

HB1272 HD2

Measure Title: RELATING TO MOVIE THEATERS.

Report Title: Motion Picture Theaters; Open Movie Captioning and Descriptive Narration

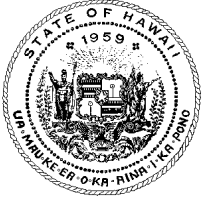
Description: Requires motion picture theaters that have more than two facilities in the State to provide open movie captioning and descriptive narration for at least two showings per week of a motion picture. (HB1272 HD2)

Companion:

Package: None

Current Referral: CPN, JDL

Introducer(s): TOKIOKA, CHOY, CULLEN, HASHEM, ICHiyAMA, ITO, JORDAN, KAWAKAMI, MIZUNO, MORIKAWA, NISHIMOTO, OSHIRO, SAY, TAKAYAMA, TSUJI, WOODSON, YAMANE, YAMASHITA, C. Lee, Lowen



HAWAI‘I CIVIL RIGHTS COMMISSION

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

March 17, 2015
9:00 a.m.
Conference Room 229

To: The Honorable Rosalyn H. Baker, Chair
and Members of the Senate Committee on Judiciary and Labor

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

Re: H.B. No. 1272, H.D.2.

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai‘i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

H.B. No. 1272, H.D.2, if enacted, would amend HRS Chapter 489, to require motion picture theaters that have more than two facilities in the state to provide open movie captioning and descriptive narration for at least two showings per week of a motion picture.

The HCRC supports H.B. No. 1272, H.D.2, with suggested amendments for clarity. HCRC staff has discussed the H.D.2 with staff from the Disability and Communication Access Board (DCAB) and, based on that discussion, suggests the amendments offered in the attached proposed S.D.1.

A BILL FOR AN ACT

RELATING TO MOVIE THEATERS.

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

SECTION 1. Chapter 489, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

"§489- Motion picture theater accommodation. (a)

~~Every motion picture theater that has more than two facilities in the State to which the general public is invited shall provide open movie captioning and descriptive narration during at least two showings per week of each motion picture that is offered for viewing at the motion picture theater.~~ Every motion picture theater owner that operates in more than two locations in the State to which the general public is invited shall provide open movie captioning during at least two showings per week of each motion picture that is offered for viewing.

(b) Every motion picture theater owner that operates in the State and offers motion pictures for viewing to the general public shall provide audio description upon request, of any motion picture that is produced and offered with audio description.

(bc) A violation of this section shall be a discriminatory practice.

(ed) For the purposes of this section:

"Motion picture theater" means a movie theater, screening room, or other venue in use primarily for the exhibition of a motion picture.

"Facilities" means a building or buildings in a single location comprising a motion picture theater."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect on January 1, 2016.

Report Title:

Motion Picture Theaters; Open Movie Captioning and
Descriptive Narration

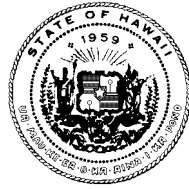
Description:

Requires motion picture theaters that have more than two facilities in the State to provide open movie captioning and descriptive narration for at least two showings per week of a motion picture. (HB1272 HD2)

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

The HCRC opposes ancestry and race-based discrimination associated with attacks on and denial of rights to undocumented immigrants. It is good public policy that that these residents who are undocumented immigrants be granted licenses to operate motor vehicles, making for improved road safety, with these drivers being qualified through written examinations and road tests, and should result in higher rates of insured drivers on the road. This will help to bring these residents out of the shadows and improve public safety.

The HCRC urges enactment of S.B. No. 683, S.B.1, and suggests an expression of legislative intent that the provisional or limited purpose driver's licenses be available wherever regular driver's licenses are available.



