

The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Transportation

Representative Darius K. Kila, Chair

Representative Tina Nakada Grandinetti, Vice Chair

Thursday, March 20, 2025, 10:00 a.m.

State Capitol, Conference Room 430 and Videoconference

by

Karilee Harada

Chief Adjudicator

Administrative Driver’s License Revocation Office

WRITTEN TESTIMONY ONLY

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

Purpose: Establishes the offense of operating a vehicle while impaired and penalties. Establishes process to automatically suspend the license of a person arrested for driving under the influence. Allows a person whose license is automatically suspended for driving under the influence to contest the suspension. Amends the administrative process at the Administrative Driver's License Revocation Office. Requires the Department of the Attorney General to submit reports to the Legislature. Effective 4/23/2057. (SD2)

Judiciary's Position:

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



Senate Bill No. 1285, SD2, Relating to Highway Safety
House Committee on Transportation
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This measure shifts the responsibility to the arrestee (referred to as "Respondent") to request an administrative review of their driver's license revocation. This proposed change raises some questions, as traditionally, the burden has been on the State to demonstrate why a driver's license should be revoked. The Committee may wish to carefully consider how these proposed changes align with established legal precedents and constitutional protections to ensure a fair and balanced process for driver's license revocations.

The current ADLRO process involves a review of all OVUII cases in which HPD or other law enforcement agency issues a Notice of Administrative Revocation (NOAR). After the ADLRO receives the law enforcement agency's statutorily required documents, an ADLRO Administrative Review Officer assesses whether the information on said documents meets the statutory requirements to sustain the administrative revocation of the respondent's privileges to operate a motor vehicle. (See HRS 291E-37(d)(1), (2), and (3)). The respondent may submit to the ADLRO, documents for consideration, within three days of the issuance of the NOAR. The administrative review must be completed and a Notice of Administrative Review Decision must be mailed within 8 days from the issuance date of the NOAR for alcohol cases, and 22 days from the issuance of the NOAR for drug cases.

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

The Notice of Administrative Review Decision serves as notice to the respondent of whether his/her driving privileges are revoked and provides the specific dates of the revocation period. Thereafter, if the Notice of Administrative Review Decision sustains an administrative revocation, the Respondent may request an administrative hearing.

Thank you for the opportunity to testify on this measure.



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

ON THE FOLLOWING MEASURE:

S.B. NO. 1285, S.D. 2, RELATING TO HIGHWAY SAFETY.

BEFORE THE:

HOUSE COMMITTEE ON TRANSPORTATION

DATE: Thursday, March 20, 2025

TIME: 10:00 a.m.

LOCATION: State Capitol, Room 430

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Elyse C.N. Oyama, Deputy Attorney General

Chair Kila 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 (1) to increase safety and reduce deaths on Hawaii's roadways due to alcohol consumption by establishing a new traffic violation for operating a vehicle while impaired for those driving with a blood alcohol concentration between .05 grams and .079 grams, (2) to amend certain procedures for administrative review of a suspended license by the Administrative Driver's License Revocation Office, and (3) to require the Department to gather and report statistics to the Legislature relating to certain impaired driving offenses annually for three years.

While the Department appreciates the intent of this bill to improve highway safety and reduce traffic fatalities, we have concerns regarding the implementation of this new infraction in the new section being added to part IV of chapter 291E, Hawaii Revised Statutes (HRS), by section 2 of this bill, on page 3, line 17, to page 4, line 12. 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, 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 10-12. 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 . . .").

Based upon the above concerns, the Department recommends deleting section 2 of this bill, from page 3, line 17, to page 4, line 12.

Thank you for the opportunity to provide comments.

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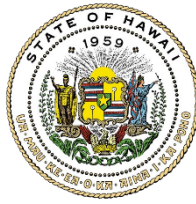
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March 19, 2025

S.B. 1285, SD2: RELATING TO HIGHWAY SAFETY

Chair Kila, Vice-Chair Grandinetti, and Members of the Committee:

The Office of the Public Defender **opposes** SB 1285, SD2.

In part, this measure proposes to create the offense of Operating a Vehicle While Impaired for a blood alcohol concentration (BAC) amount equal or greater to 0.05% and less than 0.08%. For reasons stated below, we oppose this measure.

First, creating a new offense with a reduced threshold BAC is simply not necessary. There is nothing to prevent the police to arrest a person and the prosecutor to charge a person whose BAC level is under 0.08%. Hawaii already has a statute which criminalizes drivers whose BAC level is under 0.08 %. HRS § 291E-61(a) provides, in pertinent part:

(a) 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:

(1) 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;

Accordingly, the police can arrest, the prosecutor can charge, and the court can convict a person for OVUII by only presenting evidence of bad driving (e.g., weaving, unsafe lane change, reckless driving), indicia of consuming alcohol (e.g., red, watery, or glassy eyes; odor of alcohol, flushed face, slurred speech, unsteady on feet) and poor performance on the field sobriety tests. Indeed, prosecutors are

able to achieve convictions for OVUII under HRS § 291E-61(a) without the introduction of BAC evidence at trial.

