
A BILL FOR AN ACT

RELATING TO USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

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

1 SECTION 1. Section 291E-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending the definition of "measurable amount of
4 alcohol" to read:

5 ""Measurable amount of alcohol" means a test result
6 ~~[equal]~~:

7 (1) Equal to or greater than .02 but less than ~~[-.08]~~ .05
8 grams of alcohol per one hundred milliliters or cubic
9 centimeters of blood; or ~~[equal]~~

10 (2) Equal to or greater than .02 but less than ~~[-.08]~~ .05
11 grams of alcohol per two hundred ten liters of
12 breath."

13 2. By amending the definition of "under the influence" to
14 read:

15 ""Under the influence" means that a person:

16 (1) Is under the influence of alcohol in an amount
17 sufficient to impair the person's normal mental



1 faculties or ability to care for the person and guard
2 against casualty;

3 (2) Is under the influence of any drug that impairs the
4 person's ability to operate the vehicle in a careful
5 and prudent manner;

6 (3) Has [~~.08~~] .05 or more grams of alcohol per two hundred
7 ten liters of the person's breath; or

8 (4) Has [~~.08~~] .05 or more grams of alcohol per one hundred
9 milliliters or cubic centimeters of the person's
10 blood."

11 SECTION 2. Section 291E-3, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) In any criminal prosecution for a violation of
14 section 291E-61 or 291E-61.5 or in any proceeding under part
15 III:

16 (1) [~~.08~~] .05 or more grams of alcohol per one hundred
17 milliliters or cubic centimeters of the person's
18 blood;

19 (2) [~~.08~~] .05 or more grams of alcohol per two hundred ten
20 liters of the person's breath; or



1 (3) The presence of one or more drugs in an amount
2 sufficient to impair the person's ability to operate a
3 vehicle in a careful and prudent manner,
4 within three hours after the time of the alleged violation as
5 shown by chemical analysis or other approved analytical
6 techniques of the person's blood, breath, or urine shall be
7 competent evidence that the person was under the influence of an
8 intoxicant at the time of the alleged violation."

9 SECTION 3. Section 291E-35, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) In cases involving an alcohol related offense, if a
12 test conducted in accordance with part II and section 321-161
13 and the rules adopted thereunder shows that a respondent had an
14 alcohol concentration less than [~~.08~~] .05, the director or the
15 arresting law enforcement agency immediately shall return the
16 respondent's license along with a certified statement that
17 administrative revocation proceedings have been terminated with
18 prejudice."

19 SECTION 4. Section 291E-36, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) Whenever a respondent has been arrested for a
2 violation of section 291E-61 or 291E-61.5 and submits to a test
3 that establishes: the respondent's alcohol concentration was
4 [~~.08~~] .05 or more; the presence, in the respondent's blood or
5 urine, of any drug that is capable of impairing the respondent's
6 ability to operate a vehicle in a careful and prudent manner; or
7 whenever a respondent has been involved in a collision resulting
8 in injury or death and a blood or urine test performed pursuant
9 to section 291E-21 establishes that the respondent's alcohol
10 concentration was [~~.08~~] .05 or more or establishes the presence
11 in the respondent's blood or urine of any drug that is capable
12 of impairing the respondent's ability to operate a vehicle in a
13 careful and prudent manner, the following shall be forwarded
14 immediately to the director:

15 (1) A copy of the arrest report or the report of the law
16 enforcement officer who issued the notice of
17 administrative revocation to the person involved in a
18 collision resulting in injury or death and the sworn
19 statement of the arresting law enforcement officer or
20 the officer who issued the notice of administrative
21 revocation, stating facts that establish that:



1 (A) There was reasonable suspicion to stop the
2 vehicle, the vehicle was stopped at an intoxicant
3 control roadblock established and operated in
4 compliance with sections 291E-19 and 291E-20, or
5 the respondent was tested pursuant to section
6 291E-21;

7 (B) There was probable cause to believe that the
8 respondent had been operating the vehicle while
9 under the influence of an intoxicant; and

10 (C) The respondent agreed to be tested or the person
11 was tested pursuant to section 291E-21;

12 (2) In a case involving an alcohol related offense, the
13 sworn statement of the person responsible for
14 maintenance of the testing equipment, stating facts
15 that establish that, pursuant to section 321-161 and
16 rules adopted thereunder:

17 (A) The equipment used to conduct the test was
18 approved for use as an alcohol testing device in
19 this State;



(B) The person had been trained and at the time the test was conducted was certified and capable of maintaining the testing equipment; and

(C) The testing equipment used had been properly maintained and was in good working condition when the test was conducted;

(3) In a case involving an alcohol related offense, the sworn statement of the person who conducted the test, stating facts that establish that, pursuant to section 321-161 and rules adopted thereunder:

(A) The person was trained and at the time the test was conducted was certified and capable of operating the testing equipment;

(B) The person followed the procedures established for conducting the test;

(C) The equipment used to conduct the test functioned in accordance with operating procedures and indicated that the respondent's alcohol concentration was at, or above, the prohibited level; and



1 (D) The person whose breath or blood was tested is
2 the respondent;

3 (4) In a case involving a drug related offense, the sworn
4 statement of the person responsible for maintenance of
5 the testing equipment, stating facts that establish
6 that, pursuant to section 321-161 and rules adopted
7 thereunder:

8 (A) The equipment used to conduct the test was
9 approved for use in drug testing;

10 (B) The person conducting the test had been trained
11 and, at the time of the test, was certified and
12 capable of maintaining the testing equipment; and

13 (C) The testing equipment used had been properly
14 maintained and was in good working condition when
15 the test was conducted;

16 (5) In a case involving a drug related offense, the sworn
17 statement of the person who conducted the test,
18 stating facts that establish that, pursuant to section
19 321-161 and rules adopted thereunder:



1 (A) At the time the test was conducted, the person
2 was trained and capable of operating the testing
3 equipment;

4 (B) The person followed the procedures established
5 for conducting the test;

6 (C) The equipment used to conduct the test functioned
7 in accordance with operating procedures and
8 indicated the presence of one or more drugs or
9 their metabolites in the respondent's blood or
10 urine; and

11 (D) The person whose blood or urine was tested is the
12 respondent;

13 (6) A copy of the notice of administrative revocation
14 issued by the law enforcement officer to the
15 respondent;

16 (7) Any license taken into possession by the law
17 enforcement officer; and

18 (8) A listing of any prior alcohol or drug enforcement
19 contacts involving the respondent."

20 SECTION 5. Section 291E-61, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



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

4 (1) While under the influence of alcohol in an amount
5 sufficient to impair the person's normal mental
6 faculties or ability to care for the person and guard
7 against casualty;

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

11 (3) With [~~.08~~] .05 or more grams of alcohol per two
12 hundred ten liters of breath; or

13 (4) With [~~.08~~] .05 or more grams of alcohol per one
14 hundred milliliters or cubic centimeters of blood."

15 SECTION 6. Section 291E-61.5, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

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

19 (1) The person is a habitual operator of a vehicle while
20 under the influence of an intoxicant; and



1 (2) The person operates or assumes actual physical control
2 of a vehicle:

3 (A) While under the influence of alcohol in an amount
4 sufficient to impair the person's normal mental
5 faculties or ability to care for the person and
6 guard against casualty;

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

10 (C) With [~~.08~~] .05 or more grams of alcohol per two
11 hundred ten liters of breath; or

12 (D) With [~~.08~~] .05 or more grams of alcohol per one
13 hundred milliliters or cubic centimeters of
14 blood."

15 SECTION 7. 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.

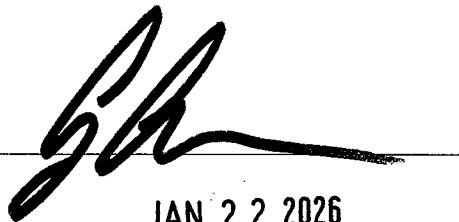
18 SECTION 8. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 9. This Act shall take effect upon its approval.
21



H.B. NO. 1827

INTRODUCED BY:


JAN 22 2026



H.B. NO. 1827

Report Title:

Use of Intoxicants While Operating a Vehicle; Blood Alcohol Content; Lower Threshold

Description:

Lowers the blood alcohol content threshold for driving while under the influence of alcohol from .08 to .05 or more grams of alcohol to reduce impaired driving and fatal crashes.

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

