

JAN 19 2018

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), established section 489-9, Hawaii
3 Revised Statutes, to require a public accommodation that owns,
4 leases, leases to, or operates a motion picture theatre 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 of
9 what is being presented.

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



1 Despite the laudable benefits provided by Act 39, in 2017,
2 Act 211, Session Laws of Hawaii 2017 (Act 211), was enacted.
3 Act 211 amends section 489-9, Hawaii Revised Statutes, to allow
4 movie theaters the option of providing only one open movie
5 captioning showing per week or making available to the consumer
6 a lightweight eyewear device. In so doing, Act 211 enabled
7 movie theaters to make eyewear devices available in lieu of
8 offering any showings with open movie captioning, thus depriving
9 the deaf and/or hard-of-hearing community of a tremendous
10 benefit. Further, federal rules promulgated by the Department
11 of Justice in 2016 only require closed captioning, not open
12 captioning.

13 The legislature notes that some movie theaters have
14 complied with Act 211 by providing open movie captioning during
15 matinee screenings only. Members of the deaf and/or hard-of-
16 hearing community work and attend school, often making
17 attendance at matinee screenings infeasible. Furthermore, Act
18 211's option for movie theaters to offer personal closed movie
19 captioning by means of lightweight eyewear, as an alternative to
20 open movie captioning, has generated complaints that the eyewear



1 is unreliable and uncomfortable to wear, especially with
2 eyeglasses.

3 Therefore, the purpose of this Act is ensure that Hawaii
4 continues to support full access for persons with disabilities
5 and meaningful accessibility requirements for movie theaters,
6 by:

- 7 (1) Making permanent the requirement that movie theaters
8 make available open movie captioning showings at least
9 two times per week;
- 10 (2) Requiring one of those showings to not be a matinee;
11 and
- 12 (3) Eliminating the requirement that public accommodations
13 provide an option of personal closed captioning
14 screenings by means of lightweight eyewear.

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

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

20 ~~(1) Open~~ open movie captioning during at least ~~[one~~
21 ~~showing]~~ two showings per week of each motion picture



1 that is produced and offered with open movie
 2 captioning [~~or~~

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

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, 2020~~]."

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, 2018.
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S.B. NO. 2650

Report Title:

Motion Picture Theater Accommodation; Open Movie Captioning

Description:

Makes permanent the requirement for certain motion picture theater owners and operators to provide open movie captioning at least twice per week, one of which begins no earlier than 4:30 p.m. Repeals the requirement to provide an option of personal closed captioning screenings by means of lightweight eyewear.

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