Second, a new offense with a reduced alcohol impairment level of 0.05% BAC simply casts too wide a net and will result in punishing the behavior of normally responsible drinkers without having an impact on reducing alcohol-related fatalities. There are many responsible drinkers who drink but do not drive impaired. A responsible drinker, who limits their alcohol consumption to one to two drinks, can drive safely.

Many drivers with a 0.05% BAC do not exhibit the kind of impaired skills that cause them to drive unsafely. Yet despite operating their vehicles in accordance with all other traffic laws and not putting themselves or others at risk, this group of law-abiding drivers will constitute a new class of law violators under this proposed law.

The individuals who drive drunk and seriously injure or kill innocent people are not those with a BAC of 0.05%. The high-level BAC drivers are alcohol dependent and/or uncaring individuals. A reduction of the BAC will not stop such people from drinking and driving.

Third, this proposed law will result in a significantly higher workload for an already overburdened police department and legal system. Police officers busy addressing an individual with a 0.05% BAC level, who is not a danger to the community, may not be able to stop and arrest a dangerous individual with a 0.10 or 0.15% BAC level. An OVUII related stop of an individual involves multiple officers who will be pulled off patrol to investigate, including the officer that conducts the stop, another officer that conducts the field sobriety tests, a citing or arresting officer, and an officer that conducts the breathalyzer. All of these officers typically prepare reports and other paperwork related to the investigation. Pulling several officers off patrol to investigate an individual with a BAC level of 0.05% means less officers on patrol to stop and arrest highly-intoxicated drivers.

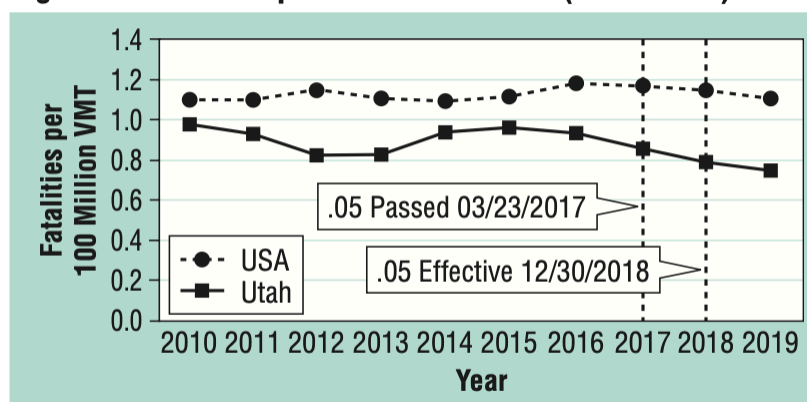
Fourth, another collateral consequence will be increased court congestion, which will lead to dismissals of cases with higher-BAC levels that are never able to go to trial. There have always been high caseloads for the OVUII calendars in the District Court. As a result of this law, more OVUII cases would either be dismissed due to a violation of Rule 48 of the Hawai'i Rules of Penal Procedure and/or a constitutional speedy trial violation. Increasing the caseload by prosecuting individuals with a BAC level of 0.05% will only jeopardize the successful

prosecution of individuals with higher-BAC levels. The judicial system can only process a finite number of cases.

Fifth, laws with a reduced BAC threshold have not been widely-accepted nationally. Utah is the only state to pass such a law. The failure of this type of law to pass in other U.S. states reflects that our society is not interested in criminalizing driving safely after consuming one or two alcoholic drinks.

Furthermore, the National Highway Traffic Safety Administration (NHTSA) report regarding the results of Utah's 0.05% BAC law, which is often cited by proponents of this measure, is misleading.¹ The report purports to show that traffic fatalities were reduced because of the change in Utah's OVUII law from 0.08% BAC to 0.05% BAC. The report compares data from 2016 (the last full year before the law was passed) and 2019 (the first full year the law was in effect). The data does show a decrease in the first full year. ***This, however, is a misleading comparison because their data also shows that the fatality rates have varied in Utah regardless of the law change.*** Figure 1 (see below) in the report shows that over the past 10 years the fatality rates have varied in Utah – with fatalities in 2012 and 2013 occurring at a similar rate to 2019:²

Figure 1. Fatalities per 100 Million VMT (FARS Data)



In addition, fatality rates have declined nationwide similarly between 2016 and 2019 despite no enactment of the .05% BAC law nationally. Hence, the rates seen in Utah may be due to natural variation or some other unaccounted factors.

¹ NHTSA, "Evaluation of Utah's .05 BAC Per Se Law," *Traffic Tech*, February 2022, available at <https://rosap.nhtl.bts.gov/view/dot/60427> (last visited, February 19, 2023).

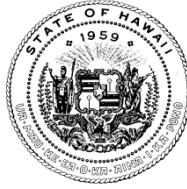
² *Id.*

To minimize the devastating effects of drunk driving, Hawai'i should concentrate on keeping people with higher-BAC levels and repeat offenders off the road rather than creating a new offense with a 0.05% BAC threshold which would inevitably divert law enforcement resources.

