already terrified of the day my children take to the road themselves. I want to do all I can to protect them when that day comes, and lowering the BAC limit for impaired driving is an evidence based strategy for reducing alcohol-impaired crashes and fatalities. I sincerely hope to see this law passed before that day comes, but every day we wait to implement this is another day we fail to protect those already on the roads.

Alcohol's annual death toll is higher than deaths due to guns, cars, drug overdoses, or HIV/AIDS in a single year in America - we can reduce this number here in Hawaii by passing SB160 this year. In fact, the majority of Hawaii voters support lowering the BAC to 0.05. The world's largest alcohol brewer, ABInBev Foundation (formerly Anheuser-Bush) supports a 0.05 BAC limit, and Utah has already implemented this law and seen no negative impacts to alcohol sales, tourism, or tax revenues. Truly, there are no good reasons not to pass this legislation.

Please pass SB1285 SD1 out of this committee, for the sake of my children and everyone's children.

Mahalo nui loa,

Katie Folio

Kula, Maui, HI



**SB-1285-SD-1**

Submitted on: 2/19/2025 9:56:38 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Chia Granda	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Dr. Chia Granda and I currently reside in the Wailua district on the island of Kauai and I am submitting testimony in STRONG SUPPORT of SB1285 SD1.

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.

The United States is an outlier nation with one of the highest blood alcohol concentration (BAC) limits in the world and, as a result, has one of the highest DUI-related fatality rates in the world. Hawai'i's alcohol-related traffic fatalities rate is higher than the national average. From 2011-2022, at least 40 percent of traffic fatalities in Hawai'i involved alcohol. During the same timeframe, the national average for alcohol-related traffic fatalities hovered between 35 and 36 percent, bumping up to 37 percent in 2022. Not only would a 0.05 BAC serve as a general deterrent to intoxicated driving and prevent future deaths, it would significantly reduce this high fatality rate and make Hawai'i a public health leader in the nation on the issue.

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

According to the [National Highway Traffic Safety Commission](#) (NHTSA), about 37 people in the United States die in drunk-driving crashes every day — that's one person every 39 minutes. In 2022, 13,524 people died in alcohol-impaired driving traffic deaths. These deaths were all preventable.

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 SB1285 SD1.

Thank you for your time and consideration in this serious matter

Dr. Chia Granda, MD, Psychiatry

**SB-1285-SD-1**

Submitted on: 2/19/2025 9:59:27 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Theresa Paulette	Individual	Support	Written Testimony Only

Comments:

Chair Rhoads, Vice Chair Gabbard, and Members of the Judiciary Committee, As the mother of a 15 year-old who was killed in a crash involving a 6x DUI arrestee, and having directly supported the victims of drunk and drugged driving crashes for the past 7 years, I wholeheartedly support SB1285 SD1. Impaired driving is 100% preventable. It will be eliminated when we can separate the drinker from the car. This bill to lower the BAC is a step closer to that goal. It will change the perception of the community and Hawaii's drivers that drinking and driving won't be tolerated and if they're going to drink then make plans for alternate transportation -- a non-drinking designated driver, taxi, rideshare, stay at a friend's or hotel. Over 100 countries in the industrialized world, and Utah state, have .05 or lower and there's data to prove it reduces traffic fatalities and serious injuries on our roadways. The data also shows that alcohol sales have increased, rather than decreased, after a .05 law. Possibly because the driver made plans for alternative transportation before drinking. Thank you for the opportunity to testify in Support of SB1285 SD1 which will save lives. Theresa Paulette



**LATE**

**SB-1285-SD-1**

Submitted on: 2/19/2025 10:02:52 AM

Testimony for JDC on 2/20/2025 10:01:00 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 SB1285, Relating to lowering the threshold blood alcohol concentration while operating a vehicle.

SB1285 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 two young drivers, making the roads safer for my son and daughter, as well as 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, key findings in Utah after the state lowered the BAC to 0.05 percent in 2019 include decreased alcohol-related traffic fatality rates AND, from 2018-2024, alcohol sales increased 28 percent.

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 SB1285 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.

Maui resident, parent, and health educator

**LATE**

**SB-1285-SD-1**

Submitted on: 2/19/2025 11:43:54 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kathryn Braun	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure to reduce alcohol-related traffic fatalities in our state. My position was strengthened immensely when there was a fatal accident on my street involving a drunk driver. While the driver is still alive, the person she crashed into is dead.

