



DISABILITY AND COMMUNICATION ACCESS BOARD

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March 19, 2019

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

Senate Bill 331, HD1 – Relating to Movie Theaters

The Disability and Communication Access Board (DCAB) strongly supports Senate Bill 331, HD1 which will strengthen our state's law relating to the provision of open captioned movie showings for the deaf and hard of hearing population.

The Legislature passed Act 39 (2015) to require movie theaters with more than two locations to offer each movie produced with captions to have two showings/week with open captions, similar to subtitles. Open captioned movie show times were at the discretion of the theater. This state law augments federal requirements to offer an assistive technology option to view movies with closed captioning. Unfortunately, Act 211 (2017) restricts Act 39 (2015) by (a) requiring only one open captioned showing per week instead of two showings, and (b) allowing theaters to forgo any open captioned showings if they offer "lightweight eyewear" as an alternative.

Senate Bill 331 essentially seeks to return to the statute what was initially provided in Act 39 (2015) without a sunset date and with some additional conditions on the movie screening times.

These changes to the law would afford individuals who are deaf or hard of hearing an equal opportunity to attend open captioned movies and follow the audio aspects of movies exhibited in motion pictures similar to the general public. In Hawaii, a community that readily accepts subtitled foreign language movies and television programs, open captioning is a natural expansion of that concept.

Our support for the bill is based upon multiple factors:

- Open captioning is the preferred means of viewing a movie for most deaf and hard of hearing persons. The current federal law that requires closed captioning via assistive technology, such as lightweight eyewear, was a compromise to the industry. Individuals who use assistive technology to watch movies with closed captioning disclose their disability to the public, whereas open captioning maintains anonymity.
- Requiring a specific device in statute is not appropriate. Federal law allows theaters to use any option to view closed captions while our state law limits viewing to one option. With rapid technological advances occurring, there may be a better option developed in the future other than lightweight glasses. However, with the specificity in our current statute, Hawaii would be stuck with obsolete technology.

- Open captioning will benefit the Limited English Proficiency population, who cannot request assistive technology at movie theaters because the devices exist as accommodations for individuals under the Americans with Disabilities Act (ADA). Open captioned showings will broaden the availability of captioning to the public. Thus, providing open captioned movies will INCREASE, not decrease, attendance and revenue for the theaters by appealing to patrons who would otherwise not be willing to attend a movie without captions.

We are aware of opposing testimony that Wallace Theaters submitted to the Senate Committee on Judiciary and wish to comment on the erroneous information presented in their testimony. The testimony states that this bill “seeks to eliminate the eyewear option, and therefore stifles the technological innovation that is happening...”. This is incorrect. The ADA already requires theaters to provide a type of assistive technology to view closed captioning at any showing, but the ADA does not prescribe the type of technology to be used. Rather, the ADA contemplates technological innovation. Note that the majority of movies produced today contain closed captions that can be viewed with assistive technology. New technology, including lightweight eyewear, can, will and should be developed as technology advances. Senate Bill 331 will not stifle technology because it also contemplates technological innovation. That stated, this bill is about providing another option to consumers who prefer open captioning to any assistive device.

For any given movie, there are approximately 28 showings in a week ($4x/day \times 7 = 28$). If Senate Bill 331 passes as is, it means that two showings will be open captioned and the remaining 26 will be closed captioned and viewable only by using assistive technology, such as the referenced lightweight glasses, that theaters are required to provide under federal law. This bill will provide a CHOICE for open captions, increased attendance for the theaters, and allow for the development of new technology.

The proposed amendments to the current law will address the discriminatory effects of communication barriers at movie theaters encountered by individuals who are deaf or hard of hearing, and will ensure equal opportunity to enjoy motion picture showings.

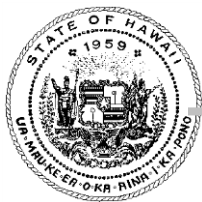
We ask that you pass Senate Bill 331, HD1 out of Committee.

Thank you for the opportunity to testify.

Respectfully submitted,



FRANCINE WAI
Executive Director



HAWAI‘I CIVIL RIGHTS COMMISSION

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

March 19, 2019
Rm. 325, 2:05 p.m.

To: Hon. Chris Lee, Chair
Hon. Joy A. San Buenaventura, Vice Chair
Members of the House Committee on Judiciary

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

Re: S.B. No. 331, H.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.