The Office of the Public Defender also opposes the proposed addition to HRS § 291E-61 which prohibits a prosecuting attorney from offering a plea agreement to a reduced charge unless the charge is not supported by probable cause or cannot be proven at trial.

Thank you for the opportunity to comment on this measure.

JOSH GREEN, M.D.
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March 20, 2025
10:00 a.m.
State Capitol, Room 430

S.B. 1285 S.D. 2
RELATING TO HIGHWAY SAFETY

House Committee on Transportation

The Hawaii Department of Transportation (HDOT) **supports with comments on S.B. 1285 S.D. 2**, which establishes the offense of operating a vehicle while impaired and penalties; establishes a process to automatically suspend the license of a person arrested for driving under the influence; allows a person whose license is automatically suspended for driving under the influence to contest the suspension; amends the administrative process at the Administrative Driver's License Revocation Office; and requires the Department of the Attorney General to submit reports to the Legislature..

HDOT appreciates the Legislature's intent to create a new section to address impaired driving between .05 and .079 BAC; however, HDOT is concerned that merely assessing a fine gives the misleading impression that driving while impaired within those levels is not serious or dangerous.

Laboratory and driving simulator studies have found that most adults, even experienced drinkers who typically reach blood alcohol concentrations (BAC) of .15 or greater, are significantly impaired at .05 BAC, with critical driving-related skills such as divided attention, braking, tracking, perception, and reaction time impacted.¹

In addition, according to HDOT's annual Behavioral Survey, 13 percent of car drivers and 22 percent of pickup truck drivers admitted to driving while feeling buzzed in the past six months, and 24 percent of passengers of motor vehicles witnessed the driver of the vehicle they were in looked buzzed or admitted to feeling buzzed.

HDOT respectfully offers the following comments and recommended changes to this measure:

- The new section conflicts with statutes prohibiting commercial drivers from operating a vehicle with alcohol in their system (Hawaii Revised Statutes (HRS))

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

§ 286-242 and § 286-243). We recommend including language to exclude commercial driver's license and commercial learner's permit holders from this section.

- There doesn't appear to be any administrative penalties associated with the new section. HRS § 291E-35 and § 291E-36 currently apply administrative penalties to only drivers with an alcohol concentration of .08 or higher and drivers who have been arrested for a violation of HRS § 291E-61 or § 291E-61.5.
- We are unsure how this new section would address repeat offenders, as well as polysubstance impaired driving cases, where a driver may have a low BAC and a drug or drugs in their system.
- This new section does not prohibit drivers with BACs between .05 and .079 to resume use of their motor vehicle after receiving a citation for operating a vehicle while impaired. Will these drivers be allowed to drive immediately after receiving their citation?

HDOT is primarily concerned about improving highway safety and protecting the lives of our community members and visitors. Changing the illegal per se limit is a start to change behaviors so that people plan ahead and arrange for alternatives to driving while impaired, such as using rideshare or public transportation, or designating a sober driver. However, our preference is to mirror the language in H.B. 1387, which lowers the illegal BAC per se level from .08 to .05.

Thank you for the opportunity to provide testimony.

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT WITH COMMENTS **OF SENATE BILL 1285 SD2**

A BILL FOR AN ACT
RELATING TO HIGHWAY SAFETY

COMMITTEE ON TRANSPORTATION
Representative Darius K. Kila, Chair
Representative Tina Nakada Grandinetti, Vice Chair

Thursday, March 20, 2025 at 10:00 a.m.
Via Videoconference and
State Capitol Conference Room 430
415 South Beretania Street

Honorable Chair Kila, Vice-Chair Grandinetti and Members of the Committee on Transportation. The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in support with comments of Senate Bill No. 1285 SD2.

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 SD2 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.

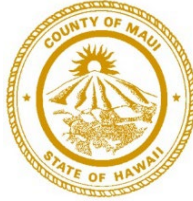
The County of Hawai‘i, Office of the Prosecuting Attorney, supports the intent of Senate Bill No. 1285 SD2 and acknowledges the Legislature’s attempt to create a new section to address impaired driving with a BAC between .05 and .079. However, some have suggested that simply imposing a fine for this type of conduct may give the false impression that driving under these conditions is not serious or dangerous. Others have also shared concerns that if a violation were signed into law it may deter police and prosecutors from filing charges under HRS Section 291E-61(a)(1), more commonly referred to as an “impairment DUI.” Given those concerns, our Office would prefer that the BAC threshold be reduced from .08 to .05, as was proposed in Senate Bill No. 346; however, we do agree that Senate Bill No. 1285 SD2 is a step in the right direction to reduce traffic fatalities and make our roads safer.

The County of Hawai‘i, Office of the Prosecuting Attorney remains committed to pursuing justice with integrity and commitment. For the foregoing reasons, the County of Hawai‘i, Office of the Prosecuting Attorney supports with comments the passage of Senate Bill No. 1285 SD2. Thank you for the opportunity to testify on this matter.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



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TESTIMONY ON
S.B. 1285 SD2
RELATING TO HIGHWAY SAFETY

March 19, 2025

The Honorable Darius K. Kila
Chair
The Honorable Tina Nakada Grandinetti
Vice Chair
and Members of the Committee on Transportation

Chair Kila, Vice Chair Grandinetti, and Members of the Committees:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following **comments regarding S.B. 1285 SD2**, Relating to Highway Safety. *Inter alia*, this measure: 1) creates a new non-criminal offense for operating a vehicle with a blood alcohol concentration between .05 and .079, and 2) amends the administrative process at the administrative driver's license revocation office ("ADLRO") to make the initial license revocation review by request instead of automatic.

