
A BILL FOR AN ACT

RELATING TO MOVIE THEATERS.

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

1 SECTION 1. The legislature finds that Act 39, Session Laws
2 of Hawaii 2015 (Act 39), codified as section 489-9, Hawaii
3 Revised Statutes, requires a public accommodation that owns,
4 leases, leases to, or operates a motion picture theater in more
5 than two locations in the State to provide open movie captioning
6 at two showings per week. Open movie captioning provides a
7 display of text on the movie screen or via another visual
8 display that provides additional or interpretive information for
9 what is being presented.

10 The legislature further finds that one of the goals of
11 Act 39 was to improve accessibility for and reduce
12 discriminatory effects of communication barriers upon the deaf
13 and hard-of-hearing communities. The legislature additionally
14 finds that open movie captioning has enabled deaf and hard-of-
15 hearing consumers to enjoy movies in a similar fashion as those
16 who do not require open movie captioning.



1 Despite these laudable benefits, Act 211, Session Laws of
2 Hawaii 2017 (Act 211), amended section 489-9, Hawaii Revised
3 Statutes, to allow movie theaters the option of providing only
4 one open movie captioning showing per week or offering consumers
5 a personal closed captioning system, in the form of a
6 lightweight eyewear device. This amendment enabled movie
7 theaters to make eyewear devices available in lieu of offering
8 any showings with open movie captioning, thus depriving the deaf
9 and hard-of-hearing communities of a tremendous benefit.

10 The legislature notes that some movie theaters have
11 complied with Act 211 by providing open movie captioning during
12 matinee screenings only. Many members of the deaf and hard-of-
13 hearing communities work and attend school, often making
14 attendance at matinee screenings infeasible. The legislature
15 also notes that people have complained that the personal closed
16 captioning device permitted by Act 211 is unreliable and
17 uncomfortable to wear, especially with eyeglasses.

18 Therefore, the purpose of this Act is to ensure that Hawaii
19 continues to support full access for persons with disabilities
20 through meaningful accessibility requirements for movie
21 theaters, by:



(1) Making permanent the requirement that motion picture theaters offer open movie captioning showings and specifying that showings must be offered at least two times per week;

(2) Requiring one of those showings to have a scheduled start time no earlier than 4:30 p.m. and one of those showings to be scheduled on a Saturday or Sunday; and

(3) Eliminating the option of fulfilling the statutory accessibility requirement by providing personal closed captioning screenings by means of lightweight eyewear.

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

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

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



1 ~~(2) A personal closed captioning system by means of~~
2 ~~lightweight eyewear for a motion picture that is~~
3 ~~produced and offered with closed captioning content.],~~
4 including at least one showing per week featuring open movie
5 captioning that shall have a scheduled start time no earlier
6 than 4:30 p.m. and at least one showing per week featuring open
7 movie captioning that shall be scheduled on a Saturday or
8 Sunday."

9 SECTION 3. Act 39, Session Laws of Hawaii 2015, as amended
10 by Act 211, Session Laws of Hawaii 2017, is amended by amending
11 section 3 to read as follows:

12 "SECTION 3. This Act shall take effect on January 1,
13 2016 [~~and shall be repealed on January 1, 2018~~]."

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

16 SECTION 5. This Act shall take effect on July 1, 2035.



Report Title:

Motion Picture Theaters; Accommodation; Open Movie Captioning;
Audio Description

Description:

Makes permanent the requirement for certain movie theaters to provide open movie captioning. Requires at least two showings per week, one with a scheduled start time no earlier than 4:30 p.m. and one on a Saturday or Sunday. Repeals the option of fulfilling the requirement with personal closed captioning screenings by means of lightweight eyewear. (SB1156 HD1)

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