

Honolulu, Hawaii

FEB 13 2018

RE: S.B. No. 2650
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 2650 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Make permanent the requirement for certain motion picture theater owners and operators to provide open movie captioning for at least two showings per week, one of which shall have a scheduled start time no earlier than 4:30 p.m.; and
- (2) Repeal the requirement to provide an option of personal closed captioning screenings by means of lightweight eyewear.

Your Committee received testimony in support of this measure from the Office of Language Access; Disability and Communication Access Board; State Council on Developmental Disabilities; Hawai'i Civil Rights Commission; Hawaii Disability Rights Center; Aloha State Association of the Deaf; Comprehensive Service Center; Isle Interpret, LLC; and sixty-eight individuals. Your Committee received testimony in opposition to this measure from the Regal Entertainment Group, Consolidated Theaters, and seventeen individuals.



Your Committee finds that Act 39, Session Laws of Hawaii 2015 (Act 39), required movie theaters with more than two locations in Hawaii to provide open movie captioning at two showings per week. Act 39 augmented federal requirements, which require movie theaters to offer an assistive technology option to view movies with closed captioning. However, Act 211, Session Laws of Hawaii 2017 (Act 211), rolled back the requirements established by Act 39, by requiring movie theaters to offer one viewing, rather than two, with open captioning per week and offer lightweight eyewear as an alternative to open movie captioning. This measure seeks to restore the original requirements contemplated by Act 39, which 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.

According to testimony from the Disability and Communication Access Board, the deaf community strongly prefers open captioning to any type of eyewear, even if lightweight. The Disability and Communication Access Board noted that the federal closed captioning law pertaining to eyewear was not a preference of the deaf and hard of hearing community, but rather a compromise with the movie theater industry. The Disability and Communication Access Board also noted that federal requirements permit movie theaters to use any option to view closed captions, while Act 211 specifies one particular type of closed captioning device, in the form of lightweight eyewear. Your Committee further finds that given the rapid technological advances common in today's society, referencing a specific type of technology, such as lightweight eyewear, in statute is problematic, as it is likely that such technology could soon be rendered obsolete.

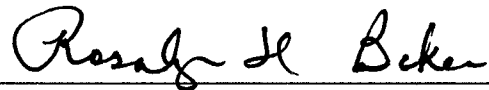
Finally, your Committee notes that open movie captioning also provides a critical benefit to Limited English Proficient individuals and English-Language Learners. According to the Office of Language Access, open movie captioning can be a great tool for Limited English Proficient individuals and English-Language Learners to enjoy movies and can increase opportunities to learn the correspondence between spoken and written language.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2650, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2650, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:* SB 2650	Committee Referral: CPH, JDC	Date: 2/6/18
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TOKUDA, Jill N. (VC)				✓
CHANG, Stanley		✓		
ESPERO, Will	✓			
IHARA, Jr., Les	✓			
NISHIHARA, Clarence K.				✓
RUDERMAN, Russell E.	✓			
TOTAL	4	1		2

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:

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*Only one measure per Record of Votes