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

March 15, 2015

MEMORANDUM

TO: The Honorable Rosalyn H. Baker, Chair
Senate Committee on Commerce & Consumer Protection

FROM: Rachael Wong, DrPH, Director

SUBJECT: **H.B. 1272 HD2 - RELATING TO MOVIE THEATERS**

Hearing: Tuesday, March 17, 2015; 9:00 a.m.
Conference Room 229; State Capitol

PURPOSE: The purpose of this measure is to remove communication barriers at motion picture theaters for individuals who are deaf, hard of hearing, blind, or have low vision by requiring motion picture theaters that operate more than two facilities in the State and are open to the general public to provide movie captioning and descriptive narration during at least two showings per week of each motion picture that is offered for viewing and making a violation of these requirements a discriminatory practice.

DEPARTMENT'S POSITION: The Division of Vocational Rehabilitation (DVR) of the Department of Human Services (DHS) strongly supports the intent and purpose of HB1272 HD2 to provide equal access to persons who are deaf, hard of hearing as well as persons who are blind or have low vision in accessing the recreational services afforded all citizens via the offerings from various movie theaters.

The mission of the DVR is to empower our most vulnerable people and to expand their capacity for self-sufficiency, self-determination and independence. HB1272 HD2 will further

open the doors to full inclusion that was initiated by and continues with the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990 as amended in 2008. The proposed measure will allow the same opportunities to enjoy a movie as enjoyed by all citizens of Hawai`i.

The DHS defers to the Hawaii Civil Rights Commission regarding enforcement of this measure. The DHS defers to the Disability and Communication Access Board with regard to the type of captioning, closed or open, required by the ADA.

Thank you for the opportunity to provide testimony on this measure.



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

March 17, 2015

TESTIMONY TO THE SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

House Bill 1272, HD2 – Relating to Movie Theaters

The Disability and Communication Access Board (DCAB) supports House Bill 1272, HD2. We note that several theaters in the community do already provide audio description, upon request.

The purpose of House Bill 1272, HD2 is to amend §347-13, Hawaii Revised Statutes (HRS), by adding a new provision to require certain motion picture theaters open to the public to provide open captions and descriptive narration of each motion picture being shown.

The proposed law would address the discriminatory effects of communication barriers at movie theaters encountered by individuals who are deaf or hard of hearing or are blind or have low vision. By ensuring that movie theaters screen those movies that are produced and distributed with the necessary auxiliary aids and services — captioning and audio description — and that theaters provide the individual devices needed to deliver services to patrons with these particular disabilities, this law would afford such individuals an equal opportunity to attend movies and follow both the audio and visual aspects of movies exhibited at movie theaters.

DCAB is aware of the suggestions made by the Hawaii Civil Rights Commission as the enforcing agency and consulted with them on the proposed language for a Senate Draft 1. We support the amendments proposed by the Commission.

Thank you for the opportunity to testify.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG
Chairperson
Legislative Committee

FRANCINE WAI
Executive Director



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU, HAWAII 96814
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
March 17, 2015

The Honorable Rosalyn H. Baker, Chair
Senate Committee on Commerce
and Consumer Protection
Twenty-Eighth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Senator Baker and Members of the Committee:

SUBJECT: HB1272 HD2- Relating to Movie Theaters

The State Council on Developmental Disabilities (DD) **SUPPORTS HB 1272 HD2**. The bill proposes to amend Chapter 489, Hawaii Revised Statutes, by adding a new section that requires motion picture theaters that have more than two facilities in the State open to the general public to provide open movie captioning and descriptive narration of at least two showings per week of each motion picture that is offered for viewing at the motion picture theater.

Closed captioning provides a display of text on a screen or other visual display that provides additional or interpretive information of what is being presented. This process would provide access and enable individuals who are deaf or hard of hearing to enjoy movies in the similar manner as those who do not require closed captioning.

Thank you for the opportunity to submit testimony **supporting HB 1272 HD2**.

