

STATE OF HAWAII
DEPARTMENT OF HEALTH
OFFICE OF LANGUAGE ACCESS
830 PUNCHBOWL STREET, ROOM 322
HONOLULU, HAWAII 96813

March 29, 2019

To: The Honorable Senator Karl Rhoads, Chair
The Honorable Senator Glenn Wakai, Vice Chair
Members of the Senate Committee on Judiciary

From: Aphirak Bamrungruan, Executive Director

Subject: **HB 1009, HD1, SD1** – RELATING TO MOVIE THEATERS

Hearing: Tuesday, April 2, 2019, 10:10 AM
Conference Room 016, State Capitol

Agency's Position: The Office of Language Access (OLA) supports House Bill 1009, HD1, SD1.

Purpose and Justification: The purpose of this measure is to make permanent the requirement for certain motion picture theater owners and operators to provide open movie captioning at least two showings per week and repeals the requirement to provide an option of personal closed captioning screenings by means of lightweight eyewear.

The purpose of OLA's enabling statute (Hawaii Revised Statutes 321C) is to address the language access needs of limited English Proficient (LEP) persons and ensure their meaningful access to services, programs, and activities offered by the executive, legislative, and judicial branches of state government, including departments, offices, commissions, boards, or other state-funded agencies.

HB1009, HD1, SD1 benefits more than the Deaf, Deaf-Blind, and Hard of Hearing. Under the current law, the lightweight glasses are only available to those requiring an ADA accommodation, not for LEP individuals. Using open captioning can be a great tool for LEP individuals and English-Language Learners (ELLs) to enjoy movies and to increase an opportunity to learn the correspondence between spoken and written language. Open captioning provides a critical link to communication and making information accessible to LEP individuals and ELLs.

Thank you for the opportunity to testify on this bill.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
April 2, 2019

The Honorable Senator Karl Rhoads, Chair
Senate Committee on Commerce, Consumer Protection, and Health
Thirtieth Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Senator Rhoads and Members of the Committee:

SUBJECT: HB 1009 HD1 SD1 - Relating to Movie Theaters

The State Council on Developmental Disabilities **SUPPORTS HB 1009 HD1 SD1**. The bill requires a movie theater to provide at least two showings per week per movie offered with open movie captioning. Removes the option of a movie theater to provide eyewear to fulfill the movie captioning requirement. Makes the requirement permanent by repealing the sunset date from Act 39, Session Laws of Hawaii 2015.

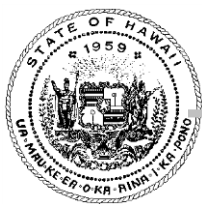
Open movie captioning provides a display of text on a screen or other visual display that provides additional or interpretive information of what is being presented. Star Wars: The Force Awakens movie was the first official premiere of open movie captioning on December 30, 2015. The overwhelming response of individuals attending the movie with open captioning was evident of the positive benefits of providing access for individuals who are deaf or hard of hearing to enjoy movies in a similar manner as those who do not require open movie captioning. Passing HB 1009 HD1 will provide the deaf and hard of hearing an equal opportunity to enjoy attending a movie with family and friends like the general public.

The Disability and Communication Access Board (DCAB) is responsible for providing technical assistance regarding the Americans with Disabilities Act (ADA) to State and County Government agencies, as well as private businesses. As such, the Council respectfully defers to DCAB for comments, and any further proposed amendments they may have that would strengthen equal access to the movie theaters.

Thank you for the opportunity to submit testimony **supporting HB 1009 HD1 SD1**.

Sincerely,

Daintry Bartoldus
Executive Administrator



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

April 2, 2019
Rm. 016, 10:10 a.m.

To: Hon. Karl Roads, Chair
Hon. Glenn Wakai, Vice Chair
Members of the Senate Committee on judiciary

LATE

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 1009, H.D.1, S.D. 1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

HCRC strongly supports H.B. No. 1009, H.D.1, S.D. 1, which amends H.R.S. § 489-9(a), to restore the statutory requirement originally enacted as a provision of Act 39, L. 2015, that covered movie theaters provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning. The bill deletes the amendment of that provision effected by Act 211, L. 2017, reducing the requirement to one showing per week with open captioning, and eliminating that requirement for theaters that opt to provide “[a] personal closed captioning system by means of lightweight eyewear for a motion picture that is produced and offered with closed captioning content.”

Further, H.B. No. 1009, H.D.1,S.D. 1, amends Act 39, Session Laws of Hawaii 2015, as amended by Act 211, Session Laws of Hawaii 2017, to eliminate the “sunset” of the statute on January 1, 2020.

The HCRC has enforcement jurisdiction over H.R.S. chapter 489, including § 489-9. Under § 489-9(c), a violation of the open captioning and audio description requirements is an unlawful discriminatory practice.

H.R.S. § 489-9, as enacted in Act 39 in 2015, was intended to establish its state requirements in addition to and supplementing federal ADA Title III requirements under US DOJ rules, which require covered movie theaters to provide *closed captioning* and audio description for digital movies produced, distributed or available with those features, accessed by use of individual movie captioning and audio devices at individuals' seats.

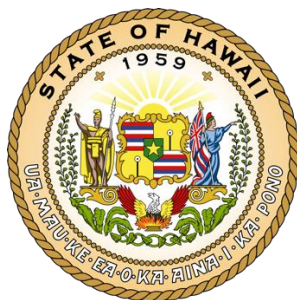
As enacted in 2015, Act 39 was considered landmark legislation for the deaf community, the first of its kind in the nation, specifically because it required the limited number (2) of open captioned showings per week, that were not required by federal law. Many of the 2015 testifiers on H.B. No. 1272, which was enacted as Act 39, testified that closed captioning was not an effective accommodation for everyone to enjoy a movie viewing experience, noting that the "cupholder" closed caption reading device required the viewer to simultaneously look down at the text and up at the screen, the use of available eyewear to read closed captions was uncomfortable and disorienting, and that the eyewear for reading closed captions could not be worn by viewers who need and use prescription eyeglasses.

Act 211, enacted in 2017, reduced the required number of open captioned showings from two to one per week. However, by inserting the "or" between the amended H.R.S. § 489-9(a)(1) and (2), it effectively eliminated the requirement for any open captioned showings for theaters that provide closed captioning systems by means of lightweight eyewear. It did so without defining "lightweight eyewear," or any numerical requirement for the number of lightweight eyewear units a theater would have to provide at each theater or megaplex location. (The US DOJ federal rule requires a megaplex with 8-15 auditoriums to have 8 captioning devices, which could be eyewear or other captioning devices used by patrons at their seats.)

