



ADVOCATES
FOR HIGHWAY
& AUTO SAFETY

February 9, 2023

The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
Senate Committee on Judiciary
Hawaii State Legislature
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairperson Rhoads and Vice Chairperson Gabbard:

Advocates for Highway and Auto Safety (Advocates), a coalition of consumer, safety, public health, law enforcement and medical groups, and insurance companies and organizations working together to pass highway and auto safety laws that prevent needless crashes, deaths and injuries and contain costs, supports enactment of Senate Bill (SB) 160 / House Bill (HB) 1469. This legislation will lower the limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), deter drunk driving and save lives.

Traffic crashes are a deadly and costly threat to Hawaii families and visitors that requires urgent attention and action. According to the most recent data from the National Highway Traffic Safety Administration (NHTSA), in the first nine months of 2022, 91 people were killed on Hawaii's roads, a 42 percent increase from the same period in 2021. During the last several years, deadly driving behaviors including impairment, lack of seat belt use and speeding have been cited as the primary factors contributing to steep national increases in traffic fatalities. Traffic crashes also cost Hawaii taxpayers over \$580 million annually.ⁱ Advancing .05 percent BAC legislation will dissuade drinking and driving and curb needless highway deaths and injuries that threaten all road users.ⁱⁱ

A recent [study](#), *Evaluation of Utah's .05 BAC Per Se Law*, released by NHTSA in 2022, provides critical data on the success of Utah's .05 percent BAC law which was enacted in 2017. The study finds that Utah experienced a nearly 20 percent drop in traffic fatalities in 2019 (248), the first year that the law was in effect, compared to 2016 (281), the last year before the law was enacted.ⁱⁱⁱ This improvement in roadway safety occurred despite an increase in vehicle miles traveled (VMT) and outpaced neighboring states as well as the nation as a whole.

Opponents may state that lowering the BAC will reduce alcohol sales and endanger certain businesses but reducing BAC limits does not discourage alcohol consumption.^{iv} In fact, the Utah study found that state revenues from taxes related to the hospitality industry continued to rise, and tourism increased. Additionally, studies show that when states lowered their BAC limits from .10 to .08 percent, there were no adverse impacts on the operation of the criminal justice system. Once again, the Utah study provides clear data showing that arrests due to drunk driving did not spike nor was the criminal justice system overwhelmed. Moreover, more than 90 countries have already adopted .05 percent BAC or lower limits and affirmed the safety benefits of the policy.^v

Research and laboratory evidence finds that most adults are significantly impaired at .05 percent BAC.^{vi} When behind the wheel of a car, driving skills are degraded resulting in reduced coordination, decreased ability to track moving objects, difficulty steering and diminished response to emergency driving situations.^{vii} The risk of being killed in a single-vehicle crash with BACs of .05 to .079 percent is seven to 21 times higher than for drivers without measurable alcohol.^{viii}

Since the mid-1990s, the percentage of drunk driving fatalities has plateaued, indicating that progress has stagnated.^{ix} If all states adopted a .05 percent BAC or lower law, our nation would experience an 11 percent decline in fatal

alcohol crashes and 1,790 lives would be saved.^x A national poll by the Texas Medical Center Health Policy Institute found 55 percent of Americans approve lowering the BAC limit while driving to .05 percent.^{xi}

Each person killed in a preventable alcohol-related crash on Hawaii roads forever changes the lives of families and communities. The data are clear, the lifesaving benefits are certain, the support is documented and the justification for action is compelling. We urge you to take this critical step to seriously address the death and injury toll of alcohol-impaired driving by supporting SB 160 / HB 1469. Thank you for consideration of our views.

Sincerely,

Catherine Chase
President

cc: Senate Committee on Judiciary

ⁱ Blincoc, L., Miller, T., Wang, J.-S., Swedler, D., Coughlin, T., Lawrence, B., Guo, F., Klauer, S., & Dingus, T. (2022, December). The economic and societal impact of motor vehicle crashes, 2019 (Report No. DOT HS 813 403). National Highway Traffic Safety Administration

ⁱⁱ NTSB, *.05 BAC Safety Briefing Facts*, February 2017.

ⁱⁱⁱ United States, Department of Transportation, NHTSA, Office of Behavioral Safety Research, *Evaluation of Utah's .05 BAC Per Se Law [Traffic Tech]*, DOT HS 813 234; February 2022.

^{iv} NTSB, *.05 BAC Safety Briefing Facts*, February 2017.

^v Fell, James C., *The Merits of Adopting a 0.05 Administrative Blood Alcohol Concentration Limit for Driving*, [Am J Public Health](#). 2016 June; 106(6): 977-978.

^{vi} Ibid.

^{vii} MADD, *What is .08?* Available at: <http://www.madd.org/drunk-driving/about/understanding-08.html>

^{viii} Fell, Jim C., Voas, Robert B, *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, PIRE. June 2014.

^{ix} NASEM, *Getting To Zero Alcohol-Impaired Driving Fatalities - .05% BAC Safety Brief*, 2018.

^x NORC: Fell JC & Scherer M, *Estimation of the Potential Effectiveness of Lowering the Blood Alcohol Concentration (BAC) Limit for Driving from 0.08 to 0.05 Grams per Deciliter in the United States*, 2017. Available at: <https://bit.ly/2E5pliq>

^{xi} Governing.com, *How Drunk Is Too Drunk to Drive?* October 2018. Available at: <https://bit.ly/2Et1r6C>.