



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

February 6, 2025  
3:00 p.m.  
State Capitol, Room 224

**LATE**

**S.B. 1285**  
**RELATING TO HIGHWAY SAFETY**

Senate Committee on Transportation and Culture and the Arts

The Hawaii Department of Transportation (HDOT) **supports with comments on S.B. 1285**, which establishes the offense of operating a vehicle while impaired and penalties; authorizes HDOT to take administrative action; and prohibits plea deals allowing a person charged with operating a vehicle under the influence of an intoxicant to plea down to a lesser charge.

Laboratory and driving simulator studies have found that most adults, even experienced drinkers who typically reach BACs 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.<sup>1</sup>

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

We recommend amending subsection d of the new section (page 4, lines 6-8) to replace “the department of transportation” with the Administrative Drivers License Revocation Office as they already have a process in place for administrative actions, such as license revocation and ignition interlock.

In addition, we are unsure how creating a new section would address repeat offenders of this section, as well as polysubstance impaired driving cases, where a driver may have a low BAC and a drug or drugs in their system.

<sup>1</sup> 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.

HDOT appreciates the Legislature's intent to create a new section to address impaired driving between .05 and .079 blood alcohol concentration (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. Our preference is to mirror the language in S.B. 346 and/or S.B. 1643, which lower the illegal BAC per se level from .08 to .05.

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.

Thank you for the opportunity to provide testimony.



**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, RELATING TO HIGHWAY SAFETY.

**BEFORE THE:**

SENATE COMMITTEE ON TRANSPORTATION AND CULTURE AND THE ARTS

**DATE:** Thursday, February 6, 2025 **TIME:** 3:00 p.m.

**LOCATION:** State Capitol, Room 224

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

---

Chair Lee and Members of the Committee:

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

The purposes of this bill are to increase safer transportation 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 .05 grams and 0.79 grams, and to prohibit a prosecuting attorney from dismissing a charge for operating a vehicle under the influence of an intoxicant (OVUII) in exchange for a lesser charge.

While the intent of the bill is to address highway safety and traffic fatalities, the creation of this new violation would 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), Hawaii Revised Statutes (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 have the unintended consequence of discouraging prosecutors from charging these types of cases as full-fledged OVUI 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. This result would work against the purposes of this bill to hold offenders of OVUI accountable.

For these reasons, the Department recommends the removal of the new proposed violation on page 3, lines 14-21, and page 4, lines 1-8, which references that proposed violation.

In addition, we are concerned about the addition of section 291E-61(l), HRS, on page 18, line 18, to page 19, line 2, as this would remove a prosecutor's discretion to engage in meaningful plea negotiations. Even after a criminal case has been charged by prosecutors, whether the charge is for OVUI or any other type of offense, there are many different issues that can arise during the course of a case, some of which are foreseeable and some of which are not. To facilitate the most effective prosecution of each case, it is important to allow the prosecuting attorney to exercise broad discretion in determining the appropriate charge and recommended sentencing for that particular case, as the prosecutor will be most familiar with the relevant facts and circumstances.

Thank you for the opportunity to provide comments.

JON N. IKENAGA  
PUBLIC DEFENDER

**DEFENDER COUNCIL**  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

**HONOLULU OFFICE**  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

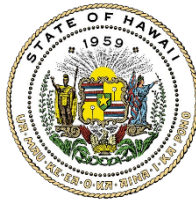
**APPELLATE DIVISION**  
TEL. NO. (808) 586-2080

**DISTRICT COURT DIVISION**  
TEL. NO. (808) 586-2100

**FAMILY COURT DIVISION**  
TEL. NO. (808) 586-2300

**FELONY DIVISION**  
TEL. NO. (808) 586-2200

**FACSIMILE**  
(808) 586-2222



STATE OF HAWAII  
**OFFICE OF THE PUBLIC DEFENDER**

HAYLEY Y. C. CHENG  
ASSISTANT PUBLIC DEFENDER

**HILO OFFICE**  
275 PONAHAHAWA STREET  
SUITE 201  
HILO, HAWAII 96720  
TEL. NO. (808) 974-4571  
FAX NO. (808) 974-4574