Act 211 effectively eliminated the open captioned showing requirement that made the current law additive and supplemental to the federal requirements. The HCRC has consistently opposed rollback, erosion, and elimination of existing civil rights protections.

H.B. No. 1009, H.D.1, S.D. 1, will help to ensure that members of the deaf community have full, equal, and nondiscriminatory access to and enjoyment of motion pictures with open captioning.

The HCRC strongly supports H.B. No. 1009, H.D.1., S.D. 1



LATE

‘O kēia ‘ōlelo hō’ike no ke
Komikina Kūlana Olakino o Nā Wāhine

Testimony on behalf of the
Hawai‘i State Commission on the Status of Women
Khara Jabola-Carolus, Executive Director

Prepared for the Senate Committee on Judiciary

In Support of HB1009 HD1, SD1
Tuesday, April 2, 2019, at 10:10 a.m. in Room 016

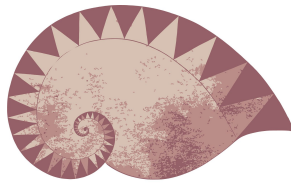
Dear Chair Rhoads, Vice Chair Wakai, and Honorable Members,

The Hawai‘i State Commission on the Status of Women supports HB1009 HD1, SD1, which would require a movie theater to provide at least two showings per week per movie offered with open movie captioning. The legislation would also remove the option of a movie theater to provide eyewear to fulfill the movie captioning requirement.

Difference is not defect. The Commission supports the Deaf and hard-of hearing community, especially our very own Deaf Women’s Taskforce and their families. This measure would help to redress years of discrimination by private entities that provide public accommodations. HB1009 would also allow the Deaf community more equal access to culture and entertainment that was diminished in the 1920s when open captioning dwindled. Accordingly, the Commission asks the Committee to pass HB1009 HD1, SD1.

Sincerely,

Khara Jabola-Carolus



Pono Hawai'i Initiative

Josh Frost - President • Kau'i Pratt-Aquino - Secretary • Patrick Shea - Treasurer
Kristin Hamada • Nelson Ho • Summer Starr

Sunday, March 31, 2019

Relating to Movie Theaters
Testifying in Strong Support

Aloha, Chair and Committee members

The Pono Hawai'i Initiative (PHI) is in **strong support of HB 1009 HD1, SD1 Relating to Movie Theaters**. This measure makes permanent the requirement movie theaters show at least two showings a week of movies produced and offered with open captioning.

This is a simple smart measure that will help to improve the lives of Hawaii's deaf and hard of hearing community. By passing this measure it will make sure that more members of our community can be accommodated, and consequently improve the quality of life for all.

Please pass this measure forward **as is**.

Mahalo for the opportunity to testify,

Gary Hooser
Executive Director

Pono Hawai'i Initiative, an organization member of the Common Good Coalition

HB-1009-SD-1

Submitted on: 4/1/2019 9:38:24 AM

Testimony for JDC on 4/2/2019 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rosalind Kia	Testifying for Comprehensive Service Center	Support	No

Comments:

My name is Rosalind Kia and I am the Project Coordinator for the Comprehensive Service Center for People who are Deaf, Hard of Hearing, or Deaf-Blind. We need OPEN captioning in more than one theater, at more than one time. Currently, there are only one or two theater options which force the community to pay higher ticket prices because the OC movie is playing at a theater with recliner seats. OC also enables more than a small group of friends to attend. We, as the CSC, have wanted to take large groups to view movies together, which would then be part of class discussions afterward, but the theater did not have enough CC devices.

I am also a foster mother and have fostered five deaf children over the years and let me tell you, it is NOT easy for a child to maneuver the cup holder caption device, and it is often times not in the right viewing angle. The caption glasses are even worse and are not a one size fit all option.

Please support this bill and make open captions available.

Mahalo

Roz

From: [Hawaii Interpreting Services](#)
To: [JDCTestimony](#)
Date: Sunday, March 31, 2019 8:55:08 PM

March 31, 2019

Senator Karl Rhoads
Chair Judiciary
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairman Rhoads,

We strongly support HB 1009 HD1 SD1, which will permanently require open captioning at movie theaters in Hawaii.

Community differentiation is a key concept in economic development today. If one cannot differentiate their community from any other, they have no competitive advantage. The image of a community is fundamentally important to its economic well being.

This is one of many beneficiary facets to passing this bill, along with allowing access to those with different abilities to enjoy the same entertainment options. Enacting this bill will give movie theaters an advantage to cater to people of Hawaii as well as other individuals that need open captioning.

A recent major study by Theater Owners of New England (TONE) conducted a survey in 2017 and the following:

98.7% of hearing moviegoers did not find Open Captions a distraction when watching OC movies, according to the Rhode Island Community of Deaf and Hard of Hearing (RICDHH).

95.4% of all survey respondents indicated Open Captions is the device of choice for all captioned movies.

A separate open movie captioning survey conducted by the Wisconsin Association of the Deaf in 2014 had 25,068 participants. After completing the survey, they discovered that 98% of the participants preferred open captioning movie over any other methods provided by movie theaters such as Captioning Glasses, Rear-WindowCaptioning, and Assistive Listening Devices.

Passing this bill would be a giant step in the right direction. Examples of how frustrated Deaf and Hard of Hearing moviegoers are with closed captioning appear in the other 49

states as well. More data from the survey conducted by Wisconsin Association of the Deaf (2014) shows the following:

49.42% of movie theater employees were unfamiliar with the accommodation equipment request.

25.95% of the devices stopped working during the movie.

12.82% of the devices were not charged, resulting in dead batteries.

As shown above, it is clear that the current options for the Deaf, Deaf-Blind, and Hard of Hearing community are the best choice. By all means, let's work to improve the quality of life in Hawai'i together by passing this important, progressive bill.

