Honolulu, Hawaii

FEB 2 8   , 2020

RE: H.B. No. 2464
       H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No.
2464 entitled:

"A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS WHILE
OPERATING A VEHICLE,"

begs leave to report as follows:

The purpose of this measure is to protect public safety by
lowering the blood or breath alcohol concentration (BAC) from 0.08
to 0.05 for the offenses of operating a vehicle while under the
influence of an intoxicant and habitually operating a vehicle
under the influence of an intoxicant.

Your Committee received testimony in support of this measure
from the Department of Transportation, Office of the Mayor of the
County of Hawaii, Department of the Prosecuting Attorney of the
City and County of Honolulu, City and County of Honolulu Police
Department, Hawaii Chapter of Mothers Against Drunk Driving, and
National Safety Council. Your Committee received testimony in
opposition to this measure from the Office of the Public Defender,
Wine Institute, and Hawaii Bar Owners Association. Your Committee
received comments on this measure from the American Beverage
Institute and one individual.

Your Committee notes that when it comes to alcohol use,
impairment begins well before a person's BAC level reaches 0.08,

which is the current limit in the United States except for Utah. In 2013, the National Transportation Safety Board issued a report recommending, among other measures, that states lower the illegal BAC limit for driving from 0.08 to 0.05, in a national effort to reduce alcohol-impaired driving. Your Committee notes that persons with a measurable amount of alcohol should be more strongly deterred from attempting to drive, regardless of whether they may be considered under the influence of an intoxicant.
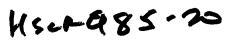
Your Committee has amended this measure by:

(1)   Keeping the statutory level for BAC at 0.08, rather than lowering the BAC to 0.05;

(2)   Imposing a fine of up to $1,000 on persons operating a vehicle with 0.05 or more but less than 0.08 grams of alcohol;

(3)   Changing the effective date to July 1, 2050, to encourage further discussion; and

(4)   Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2464, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2464, H.D. 1.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

CHRIS LEE, Chair

State of Hawaii
House of Representatives
The THIRTIETH Legislature HSCR985-20

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 2464	Committee Referral: TRN, JUD	Date: 2/25/20

☐ The committee is reconsidering its previous decision on the measure.

The recommendation is to: ☐ Pass, unamended (as is) ☑ Pass, with amendments (HD) ☐ Hold
☐ Pass short form bill with HD to recommit for future public hearing (recommit)

JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom	/			
4. CREAGAN, Richard P.				/
5. LOWEN, Nicole E.	/			
6. McKELVEY, Angus L.K.	/			
7. NAKASHIMA, Mark M.				/
8. PERRUSO, Amy A.	/			
9. SAY, Calvin K.Y.		/		
10. TAKAYAMA, Gregg	/			
11. YAMANE, Ryan I.				/
12. THIELEN, Cynthia	/			
TOTAL (12)	8	1		3

The recommendation is: ☑ Adopted ☐ Not Adopted

If joint referral, _____ did not support recommendation.
committee acronym(s)

Vice Chair's or designee's signature: _____

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