**KONA OFFICE**  
75-1000 HENRY STREET  
SUITE #209  
KAILUA-KONA HI 96740  
TEL. NO. (808) 327-4650  
FAX NO. (808) 327-4651

**KAUA'I OFFICE**  
3060 EIIWA STREET  
SUITE 206  
LIHUE, HAWAII 96766  
TEL. NO. (808) 241-7128  
FAX NO. (808) 274-3422

**MAUI OFFICE**  
81 N. MARKET STREET  
WAILUKU, HAWAII 96793  
TEL. NO. (808) 984-5018  
FAX NO. (808) 984-5022

February 5, 2025

**LATE**

**S.B. 1285: RELATING TO HIGHWAY SAFETY**

**Chair Lee, Vice-Chair Inouye, and Members of the Committee:**

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

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%. Additionally, this measure seeks to prohibit plea agreements for Operating a Vehicle Under the Influence of an Intoxicant offenses. 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.

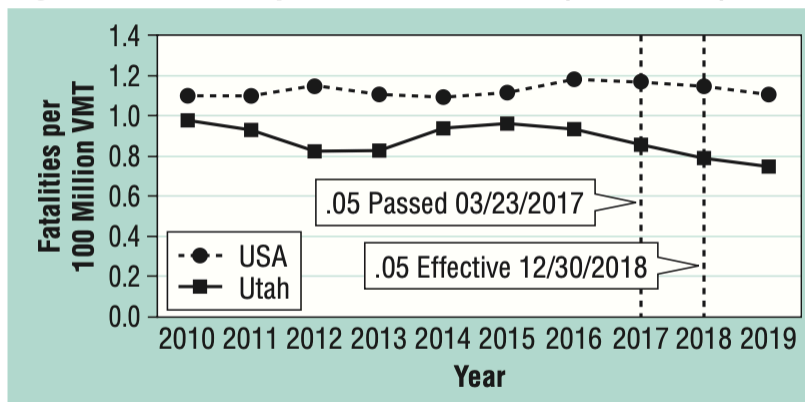
Fourth, another collateral consequence will be increased court congestion, which will lead to dismissals of cases with higher-BAC levels that are never able to go to trial. There have always been high caseloads for the OVUII calendars in the District Court. As a result of this law, more OVUII cases would 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.<sup>1</sup> 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:<sup>2</sup>

**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.

<sup>1</sup> 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).

<sup>2</sup> *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.

Plea negotiations are a vital and necessary component of the criminal legal system. There are countless factors that parties consider when engaged in plea negotiations and are best suited to determine whether a plea agreement is appropriate. Inability to prevail on a case at trial or the lack of probable cause is not an adequate exception. Fundamentally, if case cannot be proven at trial, or lacks probable cause, the case would be dismissed or a defendant acquitted without needing the consent of the prosecutor. Prohibiting plea negotiations for this or any other type of case, divests the authority of the prosecuting attorneys who are best suited to determine the appropriateness of a plea agreement on a case-by-case basis. This proposal will also force cases to trial and further congest the already overburdened courts. The ability to resolve cases short of trial is the only way the courts can handle the existing volume. A prohibition on this practice would result in countless cases being dismissed because of the court's inability to comply with a defendant's right to speedy trial due to inevitable court congestion.

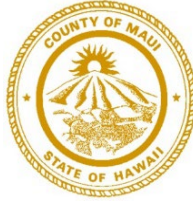
Thank you for the opportunity to comment on S.B. No. 1285.



