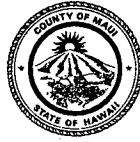


Council Chair  
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Director of Council Services  
Traci N. T. Fujita, Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

October 3, 2019

Ms. Lauren Armstrong, Executive Director  
Maui Metropolitan Planning Organization  
c/o 200 South High Street  
Wailuku, Hawaii 96793

*Via email: [lauren@mauimpo.org](mailto:lauren@mauimpo.org)*

Dear Ms. Armstrong:

**SUBJECT: ROADWAY SAFETY (MT-10(8))**

At its meeting of September 30, 2019, the Multimodal Transportation Committee discussed the effects of liquor and drug use on drivers accounting for 66 percent of traffic fatalities on Maui's roadways.

The Committee also referred to the attached proposed State bill entitled "A BILL FOR AN ACT RELATING TO THE USE OF INTOXICANTS WHILE OPERATING A VEHICLE." The purpose of the proposed State bill is to lower the threshold of blood alcohol concentration from 0.08 to 0.05 for the offense of operating a vehicle while under the influence of an intoxicant.

The Hawaii State Association of Counties ("HSAC") Executive Committee will be discussing the proposed legislation, along with a number of other statewide initiatives submitted by Maui County Council, for possible inclusion in the 2020 HSAC Legislative Package at its meeting on October 10, 2019 at 10 a.m. at Honolulu Hale.

May I please request you submit a letter of support to the HSAC Executive Committee **no later than Thursday, October 10, 2019 at 9 a.m.** referencing the proposed bill. Similar support letters are also being requested from Department of Police, State Department of Transportation, Maui Coalition for Drug-Free Youth, and Maui Nui Youth Council. Representatives from these organizations attended the September 30<sup>th</sup> Committee meeting and verbally expressed support.

Ms. Lauren Armstrong  
October 3, 2019  
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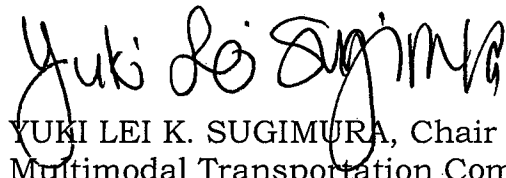
Please address your letter of support to:

President Joey Manahan and Members of the Executive Committee  
Hawaii State Association of Counties  
c/o Honolulu City Council  
530 South King Street  
Honolulu, Hawaii 96813

Email: [a.kekoolani@honolulu.gov](mailto:a.kekoolani@honolulu.gov)

Should you have any questions, please contact me or the Committee staff  
(Shelly Espeleta at 270-7134, or Stacey Vinoray at 270-8006).

Sincerely,



YUKI LEI K. SUGIMURA, Chair  
Multimodal Transportation Committee

mt:ltr:010(8)a06:ske

Attachment

\_\_\_\_.B. NO.\_\_\_\_

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# 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.

17

\_\_\_\_.B. NO. \_\_\_\_\_

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:

\_\_\_\_.B. NO. \_\_\_\_\_

"(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 [~~0.8~~] 0.05 or more grams of alcohol per two hundred ten liters of breath; or

(D) With [~~0.8~~] 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.

\_\_\_\_.B. NO. \_\_\_\_\_

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.

4

5                           INTRODUCED BY: \_\_\_\_\_

6