

JAN 17 2020

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# A BILL FOR AN ACT

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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 has 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 has 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.



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

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INTRODUCED BY: *Paul D. Miller*

**By Request**



# S.B. NO. 2095

**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.

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