**RICHARD T. BISSEN, JR.**  
Mayor

**ANDREW H. MARTIN**  
Prosecuting Attorney

**SHELLY C. MIYASHIRO**  
First Deputy Prosecuting Attorney



**DEPARTMENT OF THE PROSECUTING ATTORNEY**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
PHONE (808) 270-7777 • FAX (808) 270-7625

TESTIMONY ON  
S.B. 1285  
RELATING TO HIGHWAY SAFETY

February 5, 2025

The Honorable Chris Lee  
Chair  
The Honorable Lorraine R. Inouye  
Vice Chair  
and Members of the Committee on Transportation and Culture and The Arts

Chair Lee, Vice Chair Inouye, and Members of the Committees:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in opposition to S.B. 1285**, Relating to Highway Safety, and requests that the measure be deferred. This measure: 1) creates a new non-criminal offense for operating a vehicle with a blood alcohol concentration between .05 and .079, and 2) prohibits prosecuting attorneys from dismissing a charge of Operating a Vehicle Under the Influence of an Intoxicant (“OUI”) in exchange for a defendant’s change of plea to a “lesser charge” or for any other reason, unless the charge cannot be proven at trial or is not supported by probable cause.

This measure is problematic because:

1. The lack of any penalty beyond a fine sends the message that driving at a particular level of intoxication is the equivalent of a speeding citation. Intoxicated driving, regardless of the specific level of intoxication, creates an enhanced risk of death, injury and property damage. Current law addresses this risk via HRS §291E-61(a)(1)<sup>1</sup>, which prohibits driving while under

---

<sup>1</sup> **§291E-61 Operating a vehicle under the influence of an intoxicant.** (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; [...]

the influence of alcohol in amount sufficient to impair one's normal mental faculties or ability to care for oneself and guard against casualty. The penalty for this violation is the same as the penalty for driving with a .08 blood alcohol concentration or while under the influence of any drug: the possibility of jail, fines, community service, a license revocation and other penalties. S.B. 1285's proposed non-criminal offense, in contrast, removes all penalties other than an undetermined fine and sends the message that intoxicated driving at an intermediate blood alcohol concentration is about as serious as speeding.

2. S.B. 1285 incorrectly describes the plea bargain process as dismissal of one charge in exchange for "a change of plea on a lesser charge." This type of plea bargain usually involves an amendment, as opposed to a dismissal, of the original charge in exchange for the defendant's plea of guilty or no contest to the amended charge.

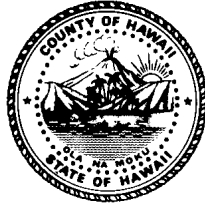
3. S.B. 1285 unnecessarily limits prosecutorial discretion by prohibiting the dismissal of OUI charges "in exchange for a defendant's agreement to a change of plea on a lesser charge, including a charge for a violation of section 291E- , or for any other reason[.]" Although the bill has exceptions for charges unsupported by probable cause or that cannot be proven at trial, there may be other legitimate reasons why a OUI charge would be dismissed despite its ability to be proven at trial.

For example, an OUI charge with no related victims or damage to property (such as a defendant stopped and arrested at an OUI checkpoint) may be dismissed as part of a global settlement agreement for multiple unrelated criminal cases involving the same defendant, especially if the other cases are a higher class of offense (e.g. multiple felony drug and theft charges) or have victims that were substantially harmed by the defendant's conduct (e.g. sexual or otherwise violent assaults). In that scenario, the ability to dismiss one charge in exchange for pleas to other charges promotes both judicial efficiency and speedy resolution for crime victims.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **opposes the passage of S.B. 1285 and requests that the measure be deferred.** 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.

---



## HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: February 5, 2025

TO: Senate Committee on Transportation and Culture and the Arts

FROM: Jennifer Kagiwada, Council Member  
Council District 2

SUBJECT: SB 1285

Aloha Chair Lee, Vice Chair Inouye, 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**.

Mahalo for your time and consideration,

A handwritten signature in black ink, appearing to read "Jenn Kagiwada", with a long horizontal flourish extending to the right.