Hawai'i's alcohol-related traffic fatalities rate is higher than the national average. From 2011-2022, at least 40 percent of traffic fatalities in Hawai'i involved alcohol. Moreover, research shows that if your BAC is between 0.05 and 0.079, your chances of getting killed in a crash where only your vehicle is involved are at least seven times higher than if you hadn't been drinking at all. Lowering the legal blood alcohol concentration for driving from 0.08 to 0.05 percent will keep our streets safe from alcohol-impaired driving and save lives in our community.

Thank you for accepting this testimony.

**LATE**

Date: February 5, 2024

To: The Honorable Senator Rhoads, Chair  
The Honorable Senator Gabbard, Vice Chair  
Members of the Senate Committee on Judiciary

Re: Strong Support of SB1285 SD1 RELATING TO HIGHWAY SAFETY

Hearing: Thursday, February 20, 2025, at 10:01 AM, Conference Room 016

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Position: **Strong Support**

**Dear Honorable Rhoads and Senate Committee on Judiciary,**

The Island of Hawai'i urgently implores you to support lowering the BAC to .05 to save lives. As a Hawai'i Island resident and public health educator/advocate, I have witnessed firsthand the tragic consequences of impaired driving and the profound impact it has had on our community.

If this bill passes, it will change how drivers view impairment in Hawai'i. A lower BAC threshold will encourage safer choices, such as using ride-sharing services like Uber or Lyft, calling a friend for a ride, or consuming alcohol responsibly.

Our roads on Hawai'i Island are already hazardous, with long stretches of unlit highways, dangerous curves, and poor road conditions. This bill presents an opportunity to make a real difference in improving public safety.

With your support, we can create safer roads, strengthen our communities, and, most importantly, save lives. Please support SB1285 SD1; another life depends on it.

With aloha and mahalo,  
Sally Ancheta  
Hilo Resident, Senate District 1, House District 2

**LATE**

**SB-1285-SD-1**

Submitted on: 2/19/2025 12:55:46 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Meetu Kelen	Individual	Support	Written Testimony Only

Comments:

Aloha!

My name is Meetu Kelen, and I am testifying in strong support of this measure to reduce traffic fatalities in our state. Hawai'i has a serious issue with alcohol-related traffic deaths, with our fatality rate exceeding the national average. Between 2011 and 2022, at least 40 percent of traffic fatalities in Hawai'i involved alcohol, a statistic that underscores the urgent need for action.

Research has shown that even a moderate blood alcohol concentration (BAC) significantly increases the risk of fatal crashes. Drivers with a BAC between 0.05 and 0.079 are at least seven times more likely to be killed in a single-vehicle crash compared to those who have not been drinking. This is a clear indication that our current legal BAC limit of 0.08 is too high to ensure road safety.

Lowering the legal BAC limit to 0.05 percent is a proven strategy to reduce alcohol-impaired driving and prevent unnecessary loss of life. Other countries and states that have adopted this lower threshold have seen measurable declines in traffic fatalities. By implementing this measure, Hawai'i can take a meaningful step toward saving lives and making our roads safer for everyone.

I urge you to pass this measure and prioritize the safety of our community. Thank you for the opportunity to provide testimony.

**Mahalo,**

**Meetu Kelen**

**LATE**

**RE: Support for SB1285, Lowering the BAC to 0.05**

Dear Chair and Vice chair,

I am writing in **strong support** of SB1285 to reduce traffic fatalities in our state. Hawai'i's alcohol-related traffic fatalities rate is higher than the national average. From 2011-2022, at least 40 percent of traffic fatalities in Hawai'i involved alcohol. Moreover, research shows that if your BAC is between 0.05 and 0.079, your chances of getting killed in a crash where only your vehicle is involved are at least seven times higher than if you hadn't been drinking at all. Lowering the legal blood alcohol concentration for driving from 0.08 to 0.05 percent will keep our streets safe from alcohol-impaired driving and save lives in our community.

Thank you for considering the importance of this legislation.

Respectfully,  
Leigh Ann Lopez

**LATE**

**SB-1285-SD-1**

Submitted on: 2/19/2025 7:28:26 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

The reasons provided to lower the BAC seemed made up. When, in fact, there are statistics that justify lowering same.

I oppose this bill as it is written. But I do support lowering the BAC to .05.