Mahalo,

Hawaii Interpreting Services

--

Hawaii Interpreting Services
PO Box 734
Kaneohe, HI 96744
808-394-7706 Main Line/voice calls
808-692-0595 Video Phone/signing calls
1-808-442-0088 fax



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HB-1009-SD-1

Submitted on: 4/1/2019 9:59:14 AM

Testimony for JDC on 4/2/2019 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Agnes Malate	Testifying for Filipinos for Affirmative Action	Support	No

Comments:

Dear Luna Ho'omalua Rhoads, Hope Luna Ho'omalua Wakai, and Members of the Senate Committee on Judiciary:

My name is Agnes Malate and I am in full support of HB 1009, HD1, SD1 requiring a movie theater to provide at least two showings per week per movie offered with open movie captioning. In addition, I support removing the option for a movie theater to provide eyewear to fulfill the open movie captioning requirement and makes the open captioning requirement permanent by repealing the sunset date of Act 39, Session Laws of Hawaii 2015. (SD1)

Regarding the lightweight eyewear captioning systems, they have not been well received by the deaf and hard of hearing community and may not be appropriate for all deaf and hard of hearing individuals, therefore leaving a segment of the population without adequate accommodation.

The bill might not on its face appear to impact the LEP and ELL community, I support the because they benefit more than the Deaf, Deaf-Blind, and Hard of Hearing. Especially for the following reasons:

1. Under the current law, the lightweight glasses are only available to those requiring an ADA accommodation, not for LEP individuals.
2. Using open captioning can be a great tool for LEP individuals and English-Language Learners (ELLs) to enjoy movies and to increase an opportunity to learn the correspondence between spoken and written language.
3. Open captioning provides a critical link to communication and making information accessible to LEP individuals and ELLs.

I appreciate you full consideration of this bill.

Sincerely,

Dr. Agnes Malate

LATE

HB-1009-SD-1

Submitted on: 4/1/2019 4:12:06 PM

Testimony for JDC on 4/2/2019 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Kroe-Unabia	Testifying for Isle Interpret, LLC	Support	No

Comments:

TESTIMONY IN SUPPORT OF HB1009 HD1 SD1

Isle Interpret is submitting testimony in support of House Bill 1009 HD1 SD1 to require open captioning at movie theaters in Hawaii.

In 2015, Hawaii was the first state to require open captioning at movie theaters. This provided patrons who are deaf, hard or hearing, or latened deaf including a large senior citizen population to enjoy full and equal access to movies along with their families. When the law changed in 2017 permitting theaters to utilize "lightweight eyewear," this made attending movies unenjoyable for many deaf, hard of hearing, and latened senior citizens. The experience was no longer full or equal. Not only are the glasses uncomfortable and sometime impossible for patrons to wear, they are not conducive for deaf children, and there are frequently technological issues that interfere with having an enjoyable night out. This has resulted in many deaf, hard of hearing and latened deaf to once again wait until movies are released on DVD to be able to enjoy them.

Open captions are not a deterrant for other patrons of movie theaters. They should be the standard for all movies that are shown at all movie theaters so they are 100% accessible and inclusive of all members of our community. A side benefit is that captions will also support and enhance English literacy in the state. We respectfully ask that HB 1009 be passed in order to make the provision of open captioning a permanent requirement ensuring that person who are deaf, hard of hearing have full and equal access at Hawaii's movie theaters.

Please vote in support of this bill.

Respectfully submitted,

Tamar Lani, President

Susan Kroe-Unabia, Vice President

Isle Interpret, LLC

LATE

HB-1009-SD-1

Submitted on: 4/1/2019 4:21:00 PM
Testimony for JDC on 4/2/2019 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Democrats Legislative Priorities Committee	Support	No

Comments:

HB-1009-SD-1

Submitted on: 3/29/2019 3:41:59 PM

Testimony for JDC on 4/2/2019 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Beth	Individual	Support	No

Comments:

Please support this measure which provides important access for people who are Deaf or Hard of Hearing.

From: [Eleanor Macdonald](#)
To: [JDCTestimony](#)
Cc: [Roderick J. Macdonald](#)
Subject: Re: DRAFT: Vigorous Support for HB1009 HD1 SD1
Date: Saturday, March 30, 2019 10:09:04 AM

> To Honorable Senators Rhoads, Wakai, Gabbard, Kim, and Fevella:

>

> I am writing to urgently request your support for HB 1009 HD1 SD1, which will remove the sunset date to provide Open Caption Movies for at least 2 times a week and to offer at least 1 showing on a weekend.

>

> Open Caption Movies will INCREASE the number of moviegoers who are unable to benefit from movie theaters without this technology in place; they instead are restricted to watching streamed movies on TV, which has open captions with the push of a button on their remote.

>

> For the last 10 years, it is well documented that people are staying at home and streaming movies on their TV screens. The digital revolution has changed how people watch movies. However, the National Association of Theater Owners (NATO) believes Netflix and other digital outlets have resulted in minimal impact on their business.

>

> Don't you think that 2 showings a week with Open Captions will result in a niche audience for the theaters? Marginalized residents in Hawaii like us senior citizens, Deaf and hard of hearing people and others who are learning English as a second language do NOT now flock to theaters....Open Captions will BOOST the number of moviegoers!

>

> Use of closed captioning is cumbersome, uncomfortable to use and "not acceptable" to consumers. We have learned over and over again that "Separate is not equal".

>

> Mr. Chairman, Members, there are many opportunities for entertainment open to our society, but not all of them are open to all members of the community. When an entertainer conducts a concert at the Blaisdell Center, this is not normally open to those who cannot hear the music. When the University of Hawaii plays an important football game, this is not normally open to a blind person who cannot see the action. So when an opportunity does come along to make our opportunities accessible to those otherwise denied, we should exercise our responsibility and make the choice: the choice is between financial interests and human interests. What was our choice 50+ years ago when we considered requiring ramps to enable people with disabilities to enter otherwise-inaccessible buildings? The choice now in front of us will have a much, much smaller impact on the movie industry.

>

> Please just "do the right thing" and vote to pass HB 1009 HD1 SD1.

Mahalo in advance,
Eleanor Macdonald
Resident District 13

>>

From: [Danny Gong](#)
To: [JDCTestimony](#); [Sen. Glenn Wakaj](#); [Sen. Karl Rhoads](#)
Subject: testimony letter in support of HB1009 HD1 SD1
Date: Saturday, March 30, 2019 10:14:40 AM

Hello my name is Danny Gong, I would like to submit my written testimony, in strong support of HB1009 HD1 SD1, Open Movie Captioning Bill.

This is a cost effective way of providing communication access for the Deaf, Hard of Hearing, Learners of English community.

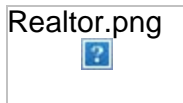
In addition, this will help improve reading and vocabulary for children attending the movies with open captions.