Jenn Kagiwada

**KELDEN B.A. WALTJEN**  
PROSECUTING ATTORNEY

**STEPHEN L. FRYE**  
FIRST DEPUTY  
PROSECUTING ATTORNEY



655 KĪLAUEA AVENUE  
HILO, HAWAII 96720  
PH: (808) 961-0466  
FAX: (808) 961-8908

64-1067 MAMALAHOA HWY  
KAMUELA, HAWAII 96743  
PH: (808) 887-3017  
FAX: (808) 887-3016

74-675 KEALAKEHE PARKWAY  
KAILUA-KONA, HAWAII 96740  
PH: (808) 322-2552  
FAX: (808) 322-6584

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

A BILL FOR AN ACT  
RELATING TO HIGHWAY SAFETY

COMMITTEE ON TRANSPORTATION  
AND CULTURE AND THE ARTS

Senator Chris Lee, Chair  
Senator Lorraine R. Inouye, Vice Chair

Thursday, February 6, 2025 at 3:00 p.m.  
Via Videoconference  
State Capitol Conference Room 224  
415 South Beretania Street

Honorable Chair Lee, Vice-Chair Inouye and Members of the Committee on Transportation and Culture and the Arts. The County of Hawai‘i, Office of the Prosecuting Attorney submits the following testimony in support, with comments, of Senate Bill No. 1285.

This bill establishes the traffic infraction or violation of Operating a vehicle while impaired. This bill was drafted with the purpose 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 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. In addition, the bill proposes to create an additional safeguard to ensure that the establishment of the violation offense is not abused through plea negotiations.

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. Furthermore, Senate Bill No. 365 contemplates the creation of a violation, as such this would not increase arrests, nor substantially burden our State’s limited law enforcement, prosecutorial, and judicial resources.

The County of Hawai'i, Office of the Prosecuting Attorney supports Senate Bill No. 1285 and agrees that establishing a traffic violation or infraction for operating a vehicle while impaired with a BAC equal to or greater than .05 but less than .08 will be an effective public health strategy to address Hawai'i's current epidemic of impaired driving, reduce the number of traffic fatalities across the State, and make Hawai'i's roads safer. Nevertheless, although our Office agrees with the intent of the proposed legislation, creating such a safeguard as outlined in paragraph (l) may further encumber timely dispositions and present ethical concerns for prosecutors by prohibiting prosecutors from taking appropriate actions when deemed necessary (i.e. potential suppression and/or evidentiary issues). Also, in the alternative to the establishment of a violation offense our Office supports the lowering of the current BAC threshold to 0.05.

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

**SENATE COMMITTEE ON TRANSPORTATION AND CULTURE AND THE ARTS**

**Senator Chris Lee, Chair**

**Senator Lorraine R. Inouye, Vice Chair**

**HEARING DATE: Thursday, February 6, 2025**

**TIME: 3:00 p.m.**

**PLACE: Conference Room 224 & via video conference**

**Testimony in support of SB 1285, RELATING TO HIGHWAY SAFETY.**

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Cynthia Okazaki and I am submitting testimony in STRONG SUPPORT of SB1285.

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.

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. Hawaii, 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 Hawaii. I ask that you pass SB1285 out of committee.

Mahalo for your time and consideration.

Cynthia Okazaki



Date: February 5, 2024

To: The Honorable Senator Chris Lee, Chair  
The Honorable Senator Lorraine Inouye, Vice Chair  
Members of the Senate Committee on Transportation and Culture and the Arts

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

Hearing: Thursday, February 6, 2025 at 3:00pm, Conference Room 224

---

**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. SB1285 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 prohibits plea deals that would allow a person charged with operating a vehicle while impaired to plea down to a lesser charge.

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 highest

---

<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.



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>

---

<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**.

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

---

<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>

**LATE**

**SB-1285**

Submitted on: 2/6/2025 7:39:04 AM

Testimony for TCA on 2/6/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Camlyn Pola	Testifying for East Hawai'i Drug Free Coalition	Support	Remotely Via Zoom

Comments:

Testimony in Support of SB1285

By: Camlyn Pola

Chair, Vice Chair, and Members of the Committee,

My name is Camlyn Pola, and I am a survivor. I am testifying in strong support of SB1285. It is disheartening to once again revisit my trauma and share my story because our legislators in the House previously failed to advance this critical bill.

In 1996, three of my friends lost their lives due to the reckless actions of an impaired driver. The two young adults responsible were sentenced to only three years in prison. Where is the justice in that? I continue to live with the trauma of that night—both emotionally and physically. I suffer from bursitis in my left hip, a daily and painful reminder of the tragedy that forever changed my life. To cope, I do my best to block out that horrific event, but I am constantly reminded of it whenever I hear about yet another preventable impaired driving fatality in the news.

