

STAND. COM. REP. NO.

1343

Honolulu, Hawaii

APR 05 2017

RE: H.B. No. 475
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Judiciary and Labor, to which was referred H.B. No. 475, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MOVIE THEATRES,"

beg leave to report as follows:

The purpose and intent of this measure is to remove the sunset date of Act 39, Session Laws of Hawaii 2015 (Act 39), thereby making permanent the requirements for a public accommodation that owns, leases, leases to, or operates a motion picture theater in more than two locations in the State to provide open movie captioning during at least two showings per week of each motion picture that is produced and offered with open movie captioning and audio descriptions upon request for all motion pictures for which such accommodations are available and provide public notice if such accommodations are not available for certain movies.

Your Committees received testimony in support of this measure from the Department of Business, Economic Development and Tourism; Disability and Communication Access Board; State Council on Developmental Disabilities; Hawai'i Civil Rights Commission; The Georgia E. Morikawa Center; Isle Interpret, LLC; and fourteen individuals.



Your Committees find that Act 39 requires a public accommodation that owns, leases, leases to, or operates a motion picture theater in more than two locations in the State to provide open movie captioning and audio descriptions upon request. Open movie captioning provides a display of text on the movie screen or via another visual display that provides additional or interpretive information of what is being presented.

Your Committees further find that Act 39 was intended to improve accessibility and address the discriminatory effects of communication barriers at movie theaters encountered by individuals who are deaf, hard of hearing, deaf blind, or blind or have low vision. According to testimony received by your Committees, open movie captioning has enabled deaf, hard of hearing, and deaf blind consumers to enjoy movies in a similar manner as those who do not require open movie captioning.

Your Committees additionally finds that Act 39 is scheduled to be repealed on January 1, 2018. This measure removes the sunset date of Act 39, thus making permanent the motion picture accommodation requirements for Hawaii movie theaters. Your Committees note that the accessibility requirements in Act 39 go beyond those specified in the recently-adopted United States Department of Justice final rules for movie theaters, which only provide for closed captioning. Removing the sunset date of Act 39 therefore ensures that Hawaii continues to support full access for persons with disabilities and meaningful accessibility requirements for movie theaters, even after the federal rules have gone into effect.

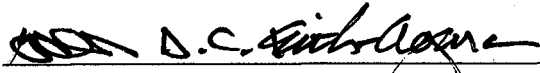
Your Committees have amended this measure by:

- (1) Clarifying that a public accommodation that owns, leases, leases to, or operates a motion picture theater in the State may provide a personal closed captioning system for a motion picture that is produced and offered with closed captioning content;
- (2) Inserting an effective date of upon approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 475, H.D. 1, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 475, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Commerce,
Consumer Protection, and Health
and Judiciary and Labor,



GILBERT S.C. KEITH-AGARAN, Chair



ROSALYN H. BAKER, Chair