Danny Gong

Real Estate (RA) RS-78673
Sign Language Interpreter RID CI, HQAS 5

[808-799-8249](tel:808-799-8249)
dannygong@dannygong.com



From: [Sabina Wilford](#)
To: [JDCTestimony](#)
Subject: HB1009 HD1 SD1-in support
Date: Saturday, March 30, 2019 7:26:15 PM

Hawaii Interpreting Services is in support of requiring a movie theaters to provide at least two showings per week per movie offered with open movie captioning. We also support removing the option for a movie theater to provide eyewear to fulfill the open movie captioning requirement.

Mahalo,

Sabina Wilford

--

Sabina Wilford
Hawaii Interpreting Services
PO Box 734
Kaneohe, HI 96744
808-394-7706 Main line/voice calls
808-692-0595 Video phone/sign calls
1-808-442-0088 Fax



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From: [Eileen Chiwa](#)
To: [JDCTestimony](#)
Subject: HOUSE BILL 1009 HD1 SD1 TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY
Date: Sunday, March 31, 2019 1:02:33 AM

March 31, 2019

Senator Karl Rhoads
Chair Judiciary
Hawaii State Capitol
Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads,

I am writing to express my support for the Open Movie Captioning bill. I urge you to pass this important bill.

For many Deaf, Deaf-Blind and Hard of Hearing residents and visitors to the islands including all residents of Hawaii, seeing a film in a movie theater can prove to be difficult. Often, movie theaters offer "closed captioning" glasses for attendees who are Deaf, Deaf-Blind or Hard of Hearing so they can view captions detailing spoken words, sounds, and music throughout the film. These glasses are unreliable due to battery failure and lack of proper connectivity. The glasses are heavy, often not properly cleaned - which could pose a health risk to those with compromised immune systems. The glasses are uncomfortable and can be difficult to wear for those that also use every day glasses, hearing aids, or cochlear implants.

Some theaters use a "captioning box," which is placed in an attendee's cup holder. The moviegoer then has to look back and forth between the box and the movie screen to understand what is happening. This causes strained necks and eyes and increases the likelihood that Deaf, Deaf-Blind and Hard of Hearing moviegoers miss portions of the film. These devices are also unreliable due to battery failure and lack of proper connectivity, too.

Providing open captions directly on films allows patrons who are Deaf, Deaf-Blind or Hard of Hearing to enjoy a film equally to that of their hearing peers. Open captions do not just benefit individuals who are Deaf, Deaf-Blind or Hard of Hearing but also those with other disabilities or non-native English speakers who may rely on captions to fully understand what is said.

Thank you for the opportunity to testify.

Sincerely,

Eileen Chiwa
Mililani, HI

From: [Eileen Chiwa](#)
To: [JDCTestimony](#)
Subject: HOUSE BILL 1009 HD1 SD1 TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY
Date: Sunday, March 31, 2019 10:45:22 PM

March 31, 2019

Senator Karl Rhoads
Chair Judiciary
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairman Rhoads,

I am submitting another testimony with hopes that this would help you with making the decision.

I strongly support HB 1009 HD1 SD1, which will permanently require open captioning at movie theaters in Hawaii.

Community differentiation is a key concept in economic development today. If one cannot differentiate their community from any other, they have no competitive advantage. The image of a community is fundamentally important to its economic well being.

This is one of many beneficiary facets to passing this bill, along with allowing access to those with different abilities to enjoy the same entertainment options. Enacting this bill will give movie theaters an advantage to cater to people of Hawaii as well as other individuals that need open captioning.

A recent major study by Theater Owners of New England (TONE) conducted a survey in 2017 and the following:

98.7% of hearing moviegoers did not find Open Captions a distraction when watching OC movies, according to the Rhode Island Community of Deaf and Hard of Hearing (RICDHH).

95.4% of all survey respondents indicated Open Captions is the device of choice for all captioned movies.

A separate open movie captioning survey conducted by the Wisconsin Association of the Deaf in 2014 had 25,068 participants. After completing the survey, they discovered that 98% of the participants preferred open captioning movie over any other methods provided by movie theaters such as Captioning Glasses, Rear-WindowCaptioning, and Assistive Listening Devices.

Passing this bill would be a giant step in the right direction. Examples of how frustrated Deaf and Hard of Hearing moviegoers are with closed captioning appear in the other 49 states as well. More data from the survey conducted by Wisconsin Association of the Deaf (2014) shows the following:

49.42% of movie theater employees were unfamiliar with the accommodation equipment request.

25.95% of the devices stopped working during the movie.

12.82% of the devices were not charged, resulting in dead batteries.

As shown above, it is clear that the current options for the Deaf, Deaf-Blind, and Hard of Hearing community are the best choice. By all means, let's work to improve the quality of life in Hawai'i together by passing this important, progressive bill.

Mahalo,

Eileen Chiwa
Mililani, HI

April 2, 2019

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

Tuesday, April 2, 2019 at 10:10 A.M.
Conference Room 016, State Capitol

RE: HOUSE BILL 1009 RELATING TO MOVIE THEATERS

Dear Chair Rhoads:

I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii.

In 2015, Hawaii became the first state in the U.S. to require open captioning at movie theaters. That allowed my friends and colleagues to enjoy full and equal access to movies. However, in 2017, the law changed to allow "lightweight eyewear" to be offered instead of open captioning. This had a negative impact on my friends and coworkers' experience at movie theaters. The glasses are uncomfortable to wear, and they are not able to fully understand movies when using the device. As a hearing individual, I also like having captions and often choose the times that it is offered.

House Bill 1009 will correct Hawaii's open captioning law and make it permanent, ensuring that individuals in Hawaii who are deaf, hard of hearing, or deaf-blind have full and equal access at movie theaters. Please vote in support of this bill.

Mahalo for the opportunity to submit testimony.

Sincerely,

Michele Morris
Ewa Beach, HI

HB-1009-SD-1

Submitted on: 3/31/2019 8:41:18 AM

Testimony for JDC on 4/2/2019 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Ewan	Individual	Support	Yes

Comments:

March 29, 2019

Senator Karl Rhoads

Chair Judiciary

Hawaii State Capitol, Room 204

415 South Beretania Street

Honolulu, Hawaii 96813

Dear Chairman Rhoads,

My name is Darlene Ewan and I strongly support of HB1009 HD1 SD1, which will permanently require open captioning at movie theaters in Hawaii.