I do not receive any compensation for my advocacy. I volunteer for the East Hawai'i Drug-Free Coalition because I believe in the power of prevention and education. Lowering the legal blood alcohol concentration (BAC) limit to 0.05 will save lives. Impaired driving deaths are 100% preventable, yet they continue to devastate families and communities. How many more lives must be lost before meaningful action is taken?

I urge you to support SB1285. This legislation is a necessary step toward preventing further tragedies and ensuring that no more families have to endure the pain that so many of us already live with.

Thank you for your time and consideration.

**SB-1285**

Submitted on: 2/4/2025 3:10:08 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

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

Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Jacelyn from Mala Hanai Pua LLC of Hilo, Hawai'i, and I am submitting testimony in STRONG SUPPORT of SB1285.

I lost someone dear to me a few years ago due to impaired driving. My cousin made a reckless choice that led to injuries of my Aunt who was a passenger in his car at that time, and later pronounced dead at the hospital. Though it was not alcohol related, my cousin was high on cocaine.

We really need to change the culture of alcohol or drug consumption and have all those who do consume to be held accountable for their reckless choices. We need to separate the drinking or partaking drugs from driving, and keep our roads, communities, and families, safe.

SB1285, can do this. Prevent fatalities. Protect our roads.

**SB-1285**

Submitted on: 2/5/2025 2:06:49 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

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

## Comments:

Ke aloha nui to Senate Committee on Transportation and Culture and the Arts,

My name is Kawena Bagano and I am a born and raised Kaua‘i resident. I am submitting testimony in STRONG SUPPORT of SB1285.

I lost my grandfather to a DUI car crash in Hau‘ula back in 1963. He left behind six children including my mom and his beloved wife. I‘m also a mother of two keiki and have seen countless lives taken in my community due to impaired driving. I‘ve dedicated my life in helping to create safer communities through prevention education to kids and youths and believe that passing this bill will help in efforts to prevent further harm and deaths. DUI and traffic fatalities are becoming an epidemic here in Hawai‘i and I no longer feel safe like many others, driving on the highways on holidays when heavy drinking takes place.

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

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.

Mahalo nui for your time and consideration.

Kawena Bagano



To: The Honorable Senator Chris Lee, Chair  
The Honorable Senator Lorraine Inouye, Vice Chair  
Members of the Senate Committee on Transportation and Culture and the Arts

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

Hrg: Tuesday, February 6<sup>th</sup>, 2025 at 3:00 pm, Conference Room 224

---

**Position: Strong Support**

I am submitting testimony in STRONG SUPPORT of SB1285. SB1285 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>

---

<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.

**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.

---

<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**

Mahalo for your time and consideration.

*Michael Sparks*

**President SparksInitiatives**

Kihei, HI

**SB-1285**

Submitted on: 2/4/2025 2:54:08 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

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

**SB-1285**

Submitted on: 2/4/2025 2:40:18 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

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

## Comments:

I would like to submit written testimony in strong support of SB1285. Reducing the BAC to .05 will be a positive step forward in reducing the preventable tragic crashes due to drinking and driving. One of the key points that stood out to me is that in Utah after the state lowered the BAC to 0.05 percent in 2019: the alcohol-related traffic fatality rate decreased AND, from 2018-2024, alcohol sales increased 28 percent. With this proven information, you are being given the perfect opportunity with this bill to reduce traffic fatalities, which wreak havoc on families and our communities.

Lowering the BAC limit to .05 isn't telling people to stop drinking, it's to prevent drinking and driving; to deter people who have been drinking from getting behind a wheel and taking a chance on hurting an innocent person. The use of ride share programs is so accessible and convenient now that really the BAC could be at a .00, but this bill is only asking for a reduction to .05.

You have the opportunity to help set this new BAC standard for Hawai'i to help our community have safer roads. Alcohol companies will continue to make money regardless if this bill passes or not, as has been shown in Utah. With this bill, YOU will be saving the life of someone's child, parent, loved one -preventing immeasurable pain and loss for families and communities.. It has been proven that lowering the BAC is effective.