First, we support Sections 4 through 8 of the measure, which make the initial license revocation review by request instead of automatic and informs drivers of the change. These amendments will assist us in prosecuting offenders who continue to drive while their license has been administratively revoked. In those cases, a common defense is that the driver was unaware that their license had been administratively revoked following the automatic review process after a previous Operating a Vehicle Under the Influence of an Intoxicant ("OVUII") arrest. These changes will ensure that a driver is properly notified of the revocation, while still allowing a driver to request review of the revocation should they wish.

Second, although we appreciate the Legislature's attempt to reduce intoxicated driving by creating a new intoxicated driving traffic infraction with a .05 blood alcohol concentration level, **we are concerned that the penalties for the new infraction may give some drivers the mistaken impression that driving at a lower level of intoxication is an acceptable risk,**

similar to drivers who choose to speed because the penalty for doing so is “just” a fine. We would prefer that the penalties be related to the dangerousness of the behavior, such as the existing OVUII penalties in HRS 291E-61.

We are also concerned that the new offense does not appear to count as a prior conviction for purposes of the existing OVUII and Habitual OVUII statutes in HRS §291E-61 and 291E-61.5, respectively. For example, a person arrested for a new OVUII offense could have five instances of the new infraction on their traffic record within the past year, but could not be charged with Habitual OVUII because the new infraction would not count as prior convictions for OVUII.

The issue is that current statutes do not count infractions like the one created by SB1285 SD2 as prior convictions:

§291E-61 Operating a vehicle under the influence of an intoxicant. [...]

(b) [...] A person committing the offense of operating a vehicle under the influence of an intoxicant shall be sentenced without possibility of probation or suspension of sentence as follows:

- (1) Except as provided in paragraph (4), for the first offense, or **any offense not preceded within a ten-year period by a conviction for an offense under this section or section 291E-4(a): [...]**
- (2) For an offense that occurs within ten years of a prior conviction **for an offense under this section: [...]**

§291E-61.5 Habitually operating a vehicle under the influence of an intoxicant. [...]

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

(1) The person is a habitual operator of a vehicle while under the influence of an intoxicant; [...]

"Convicted two or more times for offenses of operating a vehicle under the influence" means that, at the time of the behavior for which the person is charged under this section, the person had two or more times within ten years of the instant offense:

- (1) **A judgment on a verdict or a finding of guilty, or a plea of guilty or nolo contendere, for a violation of section 291E-61 or 707-702.5;**
- (2) **A judgment on a verdict or a finding of guilty, or a plea of guilty or nolo contendere, for an offense that is comparable to section 291E-61 or 707-702.5; or**
- (3) **An adjudication of a minor for a law or probation violation that, if committed by an adult, would constitute a violation of section 291E-61 or 707-702.5 [...]**

"Habitual operator of a vehicle while under the influence of an intoxicant" means that the person was convicted:

(1) Two or more times for offenses of operating a vehicle under the influence; [...]

As drafted, neither HRS §291E-61 nor 291E-61.5 would seem include SB1285 SD2's new infraction as a prior conviction (for Habitual OVUII purposes, the new infraction is arguably not comparable to a 291E-61 offense as a traffic infraction that doesn't necessarily result in a verdict or conviction) and would have the unintended consequence of allowing intoxicated drivers to escape the consequences of their actions despite multiple citations for intoxicated driving.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports the proposed changes to the ADLRO review process, but is concerned about the effect of S.B. 1285 SD2 on existing OVUII and Habitual OVUII offenses.** Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

Thank you very much for the opportunity to provide testimony on this bill.



Testimony of the Oahu Metropolitan Planning Organization

Committee on Transportation

03/20/25 10:00AM

CR 430 & Videoconference

SB1285 SD2

RELATING TO HIGHWAY SAFETY

Dear Chair Kila, Vice Chair Grandinetti, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB1285 SD2** 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 helps us achieve our goal of reducing traffic related deaths and serious injuries to zero by 2045. Traffic fatalities increased ten percent between 2023 and 2024 in Hawaii. Nearly a [third of traffic deaths in Hawaii](#) are the result of impaired driving, where drivers have a Blood Alcohol Concentration of 0.08 or higher. While 0.08 is the legal BAC limit for impaired driving, the [National Highway Traffic Safety Administration \(NHTSA\)](#) notes that at a 0.05 BAC, drivers may start to show signs of impairment including loss of small-muscle control, impaired judgment, lowered alertness and inhibitions, reduced coordination including steering, and reduced response to emergency driving situations.

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

Mahalo for the opportunity to provide testimony on this measure.

