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STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT

Ka 'Oihana Ho'okō Kānāwai

715 South King Street
Honolulu, Hawaii 96813

TESTIMONY ON HOUSE BILL 1934 HD1
RELATING TO DRIVING WHILE INTOXICATED
Before the House Committee on Judiciary & Hawaiian Affairs
Friday, February 9, 2024; 2:00 p.m.
State Capitol Conference Room 325, Via Videoconference
WRITTEN TESTIMONY ONLY

Chair Tarnas, Vice Chair Takayama, and members of the Committee:

The Department of Law Enforcement (DLE) submits the following **comments** on House Bill 1934.

This bill establishes a working group to study, investigate, and recommend transformative changes to laws relating to the operation of operating a vehicle while under the influence of an intoxicant to reduce incidents of intoxicated driving.

The DLE notes that law enforcement is not part of the working group. While it may not be necessary to invite a member from all county and the State law enforcement agencies, law enforcement should be represented.

Thank you for the opportunity to submit comments on this bill.



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

February 9, 2024
2:00 p.m.
State Capitol, RM 315

**H.B. 1934 H.D.1
RELATING TO DRIVING WHILE INTOXICATED**

House Committee on Transportation

The Hawaii Department of Transportation (HDOT) **supports the intent of H.B. 1934 H.D.1**, which establishes an intoxicated driving reduction working group to make recommendations for amendments to existing laws to reduce incidents of intoxicated driving.

The HDOT is currently updating their Strategic Highway Safety Plan (SHSP), which includes an impaired driving emphasis area. In 2006, which was prior to the requirement that Hawaii develop an SHSP, there were 161 fatalities on Hawaii's highways, 79 or 49.1 percent of them died in alcohol-related traffic crashes. Since the inception of the SHSP in 2007, Hawaii's traffic fatalities have dropped to an average of 104 each year and 37 alcohol-related fatalities each year. The drop in fatalities is largely due to the collaborative effort of the stakeholders involved in the SHSP process, including legislatures, and implementation of policy recommendations.

We offer the following recommendations:

Use the existing SHSP process to discuss, study and examine existing recommendations put forth in this measure, and submit a copy of the updated Strategic Highway Safety Plan with an outline of policy recommendations to combat impaired driving to the legislature by end of 2024, and an SHSP action plan with an outline of policy recommendations to combat impaired driving to the legislature by the end of 2025.

We believe using SHSP would be a good process and plan to help accomplish the intent of this measure.

Thank you for the opportunity to provide testimony.



Mothers Against Drunk Driving
Hawaii State Office
madd.org/Hawaii

745 Fort Street
Suite 303
Honolulu, HI 96813

808.532.6232 direct
877.MADD.HELP victim support
877.ASK.MADD

February 9, 2024

To: Representative David Tarnas, Chair, House Committee on Judiciary & Hawaiian Affairs,
Representative Gregg Takayama, Vice Chair; and Members of the Committee

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

Re: House Bill 1934 – RELATING TO DRIVING WHILE INTOXICATED.

I am Arkie Koehl, offering testimony on behalf of the members of Mothers Against Drunk Driving Hawaii, in support of House Bill 1934 calling for an impaired driving working group.

MADD has participated over the years in many working groups, task forces, and other groupings on the often difficult issues surrounding the prevention of impaired driving and its enforcement. We look forward to participating in this proposed new grouping, especially at a time when change may be imminent in cannabis regulation and other major issues.

Thank you for the opportunity to testify.

Arkie Koehl
Public Policy Committee Member, Mothers Against Drunk Driving (MADD) Hawaii

HB-1934-HD-1

Submitted on: 2/8/2024 6:39:36 AM

Testimony for JHA on 2/9/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Garrett W. Marrero	MAUI BREWING CO	Comments	Written Testimony Only

Comments:

We support the intent of this legislation to actually study the real impacts of lowering the threshold for BAC. We believe, based on numerous years working on this issues that the conclusion will be alcohol related vehicular deaths occur at a high rate amongst habitual offenders and those with significantly higher BAC than the current national standard of .08.

Again we support the intent however offer that at a minimum, law enforcement officials from each county as well as industry leaders in beverage alcohol (manufacturing and distribution), and Hawaii Restaurant Association should be included in the discussion as advisors and to gain perspective on the real impacts of this type of action.