I ask that you pass SB1285.

Melissa Magonigle

**SB-1285**

Submitted on: 2/4/2025 3:41:17 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
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 Hawaii'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 Hawaii's legal BAC limit .05

**SB-1285**

Submitted on: 2/4/2025 4:06:32 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

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

Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Lisa Ann Tomita from the Maui Coalition for Drug-Free Youth and I am submitting testimony in STRONG SUPPORT of SB1285.

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.

Mahalo for your time and consideration.

Lisa Ann Tomita

**SB-1285**

Submitted on: 2/5/2025 8:34:38 AM

Testimony for TCA on 2/6/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
nelson maeda	Individual	Support	Written Testimony Only

## Comments:

*As an Educator in the DOE, 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**

Submitted on: 2/5/2025 8:44:19 AM

Testimony for TCA on 2/6/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Terra Lea Dennis	Individual	Support	Written Testimony Only

## Comments:

thank you for your attention to this bill that will increase the health and well-being and safety of all Hawaiians.

- 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.
- Utah’s 0.05 BAC law has not reduced alcohol sales. In fact, Utah’s alcohol sales have increased 28% since the 0.05 BAC law went into effect in 2018.
- 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 0.08, 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.
- Reducing the 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-drinking drivers.
- 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.

**SB-1285**

Submitted on: 2/5/2025 9:29:08 AM

Testimony for TCA on 2/6/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sariah Mokuahi	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Sariah Mokuahi from Wailua, Kaua'i and I am submitting testimony in strong support of SB1285.

We don't need statistics to know that there are too many alcohol related traffic deaths within our state. Many of these fatalities on my island of Kaua'i have involved youth. Even one death caused by drunk driving is too much and is a reason to seek prevention and change. This law isn't about not drinking. It is about separating drinking from driving in order to keep our roads and people safe. I ask that you support the safety and wellbeing of our communities by passing SB1285.

Mahalo,

Sariah Mokuahi

**SB-1285**

Submitted on: 2/5/2025 9:54:10 AM

Testimony for TCA on 2/6/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Karen L Worthington	Individual	Support	Written Testimony Only

Comments:

I strongly support lowering the legal blood alcohol concentration from 0.08 to 0.05 percent to prevent intoxicated driving and save lives on our state's roadways.

-Karen Worthington, Kula, Hawai'i

**SB-1285**

Submitted on: 2/5/2025 10:34:31 AM

Testimony for TCA on 2/6/2025 3:00:00 PM

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

## Comments:

- 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.
- Utah's 0.05 BAC law has not reduced alcohol sales. In fact, Utah's alcohol sales have increased 28% since the 0.05 BAC law went into effect in 2018.
- 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 0.08, 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.
- Reducing the 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-drinking drivers.
- 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.

**SB-1285**

Submitted on: 2/5/2025 11:19:23 AM

Testimony for TCA on 2/6/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Hubbard	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is David Hubbard from Kaua'i and I am submitting testimony in **STRONG SUPPORT** of SB1285.

As almost everyone in our state, I have been impacted by accidents caused by drunk drivers. With connections to the victims and perpetrators alike, the result continues to be devastating. Any healing from the previous incident is dismantled by the next crash.

We can do better for our children and every person in our community - those who never use alcohol and even for the ones who do.

Even one fatality due to drunk driving is one too many, and lowering the Blood Alcohol Concentration (BAC) to 0.05 is a step in the right direction. This measure will significantly reduce the risk of alcohol-related crashes, and will ultimately save lives.

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.

Mahalo for your time and consideration.

David Hubbard

Date: February 5, 2024

To: The Honorable Senator Chris Lee, Chair  
The Honorable Senator Lorraine Inouye, Vice Chair  
Members of the Senate Committee on Transportation and Culture and the Arts

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

Hearing: Thursday, February 6, 2025 at 3:00pm, Conference Room 224

---

Position: **Strong Support**

**Dear Honorable Lee and Senate Committee on Transportation,**

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.