March 18, 2025

Chair Darius Kila
House Transportation Committee
Hawaii State Capitol, Room 322
Honolulu, HI 96813

**RE: SB 1285 (Lee) – Operating a Vehicle While Impaired
Comments Only**

Dear Chair Kila,

AAA Hawaii respectfully submit the following comments for SB 1285_SD2 by Senator Lee, which seeks to create a new offense of operating a vehicle while impaired if a motorist assumes control while having a blood alcohol concentration (BAC) equal to or greater than .05 grams but less than .08 grams of alcohol. Finding effective countermeasures to impaired measures is a top traffic safety priority for us and we appreciate the House Transportation Committee's willingness to tackle innovative solutions.

Alcohol-impaired driving is a major contributor to the unacceptable level of death and injury that occur on our roads, both locally and across the country. The National Highway Traffic Safety Administration (NHTSA) reports that in 2021 (the [latest year of data available](#)), 13,384 people were killed in alcohol-related crashes nationwide – the most since 2006 – and 28 were killed in Hawaii.

With alcohol-impaired driving contributing to nearly one third of all highway deaths nationwide (29% in Hawaii), we need to utilize countermeasures we know work. The evidence suggests that prohibiting driving with a blood alcohol concentration (BAC) of .05% would be effective in reducing those numbers.

Driving with a BAC of .05 elevates crash risk: According to [NHTSA](#), driving with a BAC of .05 can have the following effects on driving:

- Reduced coordination
- Reduced ability to track moving objects
- Difficulty steering
- Reduced response to emergency driving situations

Simply put, if your BAC is .05, you shouldn't get behind the wheel. A [NHTSA study from 2015](#) estimated that drivers with a BAC of .05 have approximately twice the crash risk of sober drivers. In 2021, over 1,100 drivers were involved in fatal crashes [nationwide](#) with a blood alcohol concentration between .05 and .07.

Utah's experience with .05 has been positive: To date, Utah has been the only American state to adopt a .05 BAC law. A [NHTSA evaluation](#) of the law indicated positive preliminary results. Compared to the year prior to passage of the law, in 2019, the first year with the lower limit:

- The fatality rate decreased
- There were declines in the percentages of drivers involved in crashes at all alcohol levels: >.05, >.08, >.15

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- Alcohol-impaired driving arrests did not increase
- Alcohol sales and per capita consumption increased
- Tourism and associated tax revenues increased

A survey that accompanied the NHTSA study found that 22% of people who drink indicated in a survey that they changed their behaviors after the law took effect.

The international experience with .05 has also been positive: .05 BAC laws are much more common abroad. According to the [World Health Organization](#), more than 50 countries have such laws, including a majority of the OECD. Lower limits in [Europe](#) and in [Australia](#) have produced positive results.

The Canadian experience is perhaps most instructive, given its proximity. Most provinces have .05 BAC laws that are administrative, rather than criminal, in nature. Offending drivers with BACs between .05 and .07 receive license suspensions but do not face criminal charges. An [evaluation of these policies](#) found a decrease in the percentage of fatally-injured drivers with BACs above .05, .08, and .15.

Based on results from abroad, [researchers have estimated](#) that if .05 laws were adopted across the United States, approximately 1,790 lives would be saved each year.

.05 BAC laws provide a general deterrent effect: It is true that drivers with BACs of .05 are not the biggest impaired driving threat on our roadways – drivers with extremely high BACs pose a graver danger, and the [most frequently recorded BAC](#) of drivers in fatal crashes nationwide was .16 in 2021. As such, it is reasonable to impose lesser penalties on drivers with BACs of .05 than .16.

However, .05 laws have not been effective simply by deterring drivers with BACs between .05 and .07. Instead, the weight of the evidence suggests that .05 laws deter high-BAC drivers by encouraging people who drink not to get behind the wheel in the first place. When states began [implementing .08 BAC limits](#), they saw a decline in the percentage of fatally-injured drivers with BACs of .20 or greater. A .05 law sends the message that if you plan to drink, you should plan not to drive, and if you plan to drive, you should plan not to drink.

The state should evaluate any .05 BAC law, if enacted: Given that .05 BAC laws are relatively uncommon in the United States, other states would benefit from an evaluation of the impact in Hawaii, should the legislature choose to adopt such a policy. The state should direct research partners to work with interested partners to conduct an evaluation similar to NHTSA's evaluation of Utah's law.

If Hawaii adopts an Operating a Vehicle While Impaired law, DUI offenses should count as prior offenses: \ SB 1285 SD2 imposes a flat fine for driving with a BAC between .05 and less than .08. The bill should be amended so that any violations under HRS 291E, inclusive of this SB1285, would count as prior violations for purposes of the OVWI law.

Respectfully Submitted,



Marianne Kim
Senior Public Policy Specialist



SB1285 SD2 Lower Blood Alcohol Concentration for Driving

COMMITTEE ON TRANSPORTATION

Rep. Darius K. Kila, Chair

Rep. Tina Nakada Grandinetti, Vice Chair

Thursday, Mar 20, 2025: 10:00: Room 430 Videoconference

Hawaii Substance Abuse Coalition Supports SB1285 SD2:

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 0.05.¹

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

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

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

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

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

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

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.

