HOUSE OF REPRESENTATIVES
THIRTIETH LEGISLATURE, 2020
STATE OF HAWAII

H.B. NO. 1999

A BILL FOR AN ACT

RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT.

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

SECTION 1. 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;"

With a measurable amount of alcohol in the person's breath or blood; provided that a law enforcement officer may arrest a person under this section when the officer has probable cause to believe that the arrested person had been operating a vehicle upon a public way, street, road, or highway, or on or in the waters of the State, with a measurable amount of alcohol in the person's breath or blood; or
(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 or more grams of alcohol per two hundred ten liters of breath; or

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

SECTION 2. 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] With a measurable amount of alcohol in the person's breath or blood; provided that a law enforcement
officer may arrest a person under this section
when the officer has probable cause to believe
that the arrested person had been operating a
vehicle upon a public way, street, road, or
highway, or on or in the waters of the State,
with a measurable amount of alcohol in the
person's breath or blood; or
(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 .08 or more grams of alcohol per two hundred
ten liters of breath; or
(D) With .08 or more grams of alcohol per one hundred
milliliters or cubic centimeters of blood]."
SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

JAN 17 2020
Report Title:
OVUII; Zero Tolerance; Any Measurable Amount of Alcohol

Description:
Changes the standard 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 .08 grams of alcohol per 210 liters of breath or 100 milliliters or cubic centimeters of blood to any measurable amount of alcohol in the person's breath or blood. Allows law enforcement officers to arrest a person if there is probable cause to believe that the person was operating a vehicle with a measurable amount of alcohol in the person's breath or blood.

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