

# S.B. NO. 2797

JAN 24 2018

## A BILL FOR AN ACT

RELATING TO MOVIE THEATERS.

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

1       SECTION 1. Section 489-9, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3       "(a) A public accommodation that owns, leases, leases to,  
4 or operates a motion picture theater in more than two locations  
5 in the State shall provide[+]

6       ~~(1) Open~~open movie captioning during at least ~~[one~~  
7       showing] two showings per week of each motion picture  
8       that is produced and offered with open movie  
9       captioning[+or]

10       ~~(2) A personal closed captioning system by means of~~  
11       ~~lightweight eyewear for a motion picture that is~~  
12       ~~produced and offered with closed captioning~~  
13       ~~content]."~~

14       SECTION 2. Act 39, Session Laws of Hawaii 2015, as amended  
15 by Act 211, Session Laws of Hawaii 2017, is amended by amending  
16 section 3 to read as follows:

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1       "SECTION 3. This Act shall take effect on January 1, 2016  
2   ~~[, and shall be repealed on January 1, 2020]."~~

3       SECTION 3. Statutory material to be repealed is bracketed  
4   and stricken. New statutory material is underscored.

5       SECTION 4. This Act shall take effect on July 1, 2018.

6

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



8

BY REQUEST

9

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**Report Title:**

Motion Picture Theater Accommodation; Closed Captioning; Open  
Movie Captioning; Audio Description

**Description:**

Repeals the sunset date from Act 39, Session Laws of Hawaii  
2015, and makes permanent the requirement to offer open  
captioning during at least two showings per week of each motion  
picture that is produced and offered with open captioning.

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO MOVIE THEATERS.

PURPOSE: To restore the statutory requirement that a place of public accommodation that owns, leases, leases to, or operates a motion picture theater in more than two locations in the State shall provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning and to make permanent that open captioning requirement as well as the requirement that audio description be provided upon request for any motion picture that is produced and offered with audio description.

MEANS: Amend section 489-9(a), Hawaii Revised Statutes (HRS) and section 3 of Act 39, Session Laws of Hawaii 2015, as amended by Act 211, Session Laws of Hawaii (SLH) 2017.

JUSTIFICATION: This proposal will restore the statutory requirement, originally enacted as a key provision of Act 39, SLH 2015, the first of its kind in the nation, that required movie theaters to provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning. Act 211, SLH 2017, amended section 489-9(a), HRS, to require that covered movie theaters provide open captioning during at least one showing per week of each motion picture that is produced and offered with open captioning, or provide a personal closed captioning system by means of lightweight eyewear for a motion picture that is produced and offered with closed captioning content.

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On its face, Act 211 reduced the number of open captioned showings from two to one per week. However, by inserting the "or" between paragraphs (1) and (2) of section 489-9(a), HRS, Act 211 effectively eliminated the requirement for open captioned showing for theaters that provide closed captioning systems by means of "lightweight eyewear." It did so without defining "lightweight eyewear" or providing any requirement for the number of lightweight eyewear units a theater would have to provide at each theater or megaplex location.

Act 39, SLH 2015, was considered landmark legislation for the deaf community, specifically because it required the limited number of two open captioned showings per week. Act 211, SLH 2017, effectively eliminated the open captioned showing requirement that made state law additive and supplemental to Equal Opportunity for Individuals with Disabilities Act (Americans with Disabilities Act of 1990) requirements. This proposal restores the requirement for two showings with open captioning per week of each motion picture produced and offered with open captioning.

This proposal also amends Act 39, SLH 2015, as amended by Act 211, SLH 2017 to eliminate the automatic repeal or "sunset" of section 489-9, HRS, on January 1, 2020.

Impact on the public: This measure will help to ensure that members of the deaf community have full, equal, and nondiscriminatory access to and enjoyment of public accommodations, specifically enjoyment of motion pictures with open captioning.

Impact on the department and other agencies: This proposal will enhance and advance the Disability and Communication Access Board's and the State's interest in providing access and equal enjoyment of public accommodations for members of the deaf community. This

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proposal would improve and strengthen the Hawaii Civil Rights Commission's ability to enforce the law, by restoring meaningful and enforceable requirements for motion picture showings with open captioning.

GENERAL FUND:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	HTH 520
OTHER AFFECTED AGENCIES:	Hawaii Civil Rights Commission.
EFFECTIVE DATE:	July 1, 2018.



# DISABILITY AND COMMUNICATION ACCESS BOARD

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## Open Captioning (OC) at Movie Theaters

*For the Community*

### Act 211 (2017)\* - Current law

- Required OC **OR** 'lightweight eyewear' with Closed Captions (CC)
- One showing per week
- 01/01/2020

Open Captioning?

# of days per week

Sunset date?

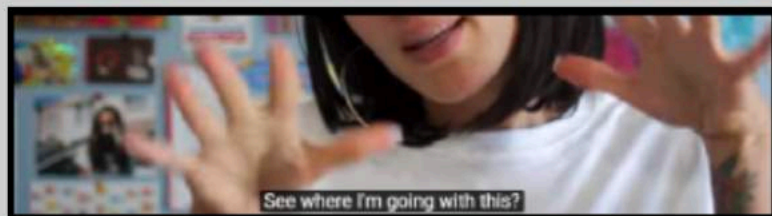
### Proposed Bill\* - Desired law

- Required for each movie produced and offered with OC. Eyewear is not specified as alternative to OC.
- Two showings per week
- None - Permanent

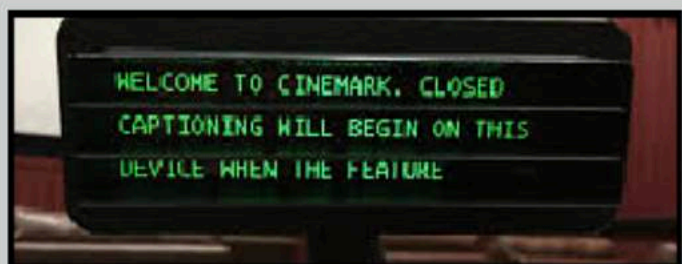
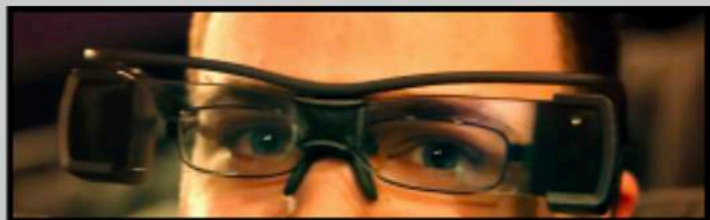
\* Applies to any public accommodation that owns, leases, leases to, or operates a motion picture theater in more than two locations in the state.

## What is the difference between OC and CC?

**OC** - Always are in view and cannot be turned off. No special device is needed.



**CC** - Can be turned on and off by the viewer. Needs a special viewing device.



## Benefits of Open Captioning

- Digital technology has improved. It is easy to develop OC and it is available on most movies.
- Most movies are made digital. OC is included and it is **FREE**.
- For the Deaf community, OC is usually the most effective form of accessing a motion picture showing.

## Limitations of Captioning Devices

- Not enough of special devices for a large group at the movie theaters. OC is available for everyone in the auditorium.
- The movie theater pays up to \$1,200 worth technology for each auditorium. Then people can use special devices to watch movies.

## Next Action

- DCAB will propose a better law (See proposed bill above)
- We need your help with submitting testimony to legislators and show up for hearings (Contact Peggy about more info)

## Interested to stay informed about this bill?

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For more information, visit [www.health.hawaii.gov/dcab/](http://www.health.hawaii.gov/dcab/)