Sincerely,

Waynette K.Y. Cabral, M.S.W.
Executive Administrator

Rosie Rowe
Chair

From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: canthecant@gmail.com
Subject: *Submitted testimony for HB1272 on Mar 17, 2015 09:00AM*
Date: Sunday, March 15, 2015 7:37:00 PM

HB1272

Submitted on: 3/15/2015

Testimony for CPN on Mar 17, 2015 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Ewan	Aloha State Association of the Deaf	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: canthecant@gmail.com
Subject: *Submitted testimony for HB1272 on Mar 17, 2015 09:00AM*
Date: Sunday, March 15, 2015 7:38:14 PM

HB1272

Submitted on: 3/15/2015

Testimony for CPN on Mar 17, 2015 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kaimi Seminara	Hawaii Deaf Surfriders Association	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

February 5, 2015

TESTIMONY TO THE HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT &
BUSINESS

House Bill 1272 – Relating to Movie Theaters

Aloha,

I am Norman Galapin, President of the Hawai`i School for the Deaf and Blind Alumni Club (HSDBAC). Our organization proudly represents all alumni of the Hawaii School for the Deaf and Blind, which celebrated its 100th anniversary in 2014.

It is on behalf of HSDBAC that I submit this testimony in strong support of House Bill 1272 relating to captioning at motion picture theaters. Many of us recall growing up in an era where captioning was nonexistent. Whenever watching motion pictures, the only dialogues most of us could access were the ones we had created with our imagination. Over the time, legal efforts and their effects made movie theaters increasingly accessible for the deaf and hard of hearing. However, instead of providing open caption display, many theaters nowadays choose to make captioning available via the use of various assistive devices. Examples include portable screens held up by stands placed in cup holders, and special—not to mention bulky—glasses that may be worn throughout the film. While some consider these devices to be effective, the reality is that they are neither comfortable nor easily usable for many deaf and hard of hearing people. Moreover, most theaters provide just one form of access, and often do so without consulting the local deaf and hard of hearing community here in the State of Hawai`i.

I often remind myself how far we have come in terms of disability access, yet we have farther to go in order to achieve full accessibility. Those who are deaf or hard of hearing deserve to enjoy their movie theater experience as much as the next person. Instead, many find their experience diminished and feel shortchanged when left with no choice but to take in movies with flawed assistive devices. The deaf and hard of hearing deserve better. The first step towards fully accessible motion picture theaters lies in this very bill, which will require regular open captioned showings. Please accept our unwavering support of this bill on behalf of HSDBAC.

Mahalo for the opportunity to testify.

Respectfully submitted,

Norman Galapin
President, Hawaii School for the Deaf and Blind Alumni Club

From: [Ann Lemke](#)
To: [CPN Testimony](#)
Subject: zhB1272 testimony
Date: Monday, March 16, 2015 9:11:24 AM

Honorable Committee Members,

I support the intent of HB1272, providing captioned movies for the hearing impaired and video description for the blind. I myself am pleased as a blind person to live within walking distance of a Consolidated Theatre that provides both these options.

Perhaps open captioning may be the best option in some particular circumstances, but using closed captioning with the associated viewing glasses means that people who don't need or want captioning do not have to have it. I don't want this observation to be seen as opposition to the bill; rather, I would like to see the language be flexible enough for theater owners to adopt whatever the state-of-the-art technology may be at any given time in the future. Requiring what is now a virtually outdated technology (open captioning) does not seem to represent a progressive stance.

Ann Lemke, Ph.D.
lemke@hawaii.edu
808-235-7448 cell 808-232-4040

ART FRANK
84-718 FARRINGTON HIGHWAY
WAIANAE, HI 96792
March 15, 2015

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

House Bill 1272 HD2- RELATING TO MOVIE THEATERS

My name is Art Frank from Makaha. I am deaf and I also utilize braces and crutches for mobility. As a multi-disabled individual I have fought for accessibility for the deaf as well as other persons with disabilities for over 30 years starting in 1981. This bill for me is all about accessibility, this time to the movie theaters. Thirty four years ago the deaf didn't have accessibility to this legislature because you did not provide sign language interpreters so we could communicate and understand you. It took six years before you provided sign language interpreters for us. At the same time in 1981 we fought for a Telecommunications Relay Service (TRS) so we deaf could call our legislators, and other in the hearing world. That took 11 years. In addition people like me and my friends in wheelchairs needed accessible parking in this building. That didn't happen until 1996. In 1990 I urged the Joint Committee on Equal Access to provide disabled parking in this building after completion of extensive renovations scheduled I believe, from 1991 to 1995. The point I'm trying to make, it took years in the past to convince our legislature to provide us accessibility, so today I'm asking you to pass this bill now and not make us wait for years again. Thank you very much.

