



## DISABILITY AND COMMUNICATION ACCESS BOARD

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1010 Richards Street, Room 118 • Honolulu, Hawaii 96813  
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

February 26, 2019

### TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

#### Senate Bill 331 – Relating to Movie Theaters

The Disability and Communication Access Board (DCAB) supports Senate Bill 331, which will strengthen our state's law relating to the provision of open captioning movie showings for the deaf and hard of hearing population.

The Legislature passed Act 39 (2015) requiring movie theaters with more than two locations to offer each movie produced with captions to have two showings/week with open captioning, similar to subtitles. Open captioned show times were at the discretion of the theater. This state law augmented the federal requirements to offer an assistive technology option to view movies with closed captioning. Act 211 (2017) restricted the rights in Act 39 (2015) to (a) require one, versus two, viewings per week, and (b) allow no open captioned viewings if the theater offered lightweight glasses as an alternative.

Senate Bill 331 essentially seeks to return the statute what was initially provided in Act 39 (2015) without a sunset date and with some additional conditions on the movie screening times.

These changes to the law would afford individuals who are deaf or hard of hearing an equal opportunity to attend open captioned movies and follow the audio aspects of movies exhibited in motion pictures similar to the general public. In Hawaii, a community that readily accepts subtitled foreign language movies and television programs, open captioning is a natural expansion of that concept.

Our support for the bill is based upon two factors:

- The deaf community strongly prefers open captioning to any type of eyewear, even if lightweight. It is a myth that the current federal law with closed captioning was preferred at the federal level by the deaf and hard of hearing community; it was a compromise to the industry. When a person uses the lightweight glasses, they are labeled as deaf, whereas when captions are shown, the deaf individual is not singled out.
- Identifying a specific type of technology in statute is not appropriate. Federal law allows theaters to use any option to view closed captions while our state law limits viewing to one option. With rapid technological advances occurring, there may be a better solution developed in the future other than lightweight glasses. With the specificity in our current statute, Hawaii would be limited by a reference to obsolete technology in the law.

We offer the following comments related to what the two movie theaters cited in their prior testimony on the issue of captioned movies:

- (1) The theaters state that the bill will deprive patrons the option to seeing the closed captioning at any show time on any day and will leave them with no choice but attend limited open captioned shows. This is NOT true. Under federal law, all the showings that are not open captioned must still have the option to be viewed with assistive technology. This bill will not negate federal law but supplement it. This bill is about providing CHOICE to consumers who prefer open captioning to using any assistive device. For any given show in a week, there would still be approximately thirty shows without open captioning.
- (2) The theaters also stated that there has been an increase in the use of personal captioning devices between 2015 and 2017. This is, in part, because they were not available before such time and the availability coincided with the passage of the federal law requiring movie theaters to have a specific number of assistive devices.
- (3) The theaters claim that they have lost revenue due to lower attendance at open captioned movies, as stated in a Department of Business, Economic Development, and Tourism study from December 2017. Their inference is misleading, as the open captioned showings have consistently been at non-peak times where attendance is lower in general. It would be inappropriate to infer causation – that the difference in attendance was attributed to the captioning. Furthermore, it is not possible to measure whether patrons simply selected another show time with an overall net impact of zero.

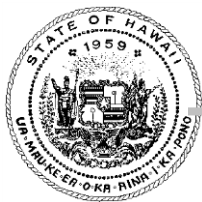
The proposed amendments to the current law would address the discriminatory effects of communication barriers at movie theaters encountered by individuals who are deaf or hard of hearing, ensuring equal opportunity to enjoy motion picture showings. We ask that you pass Senate Bill 331 out of Committee.

Thank you for the opportunity to testify.

Respectfully submitted,



FRANCINE WAI  
Executive Director



# HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 26, 2019  
Rm. 016, 9:00 a.m.

To: The Honorable Karl Rhoads, Chair  
Members of the Senate Committee on Judiciary

From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 331

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

S.B. No. 331 amends H.R.S. § 489-9(a), to restore the statutory requirement originally enacted as a provision of Act 39, L. 2015, that covered movie theaters provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning. The bill deletes the amendment of that provision effected by Act 211, L. 2017, reducing the requirement to one showing per week with open captioning, and eliminating that requirement for theaters that opt to provide “[a] personal closed captioning system by means of lightweight eyewear for a motion picture that is produced and offered with closed captioning content.”