With the passing of this bill, you will change how our drivers view impairment in Hawai'i. With a lower BAC threshold, drivers will make safer choices—they will use ride-sharing services like Uber or Lyft, call a friend for a ride, or consume 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—another life depends on it.

With aloha and mahalo,  
Sally Ancheta  
Hilo Resident, District 2

February 5, 2025

To: The Honorable Senator Chris Lee, Chair

The Honorable Senator Lorraine Inouye, Vice Chair

Members of the Senate Committee on Transportation and Culture and the Arts

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

Hrg: Thursday, February 6, 2025 at 3:00pm, Conference Room 224

---

**Position: Support**

My name is Katie Folio, from Kula, Maui, Hawai'i and I am submitting testimony in STRONG SUPPORT of SB 1285, 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 years past. 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 SB365 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 SB 1285 out of this committee, for the sake of my children and everyone's children.

Mahalo nui loa,

Katie Folio

Kula, Maui, HI

**SB-1285**

Submitted on: 2/5/2025 12:56:24 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

Strong support. Thank you.



**SB-1285**

Submitted on: 2/5/2025 1:41:37 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

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

## Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Kekoa Carvalho, born and raised in Hawai‘i on the island of O‘ahu and I am submitting testimony in STRONG SUPPORT of SB1285.

I’m a recovering addict and alcoholic and I’ve seen a lot of innocent lives cut short because of driving under the influence. I believe this bill will help save lives and help us feel safer when driving on the roadways.

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.

Thank you for your time,

Kekoa Carvalho

**SB-1285**

Submitted on: 2/5/2025 1:50:23 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

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

## Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Valarie Cabreira and I'm a Kaua'i resident. I am submitting testimony in STRONG SUPPORT of SB1285.

I've seen countless lives lost over the years living on Kaua'i from traffic fatalities from youths and adults driving under the influence. It's becoming more and more of an epidemic and we need to do something about it. This bill will help me feel safer on the roadways especially during holidays. I am a concerned parent and grandparent and feel that we need to be more proactive in keeping our roadways safe.

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.

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.

Thank you for your time,

Valarie Cabreira

**SB-1285**

Submitted on: 2/5/2025 2:00:55 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

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

## Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

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

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.

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.

Mahalo nui for your time,

Kamalu Kepa

**SB-1285**

Submitted on: 2/5/2025 2:00:57 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Judith McLean	Individual	Support	Written Testimony Only

## Comments:

Thank you for hearing my support for SB1285. The importance of an lower blood alcohol could have more of an effect than just saving lives. Getting a DUI can prove to be a life changing moment for many people. It was for me, 19 years ago I was arrested for a DUI. It sent me on a journey of recovery that I am forever grateful for. It has changed our entire family. My children were little at the time and me changing my life in front of them inspired my now 29 year old daughter to give up drinking several years ago before it was ever a problem. It encouraged my husband to quit drinking as well. The benefits will continue to make our lives better. Now I work with women who are trying to live a life substance free and many of them come to this awareness because of getting a DUI, they don't look at it as a punishment but rather a gift. The gift of sobriety. Lowering the blood alcohol level will give more people this gift AND save lives.

**SB-1285**

Submitted on: 2/5/2025 2:09:22 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

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

Comments:

Aloha,

My name is Kinohi Naihe and I'm from the island of Kaua'i. I am submitting testimony in strong support of SB1285.

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.

Mahalo for your time,

Kinohi Na'ihe



**SB-1285**

Submitted on: 2/5/2025 2:10:53 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

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 Mahi'ai Na'ihe and I am a Kaua'i Resident and business owner. I am submitting testimony in STRONG SUPPORT of SB1285.

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.

Mahalo nui for your time,

Mahi'ai Na'ihe

**SB-1285**

Submitted on: 2/5/2025 2:26:08 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lindsey Fernandes	Individual	Support	Written Testimony Only

Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

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

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.

Mahalo nui for your time,

Lindsey Fernandes



**SB-1285**

Submitted on: 2/5/2025 2:27:22 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michelle Park	Individual	Support	Written Testimony Only

Comments:

February 5, 2025

Aloha Senate Committee on Transportation and Culture and the Arts,

My name is Michelle Park from Kaneohe Community and I am submitting testimony in STRONG SUPPORT of SB1285.

