

Honolulu, Hawaii

**FEB 12**, 2024

RE: H.B. No. 1935  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 1935 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 lower the blood alcohol concentration threshold 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 0.08 to 0.05.

Your Committee received testimony in support of this measure from the National Transportation Safety Board; Department of Transportation; Department of Health; Office of the Prosecuting Attorney of the County of Hawai'i; Hawai'i Police Department; Department of the Prosecuting Attorney of the County of Maui; one member of the Hawai'i County Council; Mothers Against Drunk Driving Hawaii; Hawaii Substance Abuse Coalition; SparksInitiatives; Ukiyo Hawai'i; Hawai'i Alcohol Policy Alliance; Smart Start LLC; Hawai'i Bicycling League; Advocates for Highway and Auto Safety; FIA Foundation; Kids and Car Safety; Liam's Life Foundation; National Safety Council; .05 Saves Lives Coalition; Trauma Foundation; Intoxalock; and numerous individuals. Your Committee received testimony in opposition to this measure from one individual. Your



Committee received comments on this measure from three individuals.

Your Committee finds that between 2012 and 2021, there were three hundred fifty-four fatalities involving a driver with a blood alcohol concentration of greater than 0.08 in Hawaii. Your Committee further finds that although existing law makes it an offense to operate a vehicle with a blood alcohol concentration of 0.08 or higher, impairment begins much earlier at a blood alcohol concentration of 0.05. A driver with a blood alcohol concentration of 0.05 can experience lowered alertness, reduced coordination, impaired judgement, and difficulty tracking movements. Your Committee further finds that in 2019, Utah lowered its blood alcohol concentration limit to 0.05 and found a fatal crash rate reduction of 19.8 percent in the first year after the new lower rate was put into place. Your Committee believes that reducing the threshold for blood alcohol concentration will save lives and improve the safety of the State's roadways.

Your Committee has amended this measure by:

- (1) Inserting language that would make a person with a blood alcohol concentration between 0.05 and 0.08 eligible for a deferred acceptance of guilty plea or nolo contendere plea, under certain circumstances;
- (2) Inserting an appropriation from the State Highway Special Fund for a public education campaign to inform the public of the lower blood alcohol concentration threshold;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that there may be a need to delay the implementation of the lower blood alcohol concentration threshold to allow the public to be appropriately informed of the changes to the blood alcohol concentration threshold through a public education campaign. Therefore your Committee respectfully requests your Committee on Judiciary & Hawaiian Affairs, should it deliberate on this measure, to consider amending this measure to



delay the implementation of the lower blood alcohol concentration limit proposed by this measure by one year.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1935, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1935, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

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



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CHRIS TODD, Chair



