

MT 10(e) ✓

____.B. NO.____

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:

1 SECTION 1. The legislature finds that in 2013, the
2 National Transportation Safety Board recommended that all fifty
3 states adopt a Blood Alcohol Concentration (BAC) cutoff of 0.05
4 compared to the 0.08 standard. According to the National
5 Transportation Safety Board, lowering the rate to 0.05 would
6 save about five hundred to eight hundred lives annually.

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

14 The legislature further finds that lowering the threshold
15 of BAC cutoff to 0.05 would save lives, prevent catastrophic
16 injuries, and decrease medical costs.

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RECEIVED AT MT MEETING ON 9/30/19
From Councilmember King

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1 The purpose of this Act is to lower the threshold of blood-
2 alcohol content for the offense of operating a vehicle while
3 under the influence of an intoxicant.

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

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

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

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

16 (3) With [~~0.08~~] 0.05 or more grams of alcohol per two
17 hundred ten liters of breath; or

18 (4) With [~~0.8~~] 0.05 or more grams of alcohol per one
19 hundred milliliters or cubic centimeters of blood."

20 SECTION 3. Section 291E-61.5, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:

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

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

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

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

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

14 (C) With [~~0-8~~] 0.05 or more grams of alcohol per two
15 hundred ten liters of breath; or

16 (D) With [~~0-8~~] 0.05 or more grams of alcohol per one
17 hundred milliliters or cubic centimeters of
18 blood."

19 SECTION 4. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.

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1 SECTION 5. Statutory material to be repealed is bracketed
2 and in strikethrough. New statutory material is underscored.

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

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5 INTRODUCED BY: _____

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