S.B. No. 331 also amends H.R.S. § 489-9(a) to require that at least one of the two showings per week featuring open captioning shall be on a Saturday or Sunday.

And, S.B. No. 331 amends Act 39, Session Laws of Hawaii 2015, as amended by Act 211, Session Laws of Hawaii 2017, to eliminate the “sunset” of the statute on January 1, 2020.

The HCRC has enforcement jurisdiction over H.R.S. chapter 489, including § 489-9. Under § 489-9(c), a violation of the open captioning and audio description requirements is an unlawful discriminatory practice.

H.R.S. § 489-9, as enacted in Act 39 in 2015, was intended to establish its state requirements in addition to and supplementing federal ADA Title III requirements under US DOJ rules, which require covered movie theaters to provide *closed captioning* and audio description for digital movies produced, distributed or available with those features, accessed by use of individual movie captioning and audio devices at individuals' seats.

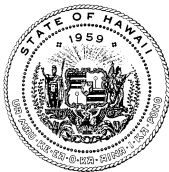
As enacted in 2015, Act 39 was considered landmark legislation for the deaf community, the first of its kind in the nation, specifically because it required the limited number (2) of open captioned showings per week, that were not required by federal law. Many of the 2015 testifiers on H.B. No. 1272, which was enacted as Act 39, testified that closed captioning was not an effective accommodation for everyone to enjoy a movie viewing experience, noting that the "cupholder" closed caption reading device required the viewer to simultaneously look down at the text and up at the screen, the use of available eyewear to read closed captions was uncomfortable and disorienting, and that the eyewear for reading closed captions could not be worn by viewers who need and use prescription eyeglasses.

Act 211, enacted in 2017, reduced the required number of open captioned showings from two to one per week. However, by inserting the "or" between the amended H.R.S. § 489-9(a)(1) and (2), it effectively eliminated the requirement for any open captioned showings for theaters that provide closed captioning systems by means of lightweight eyewear. It did so without defining "lightweight eyewear," or any numerical requirement for the number of lightweight eyewear units a theater would have to provide at each theater or megaplex location. (The US DOJ federal rule requires a megaplex with 8-15 auditoriums to have 8 captioning devices, which could be eyewear or other captioning devices used by patrons at their seats.)

Act 211 effectively eliminated the open captioned showing requirement that made the current law additive and supplemental to the federal requirements. The HCRC has consistently opposed rollback, erosion, and elimination of existing civil rights protections.

S.B. No. 331 will help to ensure that members of the deaf community have full, equal, and nondiscriminatory access to and enjoyment of motion pictures with open captioning.

**The HCRC strongly supports S.B. No. 331.**



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
**OFFICE OF LANGUAGE ACCESS**  
830 PUNCHBOWL STREET, ROOM 322  
HONOLULU, HAWAII 96813

February 22, 2019

To: The Honorable Senator Karl Rhoads, Chair  
The Honorable Senator Glenn Wakai, Vice Chair  
Members of the Senate Committee on Judiciary

From: Aphirak Bamrungruan, Executive Director

Subject: **SB 331 – RELATING TO MOVIE THEATERS**

Hearing: Tuesday, February 26, 2019, 9:00 AM  
Conference Room 016, State Capitol

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**Agency's Position:** The Office of Language Access (OLA) supports Senate Bill 331.

**Purpose and Justification:** The purpose of this measure is to make permanent the requirement for certain motion picture theater owners and operators to provide open movie captioning at least two showings per week and repeals the requirement to provide an option of personal closed captioning screenings by means of lightweight eyewear.

The purpose of OLA's enabling statute (Hawaii Revised Statutes 321C) is to address the language access needs of limited English Proficient (LEP) persons and ensure their meaningful access to services, programs, and activities offered by the executive, legislative, and judicial branches of state government, including departments, offices, commissions, boards, or other state-funded agencies.

SB 331 benefits more than the Deaf, Deaf-Blind, and Hard of Hearing. Under the current law, the lightweight glasses are only available to those requiring an ADA accommodation, not for LEP individuals. Using open captioning can be a great tool for LEP individuals and English-Language Learners (ELLs) to enjoy movies and to increase an opportunity to learn the correspondence between spoken and written language. Open captioning provides a critical link to communication and making information accessible to LEP individuals and ELLs.

Thank you for the opportunity to testify on this bill.