Mahalo for your time,



AAA Hawaii

February 10, 2024

Chair David Tarnas
Judiciary & Hawaiian Affairs Committee
Hawaii State Capitol, Room 442
Honolulu, HI 96813

RE: HB 1934 HD1 (Todd) – Intoxicated Driving Reduction Working Group
Position: Support

Dear Chair Tarnas,

AAA Hawaii supports HB 1934 HD1 (Todd), which proposes to establish an intoxicated driving reduction working group to examine the State's impaired driving laws. We commend this action as a necessary step in reducing Hawaii's rates of impaired driving fatalities and serious injuries.

AAA strongly supports the HB 1934 study areas, but its notable the bill currently requires the working group membership to only include who the "chair deems relevant". We would like to see more guidance for a balanced working group inclusive of critical voices from public health, law enforcement, victim advocates, social justice, and other traffic safety stakeholders. This can be achieved without naming specific organizations as in the introduced version of HB 1934.

Additionally, we noted the working group study topics under Section 1(e): "*what working group shall study and investigate*" did not list examining the equitable implementation of High-Visibility Enforcement (HVE) like saturation patrols and sobriety checkpoints. This also underscores why the proposed working group needs to have diverse voices discussing how HVE locations are selected and their social/economic impact to those areas.

AAA is a motorist-based organization with 61 million members nationwide. We are committed to preventing impaired driving through education and coalition building. Accordingly, we support HB 1934 in its current form but appreciate this opportunity to provide more input. If you any questions about our policy about our position, please contact Marianne Kim at kim.marianne@ace.aaa.com or (213) 741-4488.

Respectfully Submitted,

Liane Sumida

Liane Sumida
Regional Manager

Erik K. Abe
55 South Kukui Street, #1606
Honolulu, Hawaii. 96813
Ph. (808) 537-3081 Cell: (808) 371-3745

TESTIMONY TO THE HOUSE COMMITTEE ON TRANSPORTATION
TUESDAY, FEBRUARY 6, 2024; 10:00 A.M.
VIA VIDEOCONFERENCE

RE: HOUSE BILL NO. 1934, HOUSE DRAFT 1, RELATING TO DRIVING WHILE INTOXICATED.

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

My name is Erik Abe, and I am the Public Affairs and Policy Director for the Hawaii Primary Care Association (HPCA). However, I am testifying today solely in my capacity as a concerned citizen, and my views expressed do not necessarily nor officially reflect those of the HPCA.

I **OFFER COMMENTS** on House Bill No. 1934, RELATING TO DRIVING WHILE INTOXICATED., and submit **PROPOSED AMENDMENTS** for your consideration.

As received by your Committee, this bill would establish an intoxicated driving reduction working group within the Department of Transportation to study, investigate, and recommend transformative changes to the State's existing laws relating to the operation of a vehicle while under the influence of an intoxicant to reduce incidents of intoxicated driving.

In my humble opinion, there is more than ample evidence that demonstrate the need to do something about driving under the influence. What is lacking is sufficient **POLITICAL WILL** to do something about it.

It is interesting to note that during this legislative session, as has been the case in previous sessions, legislators who introduce measures to lower the blood alcohol levels for DUI also introduce measures to allow for the expungement of records for persons who are convicted of DUI. To me, that sends a mixed message – yes, DUI is bad, but not so bad that it should ruin a convicted person's life.

I suggest that those same legislators should explain their positions to the families who have lost loved ones to persons who drove while intoxicated – constituents whose lives were forever changed because of the choices made by these irresponsible drivers.

Testimony on House Bill No. 1934
Tuesday, February 6, 2024; 10:00 a.m.
Page 2

If this Committee is sincere in its assertion that DUI needs to be addressed, then I recommend it take meaningful action – not merely defer to a Task Force where discussion will languish for months or years. That only raises the expectations of persons who have already lost so much without giving them tangible results.

As a starting point for action, why not go with the most extreme position that can be taken? During the 2020 Regular Session, House Bill No. 1999 was introduced to establish a “zero tolerance” policy for DUI. It would also allow law enforcement to arrest a person if there is probable cause to believe that the person was operating a vehicle with a measurable amount of alcohol in the person’s breath or blood.

“Zero tolerance” is not new in Hawaii. This is the standard that is already applied to minors. It is also not new as a policy in the Traffic Code nor by the Department of Transportation. In fact, the drivers’ manual already says that all persons who operate a vehicle, not just minors, should not drink and drive.