SB-1285-SD-2

Submitted on: 3/18/2025 4:17:57 PM

Testimony for TRN on 3/20/2025 10:00:00 AM

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

Comments:

Aloha!

First of all, Mahalo, for all that you do, and for taking this time to read this email.

My name is Jacelyn Auna, the owner of Mala Hanai Pua LLC, and the founder of Kuauha, a non-profit organization. I am from Keaukaha, Hilo, Hawai'i. I'm a business owner, an educator and a believer in a promising future. I've been a music educator for many years, also worked as a Youth Development Specialist and volunteered in different coalitions that all focus on youth. I believe that it is all our responsibility to teach our youth to make healthy and happy choices. To teach them assertiveness, to be responsible, and accountability.

6 out of 8 motorists arrested on the Big Island of Hawai'i for DUI within the first week of March weren't of the legal age to drink. Who do we hold accountable for their actions? How can we prevent young people from making this mistake when it could result in something more tragic than being arrested for DUI.

By lowering the BAC from 0.08 to 0.05 can lead to helping protect our youth and young adults from making mistakes like drinking and driving. We can use this as a way to educate young people and be proactive in preventing the worst from happening.

Do the right thing pass, SB1285 SD2.

March 20, 2025

To: Chair Darius Kila, Vice Chair Tina Nakada Grandinetti, and members of the Transportation Committee

From: Arkie Koehl, Public Policy Committee Chair; Mothers Against Drunk Driving (MADD) Hawaii

Re: Senate Bill 1285 SD 2 – RELATING TO Highway Safety.

I am Arkie Koehl, offering comments on behalf of the Hawaii Chapter of Mothers Against Drunk Driving on Senate Bill 1285 SD2.

MADD strongly supports the chief purpose of this bill: to save lives by lowering the blood alcohol content level for OVUII enforcement from .08 to .05 BAC. If this purpose were to be lost through amendments, MADD would oppose the bill.

We understand that SB 1285 and similar bills calling for .05 BAC cause anxiety in some sectors of the hospitality and beverage industry. Yet 85% of the world's population live in ".05 countries" and we have yet to learn of any downturn in alcohol sales experienced when .05 was adopted. In fact, in the U.S., Utah has experienced significant increases in sales in the five years since .05 became the law (perhaps .05 motivates diners and bar customers to use designated drivers, ride shares, public transportation....and therefore feel free to drink more?).

It would be tragic for Hawaii residents and visitors if this proven life-saving measure continued to go down to defeat yet again in the Legislature because of a misunderstanding.

Arkie Koehl,

MADD Hawaii Public Policy Committee Chair



Date: March 19, 2025

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

Re: Strong Support of SB1285 SD2, Relating to Highway Safety.

Hearing: Thursday, March 20, 2025, at 10:01am, Conference Room 430

Position: Strong Support

Aloha, my name is Julie Mejia, the Statewide Community Coordinator of the Hawai'i Alcohol Policy Alliance (Alliance), a program of the Hawai'i Public Health Institute.¹ I am submitting testimony on behalf of the Alliance in STRONG SUPPORT of SB1285 SD2. SB1285 SD2 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 SD2 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.² 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.³ The US is an outlier

¹ 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.

² Global Status Report on Road Safety 2018, World Health Organization, 2018.
https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

³ 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.



nation with one of the highest BAC limits in the world, resulting in one of the highest DUI-related fatality rates in the world. Hawai'i ranks 7th highest in the nation for DUI-related traffic fatalities. A 0.05 would significantly reduce this ranking and make Hawai'i a public health leader in the nation on the issue.

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

A February 2022 report by the National Highway Transportation Safety Administration (NHTSA) found a 19.8% drop in fatal car crashes in the 21 months following the passage of Utah's law that lowered the BAC limit to 0.05. This improvement was significantly better than the rest of the United States, which only saw a 5.6% reduction in fatal car crashes for the same period.⁴

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%.⁵ 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.⁶

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.⁷

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 0.05.⁸

⁴ 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.

⁵ 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/>

⁶ Thomas, F. D., Blomberg, R., Darrah, J., Graham, L., Southcott, T., Dennert, R., Taylor, E., Treffers, R., Tippetts, S., McKnight, S., & Berning, A. (2022, February). Evaluation of Utah's 0.05 BAC per se law (Report No. DOT HS 813 233). National Highway Traffic Safety Administration.

⁷ Ibid.

⁸ 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.⁹ 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.¹⁰

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.¹¹ 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 SD2**.

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 julie@hiphi.org or (808) 591-6508, x25.

Julie Mejia

Statewide Community Coordinator
Hawai'i Alcohol Policy Alliance

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

¹⁰ Global Status Report on Road Safety 2018, World Health Organization, 2018. https://www.who.int/violence_injury_prevention/road_safety_status/2018/en/

¹¹ 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-2

Submitted on: 3/19/2025 7:56:33 AM

Testimony for TRN on 3/20/2025 10:00:00 AM

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

Comments:

Aloha House Committee on Transportation,

My name is Russell Hamilton from Lokahi Treatment Centers on the Big Island, and I am submitting testimony in STRONG SUPPORT of SB1285 SD2.