**SB-331**

Submitted on: 2/22/2019 10:17:17 AM

Testimony for JDC on 2/26/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Darlene Ewan	Testifying for Aloha State Association of the Deaf	Support	No

Comments:



**S E A C**  
**Special Education Advisory Council**  
**1010 Richards Street, Room 118**  
**Honolulu, HI 96813**  
**Phone: 586-8126 Fax: 586-8129**  
**email: spin@doh.hawaii.gov**

February 26, 2019

**Special Education  
Advisory Council**

Ms. Martha Guinan, *Chair*  
Ms. Dale Matsuura, *Vice Chair*  
Dr. Patricia Sheehey, *Vice  
Chair*  
Ms. Ivalee Sinclair, *Vice Chair*

Ms. Brendelyn Ancheta  
Ms. Virginia Beringer  
Ms. Deborah Cheeseman  
Ms. Annette Cooper  
Mr. Motu Finau  
Mr. Sage Goto  
Ms. Lindsay Heller  
Dr. Kurt Humphrey  
Ms. Tina King  
Ms. Bernadette Lane  
Ms. Kaili Murbach  
Ms. Stacey Oshio  
Ms. Carrie Pisciotto  
Ms. Kau'i Rezentos  
Ms. Rosie Rowe  
Mr. James Street  
Mr. Francis Taele  
Mr. Steven Vannatta  
Dr. Amy Wiech  
Ms. Jasmine Williams  
Ms. Susan Wood

Ms. Cara Tanimura, *liaison  
to the Superintendent*  
Dr. Bob Campbell, *liaison to  
the military community*

Amanda Kaahanui, Staff  
Susan Rocco, Staff

Senator Karl Rhoads  
Committee on Judiciary  
Hawaii State Capitol  
Honolulu, HI 96813

RE: S.B. 331 - RELATING TO MOVIE THEATERS

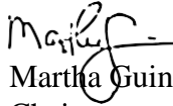
Dear Chair Rhoads and Members of the Committee,

The Special Education Advisory Council (SEAC), Hawaii's State Advisory Panel under the Individuals with Disabilities Education Act (IDEA), **strongly supports** the intent of S.B. 331 that makes permanent the requirement for certain motion picture theater owners and operators to provide open movie captioning at least twice a week with at least one showing on a Saturday or Sunday.

SEAC is a strong advocate for inclusive practices in school and in the community. It is well documented that open movie captioning provides a preferred access to the movie-going experience for students who are deaf and students who are English learners. Students with learning disabilities, attention deficit hyperactivity disorder, or other cognitive disabilities also benefit from the open captions supplementing the audio. Research has further shown that the majority of the movie audiences adapt easily to the captions and find the captions beneficial by supplementing the audio when dialogue is missed due to poor sound quality or due to audience noises.

Thank you for the opportunity to provide testimony on this important legislation. If you have questions or concerns, please contact us.

Sincerely,

  
Martha Guinan  
Chair

  
Ivalee Sinclair  
Legislative Committee Chair



Hawaii Coalition for Children with Disabilities

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~~(date)~~February 26, 2019

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TO: Senator Karl Rhoads, Chair  
Committee on Judiciary

FROM: Michael Fahey, Co-Chair  
HCCD

RE: ~~(bill no.)~~SB 331 – Relating to Movie Theaters

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**On behalf of the Hawaii's Coalition for Children with Disabilities, I am writing in SUPPORT of SB 331 which makes permanent the requirement for certain motion picture theater owners and operators to provide open movie captioning at least twice a week, with at least one showing on a Saturday or Sunday.**

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The Hawaii Coalition for Children with Disabilities is an independent body comprised of representatives of family-centered public and private organizations and individuals who are dedicated to advocate for legislative and administrative policy change and financial commitments that will benefit children and youth with disabilities and their families.

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Open movie captioning provides significant benefits to many children with disabilities:

- It provides missing information for individuals who have difficulty processing speech and visual media (whether this is due to a hearing loss or a cognitive delay):
- It allows viewers who are deaf or hard-of-hearing to follow the dialogue and the action of a program simultaneously; and
- It is equally beneficial to those children with disabilities who are also learning English as a second language.

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The Coalition urges you to pass this essential legislation.

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**Purpose**

The Hawaii Coalition for Children with Special Needs Disabilities (hereinafter, "The Coalition") exists to share information on disability issues and to advocate for legislative and administrative policy change and financial commitments that will benefit children and youth with special needs and their families.

