

Honolulu, Hawaii

**FEB 06 2023**RE: S.B. No. 365  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Transportation and Culture and the Arts, to which was referred S.B. No. 365 entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the offense of operating a vehicle while impaired; and
- (2) Establish fines.

Your Committee received testimony in support of this measure from the National Transportation Safety Board, Department of Transportation, Office of the Prosecuting Attorney of the County of Hawaii, Office of the Prosecuting Attorney of the County of Kauai, Hawaii Police Department, Honolulu Police Department, Hawai'i Alcohol Policy Alliance, Maui Coalition for Drug-Free Youth, East Hawai'i Drug-Free Coalition, and eighteen individuals. Your Committee received testimony in opposition to this measure from the Wine Institute and one individual. Your Committee received comments on this measure from Mothers Against Drunk Driving.

Your Committee finds that impaired driving is a significant problem in Hawaii's communities, as intoxicated driving is the



leading cause of traffic fatalities and impacts the lives of innocent people. In recent years, traffic fatalities increased across the State, with intoxicants such as alcohol becoming major factors. As blood alcohol concentration levels also change the behavior of those driving after drinking, the magnitude of impairment increased with increased blood alcohol concentration. Lowering the threshold for impaired driving brings the State one step closer to making Hawaii's roads safer for all users.

Your Committee has amended this measure by:

- (1) Clarifying that impairment can be identified through alcohol concentration measured in breath;
- (2) Authorizing the Department of Transportation to implement administrative actions against any person found operating a motor vehicle while impaired;
- (3) Inserting an effective date of January 1, 2024; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation and Culture and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 365, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 365, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Transportation and  
Culture and the Arts,



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CHRIS LEE, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Transportation and Culture and the Arts**  
**TCA**

Bill / Resolution No.:* <i>SB365</i>	Committee Referral: <i>TCA, JDC</i>	Date: <i>1/31/2023</i>
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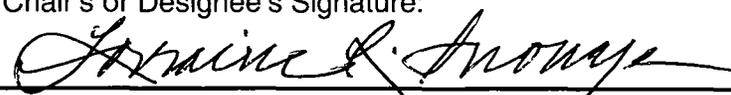
The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
LEE, Chris (C)	✓			
INOUYE, Lorraine R. (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
KEOHOKALOOLE, Jarrett	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	<i>5</i>			

Recommendation:    
 Adopted    
 Not Adopted

Chair's or Designee's Signature:  


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\*Only one measure per Record of Votes