S.B. No. 331, H.D. 1, 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.”

S.B. No. 331, H.D. 1, also amends H.R.S. § 489-9(a) to require that at least one of the two showings per week featuring open captioning shall be on a Saturday or Sunday.

And, S.B. No. 331, H.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.

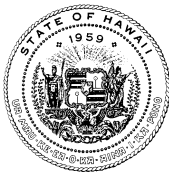
As enacted in 2015, Act 39 was considered landmark legislation for the deaf community, the first of its kind in the nation, specifically because it required the limited number (2) of open captioned showings per week, that were not required by federal law. Many of the 2015 testifiers on H.B. No. 1272, 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.

S.B. No. 331, H.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 S.B. No. 331, H.D. 1.



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

March 18, 2019

To: The Honorable Representative Chris Lee, Chair
The Honorable Representative Joy A. San Buenaventura, Vice Chair
Members of the House Committee on Judiciary

From: Aphirak Bamrungruan, Executive Director

Subject: **SB331, HD1 – RELATING TO MOVIE THEATERS**

Hearing: Tuesday, March 19, 2019, 2:05 PM
Conference Room 325, State Capitol

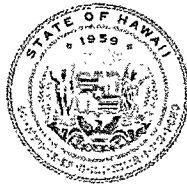
Agency's Position: The Office of Language Access (OLA) supports SB331, HD1.

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.

SB331, HD1 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

LATE

March 14, 2019

The Honorable Representative Aaron Ling Johanson, Chair
House Committee on Labor & Public Employment
Thirtieth Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Aaron Ling Johanson and Members of the Committee:

SUBJECT: SB 331 - Relating to Movie Theaters

The State Council on Developmental Disabilities **SUPPORTS SB 331**, which will strengthen the state's law relating to the provision of open captioning movie showings for the deaf and hard of hearing population.

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 SB 331 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 respectively 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 SB 331**.

Sincerely,

Daintry Bartoldus
Executive Administrator



National Association of Theatre Owners

Statement of Position on SB 331 March 2019

On behalf of the National Association of Theatre Owners (NATO), representing 21 movie theaters and 205 screens across Hawaii, we respectfully submit these written comments in opposition of SB 331.

I. The Movie Theater Industry is Committed to Access for the Deaf and Hard of Hearing

Access for individuals who are deaf and hard of hearing has been a major goal and effort of NATO and its members for a long time. In the late 1990s/early 2000s NATO began working with advocacy groups, film studios, and technology developers to ensure we could provide access to all feature films at all times. Twenty years ago, there were no more than a handful of captioned films. Through our collective efforts, today practically every feature film is provided with caption files, and personal captioning systems are available at every digital theater as required by existing federal regulation, which is exactly what the overwhelming majority of deaf advocacy groups and individuals requested from the exhibition industry. Contrary to what some supporters of SB 331 and its companion bills contend, current federal law reflects what the majority of deaf advocates sought: access to all feature films at all showtimes via the use of personal captioning systems. They specifically rejected access at limited open captioned showtimes, which this legislation mandates, and requested access to all films at all showtimes via personal captioning systems. These achievements are directly due to the efforts of movie theater owners engaging stakeholders to ensure interoperability of closed captioning and audio description systems and availability of access files on all movies for all showtimes.

II. Current Open Captioning Requirement Provides Access in Hawaii

While we appreciate the intent of this legislation, we believe the existing open captioning mandate in Hawaii combined with the flexibility offered by closed captioning equipment render no need for further legislation. The current open caption requirements in Hawaii meet, and even exceed, consumer demand.

Movie theaters in Hawaii offer many options for access for deaf and hard of hearing customers. Today, major Hawaii movie theaters schedule open-captioned shows of every movie that comes with open captions files, every week, in accordance with Act 211. In addition to the open-captioned shows offered weekly, a deaf or hard of hearing moviegoer in Hawaii can go to his or her local theater and obtain a personal captioning device to view any movie, at any time of day, with captions, provided the movie comes with a closed captioning track. Since passage of Act 211, NATO members have continued to meet and exceed all consumer demands for open-captioned shows, have not received complaints about any lack of available open captioned shows or that more such showtimes are needed, and there exists no rational or consumer basis to amend Act 211 to mandate an increase in the total number of such shows.