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Updated January 2017September 2018



**Composition**

- The Coalition is an independent body comprised of representatives of family-centered public and private organizations and individuals who are dedicated to the purpose of The Coalition.
- The Coalition will accept new members; membership decisions are made by consensus of sitting members.

**General Guidelines**

- The Coalition supports inclusive initiatives that benefit children and youth with special needs disabilities and their families.
- Coalition decisions to support initiatives will be made by a majority vote of members present. As appropriate or warranted, Coalition support of an initiative will be provided in writing on Coalition Letterhead and shall include the signatures of members then in support of the initiative.
- The Coalition may support initiatives with a more specific focus, provided such support can be reasonably expected not to create conflict between, or remove resources from, any other special needs provider or advocacy groups.
- The Coalition supports "People First Language" and communications that reflect knowledge and respect for children and adults with disabilities.
- Regular attendance is expected of Coalition members, though members may send a representative if they are unable to attend.
- Coalition members and guests participate in a positive manner at all times with strict focus on achieving the purpose of The Coalition.
- Coalition members operate under the premise that content discussed within meetings will not be shared publicly until majority decisions to do so have been reached.
- The Coalition will allow attendance by guests to provide education on matters related to its purpose, as approved by the Co-Chairpersons.

The Coalition may invite/welcomes guests to present a cause or initiative for consideration, with prior approval of the Co-Chairpersons. Guest requests to attend a meeting and present an issue will be made to the Co-Chairpersons.

**General Guidelines (cont.)**

- The Coalition agenda is set by the Co-Chairpersons with input from the members.
- Items for discussion may be added to the agenda at the meeting and may be discussed after the completion of all regular agenda items, as time permits.

**20178 Membership List**

Updated January 2017September 2018

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Ivaloe Sinclair, Co-Chairperson — Special Education Advisory Council (SEAC)  
Mike Fahey, Co-Chairperson — Hawaii Children's Action Network (HCAN)  
Susan Rocco, Secretary — Special Parent Information Network (SPIN)

Daintry Bartoldus — State Council on Developmental Disabilities  
Waynette Cabral — State Council on Developmental Disabilities  
Martha Guinan — Special Education Advisory Council (SEAC)  
Keiko Nitta — Family Health Services Division, DOH  
Leolinda Parlin — Hilopa'a Family to Family Information Center  
Rosie Rowe — Learning Disability Association Leadership in  
Disabilities and Achievement of Hawaii  
Jennifer Schember-Lang — Community member  
Steven Vannatta — Community Children's Council Office  
Jessica Wong-Sumida — Autism Society, Community Children's Council, PTA

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Updated January 2017September 2018

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**SB-331**

Submitted on: 2/24/2019 10:54:12 PM

Testimony for JDC on 2/26/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

**SB-331**

Submitted on: 2/22/2019 4:42:16 PM

Testimony for JDC on 2/26/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Theresa Ewan	Individual	Support	No

Comments:

**SB-331**

Submitted on: 2/22/2019 4:43:00 PM

Testimony for JDC on 2/26/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anthony Momosea-Silva	Individual	Support	No

Comments:

**SB-331**

Submitted on: 2/22/2019 4:43:31 PM

Testimony for JDC on 2/26/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eva Momosea	Individual	Support	No

Comments:

**SB-331**

Submitted on: 2/22/2019 8:02:18 PM

Testimony for JDC on 2/26/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen Chiwa	Individual	Support	No

Comments:

SENATE BILL 331 TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

Aloha Chair Rhoads, Vice Chair Wakai, and Members of the Committee:

I am writing to express my support for the Open Captioning Movie Bill. I urge you to pass this important bill.

For many Deaf, Deaf-Blind and Hard-of-Hearing residents and visitors to the islands including all residents of Hawaii, seeing a film in a movie theater can prove to be difficult.

Often, movie theaters offer “closed captioning” glasses for attendees who are Deaf, Deaf-Blind or Hard-of-Hearing, so they can view captions detailing spoken words, sounds and music throughout the film. But these “heavy” glasses are unreliable, due to battery failure and lack of proper connectivity. Also, the glasses are often not properly cleaned - which could pose a healthy risk to those with compromised immune systems. What’s more, the glasses are so uncomfortable and can be difficult to wear for those that also use every-day glasses, hearing aids or cochlear implants. Many Deaf-Blind are not able use these glasses at all, due to various eye problems.