ART FRANK,
MAKAHA, WAIANAE COAST

March 16, 2015

Testimony by **Billy Kekua**
87-2210 Farrington Highway
Waianae, HI 96792

Support for H.B. 1272 Relating to Movie Theaters

Representative Derek Kawakami, Chair
Representative Sam Kong, Vice Chair
Committee on Economic Development and Business

It is crucial that the bill must become a reality for all of us. Not just for Deaf, Hard of Hearing, and DeafBlind but all. The captioning glass does not work to receive a pure watching experience. The mounted panel interferes my wish to enjoy a good cinema. The frustrations should not be experienced for anyone but for this is to ask you to ensure that theaters provide the captioned movies. There are many reasons and three ideas plucked to stress the importance of passing this bill.

- Good opportunity for foreigners to learn English
- Hearing people to improve their language(s)
- Deaf persons like myself to use the experiences for our worldly education

Thus, it is imperative to write that the accessibility must be required to provide the available captioned movies at all the times. All movie patrons will leave the theaters satisfied with two different ways to acquire the information from movies through sounds and captions but we still receive the same information. Would like to be able to communicate my thoughts with my Deaf friends and discuss about the details. Two languages are the foundations for my future.

Please pass the bill. Malama Pono. Mahalo.

Monday, March 16, 2015

Support for H.B. 1272 Relating to Movie Theaters

Aloha,

My name is Brian Nakamoto. I am in support of the House Bill 1272 requiring movie theaters to show open-captioned films in the State of Hawai`i.

It is time to have open-captioned films in all movie theatres instead of having to wear closed captioning devices such as glasses, or a rear-view plastic panel mounted on a flexible stalk to view the captioning, and other types of closed captioning devices. I would like to go to a movie theater with open captioning displayed on the screen without a device.

I also remember how difficult it is for my family members including my mother, aunts, and grandfather who are deaf as well. They could not enjoy their time at the movie theaters while being accommodated with a special equipment to use or wear, as the equipment caused a discomfort for them. The result was that the majority of my deaf family members decided to wait for the movie to be released on the DVD, Blu-Ray, streaming, or other type of media at a later date instead of admitting into a movie theater to watch a movie on its opening night or in a few days after its release.

The Deaf and Hard of Hearing should not be forced to wear or use special equipment to read the captioning. Open captioning provides equal access to watching movies in parallel with hearing people watching movies with audio.

Hearing people are not required to wear or use special devices to listen and watch the movie. The passage of House Bill 1272 will provide equal access to movie theaters for the Deaf and Hard of Hearing. I also support equal access for the Blind to enjoy at the movies theaters in the State of Hawai`i with equal accessibility as the hearing counterparts.

Mahalo for the opportunity to testify.

Aloha,

A handwritten signature in black ink that reads "B. Nakamoto". The signature is written in a cursive, flowing style.

Brian Nakamoto
Pearl City, Hawai`i

From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: canthecant@gmail.com
Subject: *Submitted testimony for HB1272 on Mar 17, 2015 09:00AM*
Date: Sunday, March 15, 2015 7:36:07 PM

HB1272

Submitted on: 3/15/2015

Testimony for CPN on Mar 17, 2015 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Ewan	Individual	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: jamesjtz@aol.com
Subject: Submitted testimony for HB1272 on Mar 17, 2015 09:00AM
Date: Sunday, March 15, 2015 10:19:14 PM

HB1272

Submitted on: 3/15/2015

Testimony for CPN on Mar 17, 2015 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
James Gauer	Individual	Support	No

Comments: Greater access for citizens with disabilities such as hearing impairments.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: [Laura Tobosa](#)
To: [CPN Testimony](#)
Subject: HB 1272, HD2 Relating to Movie Theaters
Date: Monday, March 16, 2015 12:14:24 PM

Dear Sir or Madam:

I would like you to approve this bill as it would provide access to people who are blind to feel that they are included in going to movie theaters just like everyone else.