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.

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.

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.

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.

Mahalo for your time and consideration.

Michelle J. Park  
Kaneohe Community Member

**SB-1285**

Submitted on: 2/5/2025 2:43:30 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

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

Comments:

Aloha Senate Committee on Transportation and Culture and the Arts,

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

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.

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.

Mahalo nui for your time,

Aaron Akau

**SB-1285**

Submitted on: 2/5/2025 2:57:11 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

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 and I'm a Waimanalo senior citizen resident. I am submitting testimony in STRONG SUPPORT of SB1285.

I lost my father when I was just a little girl after he decided to get behind the wheel intoxicated and never made it home to his family. Since then, I've seen on the news the countless lives lost from people driving intoxicated. I'm supporting this bill to help ensure that other children don't have to face the devastation of losing a loved one.

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.

Mahalo nui for your time,

Gwendolyn Kalani





**SB-1285**

Submitted on: 2/5/2025 2:59:57 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Syrus Melandish	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Syrus Melandish and I live on the island of Kaua'i. I am submitting testimony in SUPPORT of SB1285. I believe that this bill will help saves lives and hold drunk drivers accountable for getting behind the wheel and driving.

Thank you,

Syrus Melandish

**SB-1285**

Submitted on: 2/5/2025 4:32:55 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
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 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.

Cameron Zulevic

**SB-1285**

Submitted on: 2/5/2025 4:35:59 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tasha Yamamoto	Individual	Support	Written Testimony Only

Comments:

To whom it may concern,

My name is Tasha Yamamoto and I'm a mother of three children and married on Kauai. I want to show strong support for SB1285. Kaua'i has seen its share of vehicle accidents that led to people losing their lives and a lot of those fatalities could have been prevented as individuals behind the wheel were intoxicated. I do believe that this bill is a step towards our community feeling safer and more confident while driving on the roadways including myself. Please consider passing this bill and think about the many lives it will save. Thank you.

Tasha Yamamoto

**LATE**

**RE: Support for SB1258, Lowering the BAC to 0.05**

Dear Chair and Vice chair,

I am writing in **strong support** of SB1258 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**

Submitted on: 2/6/2025 1:06:58 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Augustine	Individual	Support	Written Testimony Only

Comments:

Aloha!

I believe that this bill is important because two lives have and can be taken by people that are choosing to drink and drive under the influence. I can remember a time when personally my brother pick me up when I was young and we were gonna drive to another relatives house and I remember halfway into the ride. He was drunk and I couldn't believe it. I couldn't believe that he would risk my life and his in order to get to our family's house and I was really young. I didn't know what to do. I didn't think I had a say I didn't think at the time I could say something and stop him. Thank God that nothing happened. This is not always the case. When I was working at the jail many years ago, I was working as a jail coordinator, and one of the people that I met and had to interview was a man who had killed two people after he decided to drink and drive one was a mother and one was a police officer. After 15 years of being in prison him getting out by the time I met him, he still didn't know exactly what he did. He had blacked out and didn't even know what he had done and the lives that he had ruined. He ruined a life for a mom and her husband and her children and the police officer and his family. He also ruined his life. He was taking advantage of while he was incarcerated against his will, and his life will never be the same also.

**LATE**

**SB-1285**

Submitted on: 2/6/2025 2:46:45 PM

Testimony for TCA on 2/6/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jonathan Bartsch	Individual	Support	In Person

Comments:

I was police officer for 25 years, volunteer reserve officer for nine and Counting, In 34 years I've seen preventable death and destruction. Alcohol Related crashes are 100% avoidable by keeping impaired drivers off the road. Each death affects thousands of people for decades.

After having 1/2 of one mixed drink or even a beer I do not feel comfortable Driving. I would be much less than a .05 blood alcohol content. My wife will tell you I become relaxed and not safe to operate a vehicle on the roadway.

Please use your power to save lives!

Thank you, thank you.