Being a supervisor at a treatment facility for noth adults and adolescents has provided me with the most detailed picture of the support of this bill will do.

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 SD2.

Mahalo for your time and consideration.

Russell Hamilton CSAC, Psy.M

East Hawaii Supervisor for Lokahi Treatment Centers

SB-1285-SD-2

Submitted on: 3/19/2025 9:55:18 AM

Testimony for TRN on 3/20/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lindsey Fernandes	Maikai Cleaning Services LLC	Support	Written Testimony Only

Comments:

Aloha House Committee on Transportation,

My name is Lindsey Fernandes from Līhu‘e, Kaua‘i, and I am a business owner of Maikai Cleaning Services and I am submitting testimony in STRONG SUPPORT of SB1285 SD2.

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 SD2.

Mahalo for your time and consideration.

Lindsey Fernandes, Business owner

SB-1285-SD-2

Submitted on: 3/18/2025 12:11:06 PM

Testimony for TRN on 3/20/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lynn Murakami Akatsuka	Individual	Support	Written Testimony Only

Comments:

I support the passage of SB 1285, SD2 to establish the process to immediately suspend the license of a person arrested for driving under the influence. One death or more on the road caused by a person driving under the influence is unacceptable. I appreciate the signage that is on the freeway that alerts the public of the deaths to date that has occurred in 2025.

Thank you for the opportunity to testify in support of SB 1285, SD 2.

SB-1285-SD-2

Submitted on: 3/18/2025 3:36:49 PM

Testimony for TRN on 3/20/2025 10:00:00 AM

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

Comments:

I support this initiative.

SB-1285-SD-2

Submitted on: 3/18/2025 5:18:04 PM

Testimony for TRN on 3/20/2025 10:00:00 AM

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

Comments:

I am writing to support SB1285 SD 2 in lowering the BAC from 0.08 to 0.05.

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 SD2.

Date: March 18, 2025

To: The Honorable Rep. Kila , Chair
The Honorable Rep. Grandinetti , Vice Chair
Members of the House Committee on Transportation

Re: Strong Support of SB1285 SD2 RELATING TO HIGHWAY SAFETY

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

Position: **Strong Support**

Dear Honorable Kila and House Committee on Transportation,

The Island of Hawai'i urgently implores you to support SB1285 SD2, 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 ohana and our communities.

A lower BAC threshold will encourage adults to make 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 SD2; another life depends on it.

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

March 19, 2025

To: The Honorable Senator Darius K. Kila, Chair

The Honorable Senator Tina Nakada Grandinetti, Vice Chair

Members of the Senate Committee on Transportation

Re: Strong Support of SB 1285 SD 2, Relating to the Highway Safety.

Hrg: Thursday, March 20th , 2025 at 10:00am, Conference Room 430

Position: Support

My name is Katie Folio, from Kula, Maui, Hawai'i and I am submitting testimony in STRONG SUPPORT of SB1285 SD2, 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 SD2 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-2

Submitted on: 3/19/2025 6:55:46 AM

Testimony for TRN on 3/20/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Ann Tomita	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Transportation,

My name is Lisa Ann Tomita from Wailuku on the island of Maui and I am submitting testimony in STRONG SUPPORT of SB1285 SD2.

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.

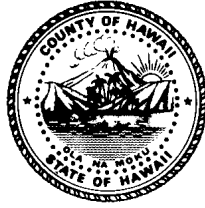
According to the [National Highway Traffic Safety Commission](#) (NHTSA), about 37 people in the United States die in drunk-driving crashes every day — that's one person every 39 minutes.

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 SD2.

Mahalo for your time and consideration.

Lisa Ann Tomita



HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: March 19, 2025

TO: House Committee on Transportation

FROM: Jennifer Kagiwada, Council Member
Council District 2

SUBJECT: SB 1285 SD2

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

I am writing to you in strong support of SB 1285 SD2. 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 SD2**.

Mahalo for your time and consideration,

A handwritten signature in black ink, appearing to read "Jenn Kagiwada", is written over a light blue horizontal line.

Jenn Kagiwada

SB-1285-SD-2

Submitted on: 3/19/2025 9:10:14 AM

Testimony for TRN on 3/20/2025 10:00:00 AM

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

Comments:

[COMMITTEE ON TRANSPORTATION](#) HEARING

Rep. Darius K. Kila, Chair

Rep. Tina Nakada Grandinetti, Vice Chair

DATE: Thursday, March 20, 2025

TIME: 10:00 a.m.

VIA VIDEOCONFERENCE

PLACE: Conference Room 430

State Capitol

Aloha Chair, Vice Chair and Committee members,

My name is Cynthia Okazaki and I am in strong support of SB1285,SD2

Reducing the blood alcohol content (BAC) to .05 percent is linked to fewer instances of impaired driving and its consequences. A .05 BAC limit is a general deterrent to impaired driving and affects everyone.

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 .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.

More than 100 countries have reduced their legal BAC levels to .05 percent or lower. Sweden, Norway, Japan, and Russia have set their limit at .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.