Community differentiation is a key concept in economic development today. If one cannot differentiate their community from any other, they have no competitive advantage. The image of a community is fundamentally important to its economic well being. This is one of many beneficiary facets to passing this bill, along with allowing access to those with different abilities to enjoy the same entertainment options. Enacting this bill will give movie theaters an advantage to cater to people of Hawaii as well as other individuals that need open captioning.

A recent major study by Theater Owners of New England (TONE) conducted a survey in 2017 and revealed the following:

- 98.7% of hearing moviegoers did not find Open Captions a distraction when watching OC movies, according to the Rhode Island Community of Deaf and Hard of Hearing (RICDHH)
- 95.4% of all survey respondents indicated Open Captions is the device of choice for all captioned movies.

A separate open movie captioning survey conducted by the Wisconsin Association of the Deaf in 2014 had 25,068 participants. After completing the survey, they discovered that 98% of the participants preferred open movie captioning over any other methods provided by movie theaters such as Captioning Glasses, Rear-Window Captioning, CapiView, and Assistive Listening Devices.

Passing this bill would be a giant step in the right direction. Examples of how frustrated Deaf and Hard of Hearing moviegoers are with closed captioning appear in the other 49 states as well. More data from the survey conducted by Wisconsin Association of the Deaf (2014) shows the following:

- 49.42% of movie theater employees were unfamiliar with the accommodation equipment request
- 25.95% of the devices stopped working during movie
- 12.82% of the devices were not charged, resulting in dead batteries

As shown above, it is clear that the current options for the Deaf, deaf-blind, and hard of hearing community are not the best choice. By all means, let's work to improve the quality of life in Hawai'i together by passing this important, progressive bill.

Mahalo,

Darlene Ewan

HB-1009-SD-1

Submitted on: 3/31/2019 8:41:58 AM

Testimony for JDC on 4/2/2019 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Theresa Ewan	Individual	Support	No

Comments:

March 29, 2019

Senator Karl Rhoads

Chair Judiciary

Hawaii State Capitol, Room 204

415 South Beretania Street

Honolulu, Hawaii 96813

Dear Chairman Rhoads,

My name is Theresa Ewan and I strongly support of HB1009 HD1 SD1, which will permanently require open captioning at movie theaters in Hawaii.

Community differentiation is a key concept in economic development today. If one cannot differentiate their community from any other, they have no competitive advantage. The image of a community is fundamentally important to its economic well being. This is one of many beneficiary facets to passing this bill, along with allowing access to those with different abilities to enjoy the same entertainment options. Enacting this bill will give movie theaters an advantage to cater to people of Hawaii as well as other individuals that need open captioning.

A recent major study by Theater Owners of New England (TONE) conducted a survey in 2017 and revealed the following:

- 98.7% of hearing moviegoers did not find Open Captions a distraction when watching OC movies, according to the Rhode Island Community of Deaf and Hard of Hearing (RICDHH)
- 95.4% of all survey respondents indicated Open Captions is the device of choice for all captioned movies.

A separate open movie captioning survey conducted by the Wisconsin Association of the Deaf in 2014 had 25,068 participants. After completing the survey, they discovered that 98% of the participants preferred open movie captioning over any other methods provided by movie theaters such as Captioning Glasses, Rear-Window Captioning, CapiView, and Assistive Listening Devices.

Passing this bill would be a giant step in the right direction. Examples of how frustrated Deaf and Hard of Hearing moviegoers are with closed captioning appear in the other 49 states as well. More data from the survey conducted by Wisconsin Association of the Deaf (2014) shows the following:

- 49.42% of movie theater employees were unfamiliar with the accommodation equipment request
- 25.95% of the devices stopped working during movie
- 12.82% of the devices were not charged, resulting in dead batteries

As shown above, it is clear that the current options for the Deaf, deaf-blind, and hard of hearing community are not the best choice. By all means, let's work to improve the quality of life in Hawai'i together by passing this important, progressive bill.

Mahalo,

Theresa Ewan

HB-1009-SD-1

Submitted on: 3/31/2019 8:43:04 AM

Testimony for JDC on 4/2/2019 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Momosea-Silva	Individual	Support	Yes

Comments:

March 29, 2019

Senator Karl Rhoads

Chair Judiciary

Hawaii State Capitol, Room 204

415 South Beretania Street

Honolulu, Hawaii 96813

Dear Chairman Rhoads,

My name is Anthony Momosea-Silva and I strongly support of HB1009 HD1 SD1, which will permanently require open captioning at movie theaters in Hawaii.

Community differentiation is a key concept in economic development today. If one cannot differentiate their community from any other, they have no competitive advantage. The image of a community is fundamentally important to its economic well being. This is one of many beneficiary facets to passing this bill, along with allowing access to those with different abilities to enjoy the same entertainment options. Enacting this bill will give movie theaters an advantage to cater to people of Hawaii as well as other individuals that need open captioning.

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As shown above, it is clear that the current options for the Deaf, deaf-blind, and hard of hearing community are not the best choice. By all means, let's work to improve the quality of life in Hawai'i together by passing this important, progressive bill.

Mahalo,

Anthony Momosea-Silva

HB-1009-SD-1

Submitted on: 3/31/2019 8:44:08 AM

Testimony for JDC on 4/2/2019 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eva Momosea	Individual	Support	Yes

Comments:

March 29, 2019

Senator Karl Rhoads

Chair Judiciary

Hawaii State Capitol, Room 204

415 South Beretania Street

Honolulu, Hawaii 96813

Dear Chairman Rhoads,

My name is Eva Momosea and I strongly support of HB1009 HD1 SD1, which will permanently require open captioning at movie theaters in Hawaii.

Community differentiation is a key concept in economic development today. If one cannot differentiate their community from any other, they have no competitive advantage. The image of a community is fundamentally important to its economic well being. This is one of many beneficiary facets to passing this bill, along with allowing access to those with different abilities to enjoy the same entertainment options. Enacting this bill will give movie theaters an advantage to cater to people of Hawaii as well as other individuals that need open captioning.

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- 49.42% of movie theater employees were unfamiliar with the accommodation equipment request
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As shown above, it is clear that the current options for the Deaf, deaf-blind, and hard of hearing community are not the best choice. By all means, let's work to improve the quality of life in Hawai'i together by passing this important, progressive bill.

