A BILL FOR AN ACT

RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE.

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

SECTION 1. The legislature finds that in 2013, the National Transportation Safety Board recommended that all fifty states adopt a blood-alcohol content cutoff of 0.05 compared to the 0.08 standard. According to the National Transportation Safety Board, lowering the rate to 0.05 would save about five hundred to eight hundred lives annually.

According to the National Transportation Safety Board, a driver with a blood-alcohol content of 0.05 would be affected by exaggerated behavior, loss of small-muscle control and eye focus, impaired judgment, lowered alertness, and release of inhibition. This would result in reduced coordination, reduced ability to track moving objects, difficulty steering, and reduced response to emergency driving situations.

The legislature further finds that lowering the threshold of blood-alcohol content to 0.05 would save lives, catastrophic injuries, and medical costs.
The purpose of this Act is to lower the threshold of blood-alcohol content for the offense of operating a vehicle while under the influence of an intoxicant.

SECTION 2. Section 291E-61, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

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

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

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

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

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

SECTION 3. Section 291E-61.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:
"(a) A person commits the offense of habitually operating a vehicle under the influence of an intoxicant if:

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

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

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

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

(C) With [\(\leq 0.05\)] or more grams of alcohol per two hundred ten liters of breath; or

(D) With [\(\leq 0.05\)] or more grams of alcohol per one hundred milliliters or cubic centimeters of blood."

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.
SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY: [Signature]
Report Title:
Driving Under the Influence; Blood Alcohol Content

Description:
Lowers the threshold of blood alcohol content for the offense of driving under the influence of an intoxicant.

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