Contrary to popular belief, data from Utah after the state lowered the BAC to 0.05 percent in 2019 showed that the **alcohol sales actually increased 28 percent**. This bill does not limit the amount of alcohol consumed or purchased. This bill would improve the overall health and safety of all people in Hawaii.

I urge you to pass SB 1285, SD2 out of committee.

Mahalo for your time and consideration.

Cynthia Okazaki

SB-1285-SD-2

Submitted on: 3/19/2025 9:41:40 AM

Testimony for TRN on 3/20/2025 10:00:00 AM

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

Comments:

Aloha House Committee on Transportation,

My name is Chia Grand from the island of Kaua‘i and I am submitting testimony in STRONG SUPPORT of SB1285 SD2.

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 SD2.

Mahalo for your time and consideration.

Dr. Chia Granda

SB-1285-SD-2

Submitted on: 3/19/2025 9:44:18 AM

Testimony for TRN on 3/20/2025 10:00:00 AM

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

Comments:

Aloha House Committee on Transportation,

Aloha,

My name is Kinohi Naihe, I'm a mother of a 3 year old and also a strong advocate for creating safer roadways in our community. I am a Native Hawaiian and reside on the island of Kaua'i. I am submitting testimony in STRONG SUPPORT of SB1285 SD2.

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.

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 SD2.

Mahalo nui for your consideration in this serious matter,

Kinohi Naihe

SB-1285-SD-2

Submitted on: 3/19/2025 9:47:36 AM

Testimony for TRN on 3/20/2025 10:00:00 AM

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

Comments:

Aloha,

My name is Aaron Akau, I'm a Waimanalo resident from the island of O'ahu. I am submitting testimony in strong support of SB1285 SD2. I am raising my 5 nephews and have seen my share of car crashes from impaired driving and would like to see some changes. It should be a priority to hold people responsible for those who choose to drive while under the influence, putting people like us and my nephews in danger. This is preventable and passing this bill will help send a message on how serious this matter is. Mahalo

Aaron Akau

SB-1285-SD-2

Submitted on: 3/19/2025 9:48:58 AM

Testimony for TRN on 3/20/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kawena Bagano	Individual	Support	Remotely Via Zoom

Comments:

Aloha House Committee on Transportation,

My name is Kawena Bagano from Hanamā‘ulu, Kaua‘i and I am submitting testimony in **STRONG SUPPORT** of SB1285 SD2.

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 SD2.

Mahalo for your time and consideration.

Kawena Bagano

SB-1285-SD-2

Submitted on: 3/19/2025 9:50:04 AM

Testimony for TRN on 3/20/2025 10:00:00 AM

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

Comments:

Aloha House Committee on Transportation,

My name is Tassy Diaz and I was born and raised on the island of Kaua‘i and I am submitting testimony in STRONG SUPPORT of SB1285 SD2.

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 SD2.

Mahalo for your time and consideration.

Tassy Diaz

SB-1285-SD-2

Submitted on: 3/19/2025 9:51:00 AM

Testimony for TRN on 3/20/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Valarie Cabreira	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Transportation,

My name is Valerie Cabreira from the island of Kaua‘i and I am submitting testimony in STRONG SUPPORT of SB1285 SD2.

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.

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Mahalo for your time and consideration.

Valarie Cabreira

SB-1285-SD-2

Submitted on: 3/19/2025 9:51:57 AM

Testimony for TRN on 3/20/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kekoa Carvalho	Individual	Support	Written Testimony Only

Comments:

Aloha House Committee on Transportation,

My name is Kekoa Carvalho from the island of O‘ahu and I am submitting testimony in STRONG SUPPORT of SB1285 SD2.

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.

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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 SD2.

Mahalo for your time and consideration.

Kekoa Carvalho

SB-1285-SD-2

Submitted on: 3/19/2025 9:52:47 AM

Testimony for TRN on 3/20/2025 10:00:00 AM

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

Comments:

Aloha House Committee on Transportation,

My name is Mahi Naihe from Anahola, Kaua‘i and I am submitting testimony in STRONG SUPPORT of SB1285 SD2.

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.

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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 SD2.

Mahalo for your time and consideration.

Mahi Naihe

SB-1285-SD-2

Submitted on: 3/19/2025 9:53:39 AM

Testimony for TRN on 3/20/2025 10:00:00 AM

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

Comments:

Aloha House Committee on Transportation,

My name is Gwendolyn Kalani from Waimanalo, O‘ahu and I am submitting testimony in STRONG SUPPORT of SB1285 SD2.

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 SD2.

Mahalo for your time and consideration.

Gwendolyn Kalani

SB-1285-SD-2

Submitted on: 3/19/2025 9:57:15 AM

Testimony for TRN on 3/20/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Kamalu Kepa	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Kamalu Kepa. I'm a Native Hawaiian, born and raised in Waimanalo O'ahu. I'm writing in strong support of this bill SB1285 SD2. We need to take action in helping to protect our keiki and 'ohana while holding those responsible who choose drink and drive. Mahalo for your time and consideration.

Kamalu Kepa