Thank you..

Laura Tobosa
Statewide Independent Living Council
Treasurer

From: mailinglist@capitol.hawaii.gov
To: [CPN Testimony](#)
Cc: drlucy@hawaii.rr.com
Subject: Submitted testimony for HB1272 on Mar 17, 2015 09:00AM
Date: Saturday, March 14, 2015 11:48:35 AM

HB1272

Submitted on: 3/14/2015

Testimony for CPN on Mar 17, 2015 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Lucy Miller	Individual	Support	No

Comments: Passage of this bill will allow hearing impaired people more equal access to movies shown in theaters, in keeping with ADA.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: [Ana, Philip](#)
To: [CPN Testimony](#)
Subject: H.B. No. 1272H.D. 2.
Date: Monday, March 16, 2015 11:41:41 AM

State Of Hawaii

A Bill For An Act Relating To Movie Theaters

Senate Committee On Commerce And Consumer Protection March 17 2015 room 229 State Capital

I am Philip Ana Long Term Care Disability Specialist, I wish to offer my support of H.B. No 1272 H.D. 2. I am a Blind individual from birth, and someone who has used descriptive narration with movies. Every motion picture theater that has more than two facilities in the state to which the general public is invited shall provide open movie captioning and descriptive narration during at least two showings per week of each motion picture that is offered for viewing at the motion picture theater. A violation of this section shall be a discriminatory practice. In this section, In item C. I can appreciate the definition of a motion picture theater. Blind and Deaf individuals can finally have the enjoyment of movies just like everyone else.

Sincerely,
Philip Ana
Long Term Care Disability Specialist
Executive Office on Aging
250 S. Hotel St #406
Honolulu, HI 96813
Phone: 808-586-7289

From: [Roderick Macdonald](#)
To: [CPN Testimony](#)
Subject: Testimony of R.J. Macdonald: HB 1272 HD1 - Relating to Movie Theaters
Date: Sunday, March 15, 2015 9:38:10 PM

Testimony of
Roderick J. Macdonald
60 N. Beretania St., #602
Honolulu, HI 96817
rjmacdonalt@hawaiiantel.net

Submitted to the
Hawaii State Senate
Senate Committee on Commerce and Consumer Protection
Roselyn H. Baker, Chair

Pertaining to
HB 1272 HD1 – Relating to Movie Theaters

Tuesday, March 17, 2015, 9:00 AM
Hawaii State Capitol
Conference Room 229

Madam. Chair, Honorable Members - My name is Rod Macdonald. I am originally from New England but have lived in Honolulu for going on 18 years.

When I was growing up in the years immediately after World War II, one of my biggest joys was to go to the movies. I was legally blind but I had enough vision to see most of the action, especially when the screens got bigger and bigger. Every Saturday morning I would go to the church hall near my home and watch the Three Stooges, Buster Keaton, Dean Martin & Jerry Lewis, Francis the Talking Mule, Bugs Bunny... Later I would go to one of the two theaters in my hometown to watch Hopalong Cassidy, Gene Autry, Roy Rogers and all the great Disney movies.

I have not enjoyed a movie for a very long time. I have very little vision now, and I have been profoundly deaf for over 40 years. yet to this day I remember Kirk Douglas singing "Old Man Nemo" to a clapping seal (20,000 Leagues Under the Sea), Mike Fink eating his hat after losing the Great Keelboat Race (Davy Crockett) and Lady shyly sharing a plate of spaghetti with Tramp while a cook sang to them (Lady and the Tramp).

The legislation before you - HB 1272 HD1 – Relating to Movie Theaters - will re-open the movie theaters to those of us who have vision or hearing limitations. With just a wee tweak of the technology I may also be able to enjoy this wonderful entertainment again via wireless connectivity to my braille tablet.

To paraphrase Neil Armstrong, this legislation will represent one small step for the movie theaters and one giant leap for those of us with sensory impairments.

Thank you for your support of this legislation.