



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

GOV. MSG. NO. 1325

July 12, 2017

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

Re: HB475 HD1 SD2 CD1

HB475 HD1 SD2 CD1, entitled "A BILL FOR AN ACT RELATING TO MOVIE THEATRES" will become law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The purpose of this bill is to extend the sunset date of Act 39, Session Laws of Hawaii 2015, to January 1, 2020. A public accommodation that owns, leases, leases to, or operates a motion picture theater in more than two locations in the State will have to provide: (1) open movie captioning during at least one showing per week, or (2) a personal closed captioning system.

There is a concern that this bill will render the current state law meaningless because it offers a choice between open captioned movies or providing "lightweight eyewear" as an alternative. Under the ADA, movie theaters already must provide a system to view closed captioning effectively eviscerating the requirement to provide open captioning.

There is also concern that this bill will potentially create problems where theaters could be in compliance with state law but be in violation of federal ADA laws.

The Honorable Ronald D. Kouchi and Members of the Senate
The Honorable Scott K. Saiki and Members of the House of Representatives
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For the foregoing reasons, HB475 HD1 SD2 CD1 will become law as Act 211,
Session Laws of Hawaii 2017, effective July 12, 2017, without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "David Y. Ige". The signature is fluid and cursive, with a large, sweeping flourish at the end.

DAVID Y. IGE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO MOVIE THEATRES.

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 [open]:

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

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

12 SECTION 2. Act 39, Session Laws of Hawaii 2015, is amended
13 by amending section 3 to read as follows:

14 "SECTION 3. This Act shall take effect on January 1, 2016,
15 and shall be repealed on January 1, [~~2018-~~] 2020."

16 SECTION 3. The department of business, economic
17 development, and tourism shall conduct a survey of the motion



HB No. 475, HD 1, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.


President of the Senate


Clerk of the Senate