Mahalo,

Eva Momosea

From: [Austin Darner](#)
To: [JDCTestimony](#)
Subject: HB1009 HD1 SD1
Date: Sunday, March 31, 2019 9:10:54 AM

March 31, 2019

Senator Karl Rhoads
Chair Judiciary
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairman Rhoads,

I strongly support of HB1009 HD1 SD1, which will permanently require open captioning at movie theaters in Hawaii.

Community differentiation is a key concept in economic development today. If one cannot differentiate their community from any other, they have no competitive advantage. The image of a community is fundamentally important to its economic well being. This is one of many beneficiary facets to passing this bill, along with allowing access to those with different abilities to enjoy the same entertainment options. Enacting this bill will give movie theaters an advantage to cater to people of Hawaii as well as other individuals that need open captioning.

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12.82% of the devices were not charged, resulting in dead batteries

As shown above, it is clear that the current options for the Deaf, deaf-blind, and hard of hearing community are not the best choice. By all means, let's work to improve the quality of life in Hawai'i together by passing this important, progressive bill.

Mahalo,

Austin Darner
Wailuku, HI

HB-1009-SD-1

Submitted on: 3/31/2019 1:04:07 PM

Testimony for JDC on 4/2/2019 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carie Sarver	Individual	Support	No

Comments:

Thank you for considering giving your support to HB1009 HD1 SD1.

I am a Sign Language interpreter from Honolulu and strongly support this legislation. If passed, the bill would give my Deaf friends and colleagues equal access to films in the theaters twice a week without the burden of wearing a special device which singles them out and takes away from the movie going experience.

Mahalo for your time,

Carie Sarver

From: [Rod Macdonald](mailto:Rod_Macdonald)
To: JDCtestimony@capitol.hawaii.gov
Cc: rjmacdonald@hawaiiantel.net
Subject: Testimony of Roderick Macdonald RE: HOUSE BILL 1009 HD1 SD1 - RELATING TO MOVIE THEATERS
Date: Sunday, March 31, 2019 2:01:07 PM

TESTIMONY OF RODERICK J. MACDONALD

April 2, 2019

RE: HOUSE BILL 1009 HD1 SD1 - RELATING TO MOVIE THEATERS

SENATE COMMITTEE ON JUDICIARY

The Honorable Karl Rhoads, Chair

Tuesday, April 2, 2019 - 10:10 a.m.

Conference Room 016, Hawaii State Capitol

Mr. Chairman, Members:

My name is Roderick Macdonald. I am writing in support of HB 1009 HD1 SD1, which will make permanent the requirement that movie theaters in Hawaii must provide descriptive video and open captioning programming at least twice a week and at least once on weekends.

It has been a long time since I could enjoy movies - I am both deaf and blind. I have very fond memories of enjoying epic films - 20,000 Leagues Under The Sea, Davey Crockett, L'il Abner among them. But I still have hope that technology will soon enable me to follow movies in braille using open captioning technology and wireless adaptation. The open captioning tech must be in place for this to happen.

I have many blind friends who regularly enjoy descriptive narration, that gives them access to the "action" they cannot see. I have many deaf friends who are now devoted movie-goers because the captioning gives them access to content they cannot hear.

I submit to you that these services are an important part of the disability community's right to access public services, and a huge boost to their quality of life.

On the one hand we have the movie industry that does not want to be bothered with altering their content - using closed captioning with "gadgets" to provide accessibility is much more to their liking. It is also the choice of the gadget-makers, the companies that make the devices to access closed captioning.

On the other hand we have disadvantaged members of the community - YOUR constituents - who wish to access movie theater services with a minimum of inconvenience and discomfort. There are many members of the disabled community who cannot, for whatever reason, make use of the gadgets (example: their eye condition prohibits their wearing glasses): they are still excluded when closed captioning is utilized.

Separate is not equal.

I submit to you that when we have an opportunity to remove an access barrier at MINIMAL cost, we have an OBLIGATION to seize that opportunity.

Please support YOUR constituents; Please support HB1009 HD1 SD1!

Thank you
Rod Macdonald

HB-1009-SD-1

Submitted on: 3/31/2019 10:42:52 PM

Testimony for JDC on 4/2/2019 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara J. Service	Individual	Support	No

Comments:

I am a Kupuna who is active in several senior advocacy groups and League of Women Voters. I encourage you to approve close captioning for at least some of the movies in local theatres. Individuals who suffer hearing loss can be at a distinct disadvantage relating to others. Please do all you can to see that they are given every opportunity to participate in and enjoy activities which are meaningful to them.

Please approve HB1009.

Barbara J. Service MSW

House District 19

Senate District 9

From: [Susan Nishino](#)
To: [JDCTestimony](#)
Subject: The movement of the legislation
Date: Sunday, March 31, 2019 8:27:35 PM

March 31, 2019

Senator Karl Rhoads
Chair Judiciary
Hawaii State Capitol, Room 204
[415 South Beretania Street](#)
[Honolulu, Hawaii 96813](#)

Dear Chairman Rhoads,

I strongly support HB 1009 HD1 SD1, which will permanently require open captioning at movie theaters in Hawaii.

Community differentiation is a key concept in economic development today. If one cannot differentiate their community from any other, they have no competitive advantage. The image of a community is fundamentally important to its economic well being.

This is one of many beneficiary facets to passing this bill, along with allowing access to those with different abilities to enjoy the same entertainment options. Enacting this bill will give movie theaters an advantage to cater to people of Hawaii as well as other individuals that need open captioning.

A recent major study by Theater Owners of New England (TONE) conducted a survey in 2017 and the following:

98.7% of hearing moviegoers did not find Open Captions a distraction when watching OC movies, according to the Rhode Island Community of Deaf and Hard of Hearing (RICDHH).

95.4% of all survey respondents indicated Open Captions is the device of choice for all captioned movies.

A separate open movie captioning survey conducted by the Wisconsin Association of the Deaf in 2014 had 25,068 participants. After completing the survey, they discovered that 98% of the participants preferred open captioning movie over any other methods provided by movie theaters such as Captioning Glasses, Rear-Window Captioning, and Assistive Listening Devices.

Passing this bill would be a giant step in the right direction. Examples of how frustrated Deaf and Hard of Hearing moviegoers are with closed captioning appear in the other 49 states as well. More data from the survey conducted by Wisconsin Association of the Deaf (2014) shows the following:

49.42% of movie theater employees were unfamiliar with the accommodation equipment request.