Accordingly, it is my recommendation that the substance of this measure be deleted and the provisions of House Bill No. 1999, Regular Session 2020, be inserted with additional language asserting that the amended bill is in keeping with the underlying purpose of this bill as it was originally introduced – to address driving while intoxicated.

For your consideration, attached please find a copy of House Bill No. 1999, Regular Session 2020.

House Bill No. 1999 is four years old. It is not a new concept. Over the past four years, the law has not been changed and people keep dying. The DOH and national organizations continue to count the dead and give you updated head counts each year but nothing changes.

Why not saves lives?

Thank you for the opportunity to testify. Should you have any questions, please do not hesitate to contact me.

attachment.

A BILL FOR AN ACT

RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN
INTOXICANT.

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

1 SECTION 1. Section 291E-61, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) A person commits the offense of operating a vehicle
4 under the influence of an intoxicant if the person operates or
5 assumes actual physical control of a vehicle:

6 (1) ~~[While under the influence of alcohol in an amount~~
7 ~~sufficient to impair the person's normal mental~~
8 ~~faculties or ability to care for the person and guard~~
9 ~~against casualty;]~~ With a measurable amount of alcohol
10 in the person's breath or blood; provided that a law
11 enforcement officer may arrest a person under this
12 section when the officer has probable cause to believe
13 that the arrested person had been operating a vehicle
14 upon a public way, street, road, or highway, or on or
15 in the waters of the State, with a measurable amount
16 of alcohol in the person's breath or blood; or



- 1 (2) While under the influence of any drug that impairs the
2 person's ability to operate the vehicle in a careful
3 and prudent manner[+
4 ~~(3) With .08 or more grams of alcohol per two hundred ten~~
5 ~~liters of breath; or~~
6 ~~(4) With .08 or more grams of alcohol per one hundred~~
7 ~~milliliters or cubic centimeters of blood]."~~

8 SECTION 2. Section 291E-61.5, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

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

- 12 (1) The person is a habitual operator of a vehicle while
13 under the influence of an intoxicant; and
14 (2) The person operates or assumes actual physical control
15 of a vehicle:

16 (A) [~~While under the influence of alcohol in an~~
17 ~~amount sufficient to impair the person's normal~~
18 ~~mental faculties or ability to care for the~~
19 ~~person and guard against casualty;] With a
20 measurable amount of alcohol in the person's
21 breath or blood; provided that a law enforcement~~



1 officer may arrest a person under this section
2 when the officer has probable cause to believe
3 that the arrested person had been operating a
4 vehicle upon a public way, street, road, or
5 highway, or on or in the waters of the State,
6 with a measurable amount of alcohol in the
7 person's breath or blood; or

8 (B) While under the influence of any drug that
9 impairs the person's ability to operate the
10 vehicle in a careful and prudent manner[+

11 ~~(C) With .08 or more grams of alcohol per two hundred~~
12 ~~ten liters of breath; or~~

13 ~~(D) With .08 or more grams of alcohol per one hundred~~
14 ~~milliliters or cubic centimeters of blood]."~~

15 SECTION 3. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



H.B. NO. 1999

1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY:

[Signature]
My A. Ald
[Signature]
[Signature]
[Signature]
[Signature]
Mark Hill
[Signature]
[Signature]

JAN 17 2020



Report Title:

OVUII; Zero Tolerance; Any Measurable Amount of Alcohol

Description:

Changes the standard for the offenses of operating a vehicle under the influence of an intoxicant and habitually operating a vehicle under the influence of an intoxicant from .08 grams of alcohol per 210 liters of breath or 100 milliliters or cubic centimeters of blood to any measurable amount of alcohol in the person's breath or blood. Allows law enforcement officers to arrest a person if there is probable cause to believe that the person was operating a vehicle with a measurable amount of alcohol in the person's breath or blood.

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



HB-1934-HD-1

Submitted on: 2/8/2024 7:30:11 PM

Testimony for JHA on 2/9/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Kidd	Individual	Oppose	Written Testimony Only

Comments:

I oppose this measure. The way to crack down on drunk driving is to provide better alternatives to transportation. State funded programs that subsidize public transportation, DD programs, ride-share programs, and better public messaging.