



February 22, 2024

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 Chair Rhoads and Vice Chair Gabbard:

As representatives of leading public health and safety organizations working to pass roadway and auto safety laws that prevent unnecessary deaths and injuries and contain crash costs, we urge you to support Senate Bill (SB) 2384. This bill would lower the legal limit of alcohol-impaired driving to .05 percent blood alcohol concentration (BAC), deter drunk driving and save lives.

Drunk driving is a deadly and costly threat to Hawaii families. In 2021, there were 94 fatalities on state roads, and 30 percent of those (24) involved drunk driving.<sup>i</sup> In addition, Hawaii incurred \$580 million in economic harm due to motor vehicle crashes according to a 2019 analysis.<sup>ii</sup> Drunk driving is a serious problem that requires urgent action. Advancing .05 percent BAC legislation will reduce dangerous drinking and driving across all levels of impairment, including high BAC, to prevent deaths and injuries.

Nationwide about 30 percent of traffic fatalities involve a drunk driver. In addition to the physical and emotional impact, these crashes impose a financial burden including on businesses. Drunk driving crashes cost employers \$8 billion each year with 81 percent of those costs coming in crashes while off the job.<sup>iii</sup> We must implement solutions that are strongly supported by research and the public health and safety community.<sup>iv</sup> If all states adopted a .05 percent BAC or lower law, fatal alcohol crashes would decline 11 percent and 1,790 lives would be saved each year.<sup>v</sup>

Research shows significant impairment at .05 percent BAC.<sup>vi</sup> Drivers have reduced coordination, decreased ability to track moving objects, difficulty steering and diminished response to emergency situations.<sup>vii</sup> The risk of being killed in a single-vehicle crash with BACs of .05 to .079 percent is up to 21 times higher than for drivers without measurable alcohol.<sup>viii</sup>

Opponents may claim that lowering the BAC will decrease alcohol sales. Reducing BAC limits does not discourage alcohol consumption.<sup>ix</sup> It does deter driving after drinking. Further, studies show that when states lowered their BAC limits from .10 to .08 percent, there were no adverse impacts on the criminal justice system or increase in arrests. Similarly, when Utah reduced its BAC limit from .08 to .05 percent, alcohol sales and tourism went up while DUI arrests went down.<sup>x</sup> Per capita DUI arrests declined seven percent since the last full fiscal year before the .05 percent BAC limit went into effect.<sup>xi</sup>

Lowering the limit of BAC is a research-driven countermeasure successfully employed around the world but underused in the United States. More than 100 countries have .05 percent BAC or lower limits. In these countries average alcohol consumption is equal or higher to that in the United States, but they have less deaths caused by drunk driving.<sup>xii</sup>

The data are clear, the lifesaving benefits are certain, and the justification for action is compelling. We urge you to seriously address and prevent drunk driving by enacting SB 2384. Every death caused by an alcohol-related crash on Hawaii roads forever changes the lives of families and communities. Thank you for your consideration.

Sincerely,

**Catherine Chase**, President  
Advocates for Highway and Auto Safety

**Natalie A. Draisin**, Director, North American Office  
& United Nations Representative  
FIA Foundation

**Janette Fennell**, Founder and President  
Kids and Car Safety

**Marcus Kowal and Mishel Eder**, Co-founders  
Liam's Life Foundation  
Parents of Liam Mikael Kowal

**Alice Liu**, Hawaii Program Director  
Mothers Against Drunk Driving (MADD)

**Lorraine Martin**, President and CEO  
National Safety Council

**David A. Sleet, Ph.D.**  
Professor Emeritus  
College of Health San Diego State University

**Honorable T. Bella Dinh-Zarr**, Former Vice Chair  
National Transportation Safety Board  
Co-founder, .05 Saves Lives Coalition

**Thomas M. Louizou**, Former Regional Administrator  
National Highway Traffic Safety Administration  
Co-founder, .05 Saves Lives Coalition

**Andrew McGuire**, Executive Director  
Trauma Foundation

Additional organizations that are not signers but recommend or support .05 percent BAC policy:

American Medical Association (AMA)  
American Public Health Association (APHA)  
Association for the Advancement of Automotive  
Medicine (AAAM)  
Governors Highway Safety Association  
National Academies of Sciences, Engineering and  
Medicine (NASEM)  
National Road Safety Foundation

National Transportation Safety Board (NTSB)  
Remove Intoxicated Drivers (RID)  
Safe States Alliance  
Society for Public Health Education  
Transportation Alternatives  
Vision Zero Network  
World Health Organization (WHO)

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<sup>i</sup> State Traffic Safety Information for Hawaii (2021), NHSTA, available at <https://cdan.dot.gov/stsi.htm>.

<sup>ii</sup> The Economic and Societal Impact of Motor Vehicle Crashes, 2019, NHTSA, Feb. 2023, DOT HS 813 403, available at <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813403>.

<sup>iii</sup> Cost of Motor Vehicle Crashes to Employers 2019; Network of Employers for Traffic Safety, available at <https://trafficsafety.org/road-safety-resources/public-resources/cost-of-motor-vehicle-crashes-to-employers-2019/>.

<sup>iv</sup> 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. NTSB Safety Compass, *Drink or Drive Pick One*: <https://safetycompass.wordpress.com/2019/04/29/drink-or-drive-pick-one/>.

<sup>v</sup> 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/2E5pJlq>.

<sup>vi</sup> NTSB, .05 BAC Safety Briefing Facts, February 2017, available at <https://portal.ct.gov/-/media/DOT/documents/dvisionzero/NTSB-05-SafetyBriefingMarch2019.pdf>.

<sup>vii</sup> MADD, What is .08? Available at: <http://www.madd.org/drunken-driving/about/understanding-08.html>.

<sup>viii</sup> 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.

<sup>ix</sup> NTSB, .05 BAC Safety Briefing Facts, February 2017.

<sup>x</sup> Leaver, Jennifer, The State of Utah's Travel and Tourism Industry 2019, Kem C. Gardner Policy Institute University of Utah, September 2020. Utah Department of Alcoholic Beverage Control, Annual Reports 2018, 2019 and 2020, available [here](#). 17th Annual DUI Report to the Utah Legislature, Utah Commission on Criminal and Juvenile Justice, 2019. Available at: <https://le.utah.gov/interim/2019/pdf/00004834.pdf>.

<sup>xi</sup> 20th annual DUI Report to the Utah Legislature, Utah Commission on Criminal and Juvenile Justice, 2022. Available at: <https://justice.utah.gov/wp-content/uploads/2022-DUI-Annual-Report-Final.pdf>.

<sup>xii</sup> NTSB, .05 BAC Safety Briefing Facts, February 2017.