25.95% of the devices stopped working during the movie.

12.82% of the devices were not charged, resulting in dead batteries.

As shown above, it is clear that the current options for the Deaf, Deaf-Blind, and Hard of Hearing community are the best choice. By all means, let's work to improve the quality of life in Hawai'i together by passing this important, progressive bill.

Mahalo,

Susan Nishino
Pearl City, Hi

Sent from my iPhone

From: [kakikoma](#)
To: [JDCTestimony](#)
Subject: HB 1009 Open Captioning Movies
Date: Sunday, March 31, 2019 7:41:46 PM

March 31, 2019

Senator Karl Rhoads
Chair Judiciary
Hawaii State Capitol, Room 204
[415 South Beretania Street](#)
[Honolulu, Hawaii 96813](#)

Dear Chairman Rhoads,

I strongly support HB 1009 HD1 SD1, which will permanently require open captioning at movie theaters in Hawaii.

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As shown above, it is clear that the current options for the Deaf, Deaf-Blind, and Hard of Hearing community are the best choice. By all means, let's work to improve the quality of life in Hawai'i together by passing this important, progressive bill.

Mahalo,

Kathy Thomas
Kaneohe, Hawaii

April 2, 2019

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

Tuesday, April 2, 2019 at 10:10 A.M.
Conference Room 016, State Capitol

RE: HOUSE BILL 1009 RELATING TO MOVIE THEATERS

Dear Chair Rhoads:

I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii.

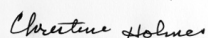
In 2015, Hawaii became the first state in the U.S. to require open captioning at movie theaters. That allowed me to enjoy full and equal access to movies. However, in 2017, the law changed to allow "lightweight eyewear" to be offered instead of open captioning. This had a negative impact on my experience at movie theaters. The glasses are uncomfortable to wear, and I am not able to fully understand movies when using the device.

Personally, I was never thrilled when we put on glasses device for the closed captioned and it really makes some difficulties where we must sit still and keep the closed captioned on the right spot. It was so uncomfortable and annoying. Is it fair for us to continue to tolerate with closed captioned while hearing people are comfortable with themselves on their seats? On the other hand, providing open captioned have been the best since I was at young age. Open captioned are like subtitles for other countries to be able to learn English better when they watch open-captioned movies. That is the best advantage for everyone and be happy freely without the limitations when using glasses device. Please reconsider to allow us keep the open captioned movies forever.

House Bill 1009 will correct Hawaii's open captioning law and make it permanent, ensuring that individuals in Hawaii who are deaf, hard of hearing, or deaf-blind have full and equal access at movie theaters. Please vote in support of this bill.

Mahalo for the opportunity to submit testimony.

Sincerely,



Christine Holmes
418 N. Vineyard Blvd. #C-11
Honolulu, HI 96817

From: [Galinda Goss-Kuehn](#)
To: [JDCTestimony](#)
Subject: RE: House Bill 1009 relating to Movie Theaters
Date: Sunday, March 31, 2019 9:42:49 PM

March 31, 2019

Senator Karl Rhoads
Chair Judiciary
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairman Rhoads,

I strongly support of HB1009 HD1 SD1, which will permanently require open captioning at movie theaters in Hawaii.

Community differentiation is a key concept in economic development today. If one cannot differentiate their community from any other, they have no competitive advantage. The image of a community is fundamentally important to its economic well being. This is one of many beneficiary facets to passing this bill, along with allowing access to those with different abilities to enjoy the same entertainment options. Enacting this bill will give movie theaters an advantage to cater to people of Hawaii as well as other individuals that need open captioning.

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As shown above, it is clear that the current options for the Deaf, deaf-blind, and hard of hearing community are not the best choice. By all means, let's work to improve the quality of life in Hawai'i together by passing this important, progressive bill.

Mahalo,

Galinda K. Goss-Kuehn
Kapolei, Hawaii

From: [Shannon McMahon](#)
To: [JDCTestimony](#)
Subject: HB 1009 Open Captioning Movies
Date: Sunday, March 31, 2019 7:40:44 PM

March 31, 2019

Senator Karl Rhoads
Chair Judiciary
Hawaii State Capitol, Room 204
[415 South Beretania Street](#)
[Honolulu, Hawaii 96813](#)

Dear Chairman Rhoads,

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As shown above, it is clear that the current options for the Deaf, Deaf-Blind, and Hard of Hearing community are the best choice. By all means, let's work to improve the quality of life in Hawai'i together by passing this important, progressive bill.

Mahalo,
Shannon McMahon
Kaneohe, Hi

April 2, 2019

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

Tuesday, April 2, 2019 at 10:10 A.M.
Conference Room 016, State Capitol

RE: HOUSE BILL 1009 RELATING TO MOVIE THEATERS

Dear Chair Rhoads:

I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii.

In 2015, Hawaii became the first state in the U.S. to require open captioning at movie theaters. That allowed me to enjoy full and equal access to movies. However, in 2017, the law changed to allow "lightweight eyewear" to be offered instead of open captioning. This had a negative impact on my experience at movie theaters. The glasses are uncomfortable to wear, and my son is not able to fully understand movies when using the device.

My 15 year old son needs the captions to be able to understand all that is said in the movies. The glasses DO NOT WORK! He no longer requests them because they 1) do not work at least 50% of the time 2) are uncomfortable 3) points him out as a person with a disability. Our local theater only offers captions on Monday night at 10 pm, and that doesn't work for parents of children.

House Bill 1009 will correct Hawaii's open captioning law and make it permanent, ensuring that individuals in Hawaii who are deaf, hard of hearing, or deaf-blind have full and equal access at movie theaters. Please vote in support of this bill.

Mahalo for the opportunity to submit testimony.

Sincerely,

Amanda Kaahanui
Kaneohe, HI

From: [sal andres](#)
To: [JDCTestimony](#)
Subject: HB 1009
Date: Sunday, March 31, 2019 8:34:27 PM

March 31, 2019

Senator Karl Rhoads
Chair Judiciary
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairman Rhoads,

I strongly support HB 1009 HD1 SD1, which will permanently require open captioning at movie theaters in Hawaii.

Community differentiation is a key concept in economic development today. If one cannot differentiate their community from any other, they have no competitive advantage. The image of a community is fundamentally important to its economic well being.