Moreover, contrary to what supporters of SB 331 contend, this legislation may in fact stymie technological advances and limit access for individuals that are deaf or hard of hearing. Having reached a joint accord with the majority of deaf advocacy groups in 2014 to ensure access to individuals that are deaf or hard of hearing, the exhibition industry spent millions of dollars to encourage studios to provide their feature films with captioned movies, encourage technology companies to develop better closed

captioning technologies, and acquired and installed the latest such technologies in all of their digital theaters. Supporters of SB 331 contend that, in combination with federal law, the bill will ensure individuals that are deaf or hard of hearing improved access by ensuring that consumers have a choice between closed captioned technologies and mandated scheduled open-captioned showtimes. However, this legislation could result in theater owners ceasing their efforts to encourage development of improved closed captioning devices or purchase same. Instead, theater owners may simply embrace the limited open captioning option allowed by federal law, which of course will restrict access to specific showtimes and seriously disrupt the moviegoing experience for all consumers. Contrary to what the supporters of SB 331 argue, federal law does not solely mandate use of closed captioning technologies. Instead, it provides theater owners the choice to use such technologies or provide open captioned shows at all times or upon request (28 C.F.R. 36 (6)(ii)). Obviously, such an approach to providing open-captioned shows would not only be disruptive to the general public and the exhibition industry, but may also lead to unwanted and negative backlash against members of the deaf and hard of hearing community.

III. Open Caption Mandates Have Negative Effects on Moviegoing

While advocates of SB 331 contend that the general public would embrace open-captioned shows, exhibition data, as well as data reported by the Hawaii Department of Business, Economic Development and Tourism in 2017, clearly reflects that not to be the case. In 2015, Hawaii enacted Act 039 requiring movie theaters with at least two locations in the state to play two open-captioned shows of each feature per week. Theaters covered by this mandate quickly found that attendance dropped during these showtimes. The legislature acknowledged this negative impact on attendance by subsequently passing Act 211, which amended the mandate to only require one open-captioned show of each feature weekly, or no open-captioned shows, if personal captioning glasses are available.

The negative impact on attendance at open-captioned shows was corroborated by a study done by the Hawaii Department of Business, Economic Development & Tourism, which determined that attendance at movie theaters in Hawaii was estimated to drop by 94,755 patrons annually as a result of the open captioning mandate. Likewise, most industry data reflects an approximately 50% reduction in attendance at open-captioned shows. Moreover, a recent study conducted in Rhode Island, where exhibition members entered into a voluntary agreement with deaf advocates to play a certain number of open-captioned shows per week, clearly establishes the preferences of the general public as it pertains to open captioned movies. (See Appendix.) Specifically, one such theater located near the Rhode Island School for the Deaf (areas around deaf schools tend to have a higher population of individuals that are deaf and hearing than others) scheduled open-captioned and non-open-captioned shows of the same movie within a half hour of each showing (often only 10 or 15 minutes apart in start time). Movies were generally played at the following show times:

- Mondays at 11 am and 7 pm
- Wednesdays at 11 am, 1 pm, and 4 pm
- Saturdays at 4 pm
- Sundays at 7 pm

92% of the time, when given the choice to attend an open-captioned or non-open-captioned show of the same movie, moviegoers chose to attend the non-open-captioned show. Overall, the theater saw an 83% drop in ticket sales for open-captioned shows compared to the ticket sales for the closely scheduled non-



open-captioned show of the same movie. This was true on the weekends as well where Saturday afternoon matinees tend to be some of the highest attended showtimes each week. Of the 113 open-captioned and 113 non-open-captioned shows scheduled on Saturdays and Sundays, only twice did the attendance at the open-captioned show exceed attendance at the non-open-captioned show.

Theaters in Hawaii also found that usage of their closed captioning equipment went up after the enactment of Act 039. Supporters of SB 331 contend that this increase is simply the result of theaters complying with federal law. However, this assertion is unfounded as the federal law did not go into effect until mid-2018. Instead, those theaters subject to Act 039 saw an increase in closed captioning equipment as a direct result of the publicity of Act 039. This demonstrates what the overwhelming majority of individuals that are deaf or advocates for same have continuously represented to exhibition: despite the availability of open-captioned shows, the overwhelming majority deaf and hard of hearing moviegoers value and prefer the flexibility offered by personal captioning devices, which give moviegoers the option to see any movie at any time with captions.

