

ACT 206

S.B. NO. 1297

A Bill for an Act Relating to Liquor.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Act 342, Session Laws of Hawaii 1986, as amended by Act 283, Session Laws of Hawaii 1987, raised Hawaii's minimum drinking age from eighteen to twenty-one. The reasons for raising the minimum drinking age were to:

- (1) Reduce the number of traffic accidents involving young adults;
- (2) Mitigate other social problems such as juvenile crime and poor school performance; and
- (3) Prevent the loss of federal highway funds for the State as a consequence of Public Law 98-363.

As a result of the expected reduction in traffic injuries and fatalities, reduced motor vehicle insurance costs were anticipated as an added benefit.

The legislature further finds that the provisions of Act 342 are scheduled to be repealed effective September 30, 1991. The primary reasons for the repeal clause were to evaluate the effectiveness of the Act in reducing the number of traffic accidents, injuries, and fatalities caused by driving under the influence of

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intoxicating liquor and to await the outcome of the State's challenge of the constitutionality and rationale of Public Law 98-363.

The legislature also finds that the U.S. Supreme Court, in South Dakota v. Dole, 483 U.S. 203, 97 L.Ed.2d 171, 107 S.Ct. 2793 (1987), upheld the constitutionality of Public Law 98-363.

The legislature finds that the minimum drinking age should remain at twenty-one until the department of transportation study is available to the legislature as provided in this Act. The purpose of this Act is to amend Act 342, Session Laws of Hawaii 1986, as amended by Act 283, Session Laws of Hawaii 1987, to delete the repeal date of September 30, 1991 and replace it with the repeal date of September 30, 1992.

SECTION 2. Act 342, Session Laws of Hawaii 1986, is amended by amending section 9, as amended by section 70 of Act 283, Session Laws of Hawaii 1987, to read as follows:

“SECTION 9. This Act shall take effect on October 1, 1986, and shall be repealed as of September 30, [1991] 1992; provided that on repeal sections 281-1, 281-78, 294-13, 712-1250.5, and 712-1252, Hawaii Revised Statutes, are reenacted in the form in which they read on September 30, 1986.”

SECTION 3. The director of the state department of transportation shall submit to the legislature a study evaluating the effectiveness of this Act. The report shall be submitted no later than twenty-five days before the convening of the regular legislative session of 1992. This study shall evaluate the effectiveness of Act 342, 1986, and shall include, but not be limited to, information and recommendations relating to the extent to which Act 342, 1986, has reduced accidents, injuries, and fatalities caused by driving under the influence of intoxicating liquor, and the extent to which compliance has been achieved with Act 342, 1986.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved May 28, 1991.)