Some theaters use a “captioning box” which is placed in an attendee’s cup holder by the seat. The moviegoer then has to look back and forth between the box and the movie screen to understand what is happening. This captioning box causes strained necks

and eyes and increases the likelihood that Deaf, Deaf-Blind and Hard-of-Hearing moviegoers miss portions of the film. The box is also unreliable due to battery failure and lack of proper connectivity.

Providing open captions directly on films allow patrons who are Deaf, Deaf-Blind or Hard-of-Hearing to enjoy a film equally to that of Hearing peers.

Open captions will benefit everyone, including those with other disabilities or non-native English speakers, who may rely on captions to fully understand what is said in the movie.

Thank you for your time and for giving me the opportunity to testify.

Sincerely,

Eileen Chiwa

Mililani, HI



**SB-331**

Submitted on: 2/24/2019 6:17:48 AM

Testimony for JDC on 2/26/2019 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
dain retzlaff	Individual	Support	No

Comments:

Please support the ability for the deaf to join us in the theater. Thank you!

**From:** [Analynn Bartlett](#)  
**To:** [JDCTestimony](#)  
**Subject:** Support Bill 331  
**Date:** Saturday, February 23, 2019 11:04:45 AM

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Senator Karl Rhoads, Chair  
Judiciary  
Hawaii State Capitol, Room 204  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Senator Rhoads,

My name is Analynn Bartlett. I am not a resident of Hawaii, but I have been watching the progress that Hawaii is trying to make. I am submitting this testimony in support of Senate Bill 331, which will permanently require open captioning at movie theaters in Hawaii. I believe the passing of this bill will open doors for other states and places to follow.

For many Deaf, Deaf-Blind and Hard of Hearing residents and visitors to the islands including all residents of Hawaii, seeing a film in a movie theater can prove to be difficult.

Often, movie theaters offer “closed captioning” glasses for attendees who are Deaf, Deaf-Blind or Hard of Hearing so they can view captions detailing spoken words, sounds, and music throughout the film. These glasses are unreliable due to battery failure and lack of proper connectivity. The glasses are heavy, often not properly cleaned - which could pose a health risk to those with compromised immune systems. The glasses are uncomfortable and can be difficult to wear for those that also use every day glasses, hearing aids, or cochlear implants.

Some theaters use a “captioning box,” which is placed in an attendee’s cup holder. The moviegoer then has to look back and forth between the box and the movie screen to understand what is happening. This causes strained necks and eyes and increases the likelihood that Deaf, Deaf-Blind and Hard of Hearing moviegoers miss portions of the film. These devices are also unreliable due to battery failure and lack of proper connectivity too.

Providing open captions directly on films allows patrons who are Deaf, Deaf-Blind or Hard of Hearing to enjoy a film equally to that of their hearing peers. Open captions do not just benefit individuals who are Deaf, Deaf-Blind or Hard of Hearing but also those with other disabilities or non-native English speakers who may rely on captions to fully understand what is said.

Thank you so much for reading and hopefully supporting!

Sincerely,  
Analynn Bartlett  
Sherman, Texas

**From:** [Kathy Thomas](#)  
**To:** [JDCTestimony](#)  
**Subject:** SENATE BILL 331 TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY  
**Date:** Tuesday, February 26, 2019 4:02:20 AM

**LATE**

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SENATE BILL 331 TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

February 25, 2019

Senator Rhoda's, Chair  
Judiciary  
Hawaii State Capitol, Room 204  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Senator Rhodas,

I am submitting this testimony I support of Senate Bill 331, which will permanently require open captioning at the movie theaters in Hawaii.

For many Deaf, Deaf-Blind and Hard of Hearing residents and visitors to the islands include all residents of Hawaii, seeing a film in a movie theater can prove to be difficult.

Often, movie theaters offer "closed captioning" glasses for attendees who are Deaf, Deaf-Blind or Har of Hearing so they can view captions detailing spoken words, sounds, and music throughout the film.

These glasses are unreliable due to battery failure and lack of proper connectivity. The glasses are heavy, often not properly cleaned - which could pose a health risk to those with compromised immune system. The glasses are uncomfortable and can be difficult to wear for those that also use every day glasses, hearing aids, or cochlear implants.