This is one of many beneficiary facets to passing this bill, along with allowing access to those with different abilities to enjoy the same entertainment options. Enacting this bill will give movie theaters an advantage to cater to people of Hawaii as well as other individuals that need open captioning.

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As shown above, it is clear that the current options for the Deaf, Deaf-Blind, and Hard of Hearing community are the best choice. By all means, let's work to improve the quality of life in Hawai'i together by passing this important, progressive bill.

Mahalo,

Salud
Honolulu HI

April 2, 2019

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

Tuesday, April 2, 2019 at 10:10 A.M.
Conference Room 016, State Capitol

RE: HOUSE BILL 1009 RELATING TO MOVIE THEATERS

Dear Chair Rhoads:

I am submitting this testimony in strong support of House Bill 1009, which will ensure that individuals in Hawaii who are deaf, hard of hearing, or deaf-blind have full and equal access at movie theaters in Hawaii by requiring open captioned showings. I have relied on open captioning my entire life to fully enjoy screen-based dialogue; nothing else has allowed me to experience the degree of access afforded by open captioning.

In fact, I recall rejoicing in 2015, when Hawaii became the first state in the U.S. to require open captioning at movie theaters. That feeling, however, diminished when the law changed in 2017. The decision to allow for “lightweight” eyewear as a substitute for open captioning was a gut-punch; I could not help but feel like a second-rate citizen. Assistive devices are glitchy, and my ability to follow dialogue is never “effective” – the standard required by the Americans with Disabilities Act. Moreover, wearing devices feels ostracizing. Wear them yourself in a room full of strangers and you will understand what I mean.

There are many issues with Hawaii’s current open captioning law that will be corrected and made permanent by House Bill 1009, which will ensure that individuals in Hawaii who are deaf, hard of hearing, or deaf-blind have full and equal opportunity to enjoy showings at movie theaters. Please vote in support of this bill.

Mahalo for the opportunity to submit testimony.

Sincerely,

Colin Whited
Honolulu, HI

LATE

HB-1009-SD-1

Submitted on: 4/1/2019 5:47:41 PM
Testimony for JDC on 4/2/2019 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kate Eifler	Individual	Support	No

Comments:

It is essential that Deaf and Hard of Hearing have accessibility to all movies. The glasses and screens re totally inadequate. I can't believe this is even an issue here in Hawaii. The ADA was passed over 20 years ago. Not only does captioning benefit those with a hearing loss, but also those who may have English as a second, third or even fourth language living here in Hawaii. There are many movies that I've attended that have scenes with loud music and background sounds that make the dialog very difficult to hear, and I often wish there was captioning. Hawaii needs to provide captioning to the movies in the theaters.

April 2, 2019

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

Tuesday, April 2, 2019 at 10:10AM

Decision Making - Conference Room 016, State Capitol

RE: HOUSE BILL 1009 RELATING TO MOVIE THEATERS (OPEN CAPTION)

LATE

Aloha Chair Rhoads:

I am submitting this testimony in support of House Bill 1009, which will permanently require open captioning at movie theaters in Hawaii.

As a mother to a deaf child, attending movies with my son and my hearing daughter is always a bonus. Unfortunately we are limited in the types of movies he has access to. The equipment provided by the theaters (and not all have this equipment) is meant for adults and therefore he's unable to effectively use it. We experience a lot of moments where he loses interest during the movie.

These "light-weight" equipment and other mobile options are not realistic for all viewers and sometimes have technical difficulties where the wrong subtitles are added to the movie or heavily delayed. I must also ask you to consider that there may be individuals who aren't able to use these devices.

We use open captioning at home to help familiarize him with communication that occurs with others. It's disheartening to attend a movie realizing that he has absolutely ZERO access to what is shown. We have had the pleasure in experiencing open caption and honestly, no one in the theater seemed to mind. It's heartbreaking to know that people live in fear that adding open caption would decrease their revenues, when in fact, it would increase. You are not only now making it available to the deaf/hard of hearing community, but you are attracting a new market of patrons that previously avoided these theaters such as those with English as a 2nd language and the elderly. It's used for all foreign movies, what is the difference to English speaking?

The bill doesn't require ALL showings to have open captioning, but just 2 per week. When considering a theater averages 40 showings a day 7 days a week, asking for 2 out of 280 showings are very minimal, but benefits children like my son Caleb.

Mahalo,

Nikki Kepoo

Mother of a deaf child (6yrs) – Kaneohe, Hawaii

From: [Keri Lee](#)
To: [JDC Testimony](#)
Subject: support HB 1009 HD1 SD1
Date: Monday, April 1, 2019 3:56:26 PM



April 1, 2019

Senator Karl Rhoads
Chair Judiciary
Hawaii State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairman Rhoads,

I strongly support HB 1009 HD1 SD1, which will permanently require open captioning at movie theaters in Hawaii.

Community differentiation is a key concept in economic development today. If one cannot differentiate their community from any other, they have no competitive advantage. The image of a community is fundamentally important to its economic well being.

This is one of many beneficiary facets to passing this bill, along with allowing access to those with different abilities to enjoy the same entertainment options. Enacting this bill will give movie theaters an advantage to cater to people of Hawaii as well as other individuals that need open captioning.

A recent major study by Theater Owners of New England conducted a survey in 2017 and the following:

98.7% of hearing moviegoers did not find Open Captions a distraction when watching OC movies, according to the Rhode Island Community of Deaf and Hard of Hearing (RICDHH).

95.4% of all survey respondents indicated Open Captions is the device of choice for all captioned movies.

A separate open movie captioning survey conducted by the Wisconsin Association of the Deaf in 2014 had 25,068 participants. After completing the survey, they discovered that 98% of the participants preferred open captioning movie over any other methods provided by movie theaters such as Captioning Glasses, Rear-WindowCaptioning, and Assistive Listening Devices.

Passing this bill would be a giant step in the right direction. Examples of how frustrated Deaf and Hard of Hearing moviegoers are with closed captioning appear in the other 49 states as well. More data from the survey conducted by Wisconsin Association of the Deaf (2014) shows the following:

49.42% of movie theater employees were unfamiliar with the accommodation equipment request.

25.95% of the devices stopped working during the movie.

12.82% of the devices were not charged, resulting in dead batteries.

As shown above, it is clear that the current options for the Deaf, Deaf-Blind, and Hard of Hearing community are the best choice. By all means, let's work to improve the quality of life in Hawai'i together by passing this important, progressive bill.

Mahalo,

Keri Lee
Hauula, HI