Some theaters use a "captioning box" which is placed in an attendee's cup holder. The moviegoer then has to look back and forth between the box and the movie screen to understand what is happening.

This captioning box causes strained necks and eyes and increases the likelihood that Deaf, Deaf-Blind and Har of Hearing moviegoer miss portions of the film. The device is unreliable due to battery failure and lack of proper connectivity, too.

Providing open captions directly on films allows patrons who are Dead, Deaf-Blind or Hard of Hearing to enjoy a film equally to that of their hearing peers.

Open captions do not benefit individuals who are Dead, Deaf-Blind or Har of Hearing but also hose with other disabilities or non-native English speakers who may rely on captions to fully understand what is said.

Sincerely,

Kathy Thomas  
Kaneohe, Hawaii

February 26, 2019

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

Tuesday, February 26, 2019 at 9:00 A.M.  
Conference Room 016, State Capitol

RE: SENATE BILL 331 RELATING TO MOVIE THEATERS

Dear Chair Rhoads:

I am submitting this testimony in strong support of Senate Bill 331, which will ensure that individuals in Hawaii who are deaf, hard of hearing, or deaf-blind have full and equal access at movie theaters in Hawaii by requiring open captioned showings. I have relied on open captioning my entire life to fully enjoy screen-based dialogue; nothing else has allowed me to experience the degree of access afforded by open captioning.

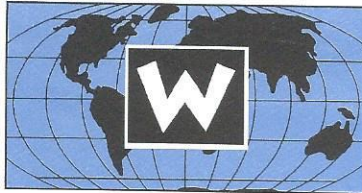
In fact, I recall rejoicing in 2015, when Hawaii became the first state in the U.S. to require open captioning at movie theaters. That feeling, however, diminished when the law changed in 2017. The decision to allow for “lightweight” eyewear as a substitute for open captioning was a gut-punch; I could not help but feel like a second-rate citizen. Assistive devices are glitchy, and my ability to follow dialogue is never “effective” – the standard required by the Americans with Disabilities Act. Moreover, wearing devices feels ostracizing. Wear them yourself in a room full of strangers and you will understand what I mean.

There are many issues with Hawaii’s current open captioning law that will be corrected and made permanent by Senate Bill 331, which will ensure that individuals in Hawaii who are deaf, hard of hearing, or deaf-blind have full and equal opportunity to enjoy showings at movie theaters. Please vote in support of this bill.

Mahalo for the opportunity to submit testimony.

Sincerely,

Colin Whited  
Honolulu, HI



WALLACE THEATERS MANAGEMENT  
CORPORATION

February 24, 2019

Senator Karl Rhoads  
Chair, Judiciary Committee  
Hawaii State Capitol, Room #204  
415 S. Beretania Street  
Honolulu, Hawaii 96818

VIA FACSIMILE & FIRST-CLASS MAIL: 586-6131

**Re: Request for Delay in Public Decision Making - SB331  
SB331 - Open Captioning/Hearing Impaired  
New Information Regarding Potential Inclusion of American Sign Language  
In Closed Captioning and Eyewear Platforms**

Dear Senator Rhoads,

I am requesting a delay to Public Decision Making on SB331 (scheduled for Tuesday, February 26, 2019) because new information has become available regarding the potential inclusion of American Sign Language, ("ASL"), into the closed captioning technology platform, including Eyewear and/or cellphones. As you know, SB331 seeks to eliminate the Eyewear option, and therefore stifles the technological innovation that is happening NOW - and most recently in the ASL "test" of the Lionsgate film, WONDER, the story of a 10-year-old boy with a disfiguring facial disease. The motion picture WONDER became one of the most accessible films of all times with accessibility features never seen before on a Hollywood production - the inclusion of ASL "track." Note that open captions with "subtitles" cannot help those who cannot read open captioning but know ASL, particularly young children.

I am scheduled to explain this new technological innovation to you and your staff when we meet on our previously scheduled meeting on Wednesday, February 27<sup>th</sup> - - but with Public Decision Making on SB331 now scheduled on the day before we meet, I wanted to make you aware that as an owner of cinemas in Hawaii why Eyewear is the innovative platform for expanded accessibility and that the Eyewear option should not be eliminated as a choice for the hearing-impaired community.

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Sincerely,

Scott C. Wallace  
President & Chief Executive Officer  
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Cc: Judiciary Committee - Testimony Submission  
SW:d1