IV. Conclusion

Further increasing the open captioning mandate on theaters in Hawaii is unnecessary as all consumer demands for same currently meet and or exceed the mandates of Act 211. Moreover, such an increase would result in an unnecessary and excessive financial burden on covered theaters due to the significant impact on ticket sales, a burden that Hawaii cannot afford to impose on theaters already contending with external pressures on the industry and increasing competition from at-home entertainment. We welcome the opportunity to continue working with local advocacy groups on improving the moviegoing experience.

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APPENDIX

Rhode Island Open Captioning: A Case Study December 2018

Background

In Rhode Island, legislation was introduced in 2017 requiring movie theaters to play a certain number of open-captioned (OC) showtimes per week for every movie that came with OC capability. Advocacy groups for the deaf and hard of hearing and local movie theaters came to a joint agreement on voluntary OC showtimes to avert the need for legislation. Movie theaters committed to showing three OC shows per week from July 1, 2017-September 30, 2017; five OC shows per week from October 1, 2017-December 31, 2017; and seven OC shows per week from January 1, 2018 onward. Note, theaters were required to show a total of three, five, or seven OC shows per week per theater complex; not three, five, or seven OC shows of each movie per week. Theaters with eight or more screens participated in this agreement.

Below is a case study done of one 16-screen movie theater in Rhode Island that participates in the voluntary OC shows agreement. This theater is located within a short drive of the Rhode Island School for the Deaf. In order to understand the impact of open captioning on attendance, the movie theater scheduled OC and non-OC showtimes for the same movie within a half hour; many of the showtimes were only 10 or 15 minutes apart in start time. The theater tracked attendance for all of these showtimes and provided attendance data to NATO from the time period of July 1, 2017-September 30, 2018.

During that time period, the theater played 351 OC shows and 351 non-OC shows to compare the attendance. Movies were played on Mondays, Wednesday, and Saturdays from July 1, 2017-September 30, 2017; from October 1, 2017 and onward, movies were played on Mondays, Wednesdays, Saturdays, and Sundays. OC shows were marked on the theater's website with the designation "OC" before the movie title.

Movies were generally played at the following times:

- Mondays at 11 am and 7 pm
- Wednesdays at 11 am, 1 pm, and 4 pm
- Saturdays at 4 pm
- Sundays at 7 pm

Findings

Moviegoers overwhelmingly prefer to attend non-OC shows than OC shows. 92% of the time, when given the choice to attend an OC or non-OC show of the same movie, moviegoers chose to attend the non-OC show. At only 4% of the compared showtimes did the theater see greater attendance at the OC shows than at the non-OC shows. Overall, the theater saw an 83% drop in ticket sales for OC shows compared to the ticket sales for the closely-scheduled non-OC show of the same movie.



This was true on the weekends as well. Of the 113 OC and 113 non-OC shows scheduled on Saturdays and Sundays, only twice did the attendance at the OC show exceed attendance at the non-OC show.

Data Snapshot

From July 1, 2017-September 30, 2018, of the 702 compared showtimes in this case study:

--Attendance was greater at 322 non-OC showtimes than at 322 comparable OC showtimes.

--Attendance was greater at 14 OC showtimes than at 14 comparable non-OC showtimes.

--15 OC showtimes had the same attendance as the comparable 15 non-OC showtimes.

--12,161 tickets were sold to non-OC shows.

--2,113 tickets were sold to OC shows.

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Aloha State Association of the Deaf

Ka Po`e Kuli o Hawaii - The Deaf People of Hawaii

SENATE BILL 331 HD1 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

March 15, 2019

LATE

Representative Chris Lee
Chair Judiciary
Hawaii State Capitol, Room 302
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairman Lee,

Our organization, the Aloha State Association of the Deaf (ASAD), strongly supports of SB331 HD1, 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 Deaf, deaf-blind, and hard of hearing audiences 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
President

SB-331-HD-1

Submitted on: 3/15/2019 5:40:40 PM

Testimony for JUD on 3/19/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Erteschik	Hawaii Disability Rights Center	Support	No

Comments:

LATE

**National Association of the Deaf
Association of Late Deafened Adults
Hearing Loss Association of America
Telecommunications for the Deaf, Inc.**

**Statement of Position on SB 331 and HB 1009
and Response to NATO Statement**

March 18, 2019

On behalf of the National Association of the Deaf, the Association of Late Deafened Adults, Hearing Loss Association of America, and Telecommunications for the Deaf, Inc., representing 48,000,000 deaf and hard of hearing people across the country, we respectfully submit these written comments in support of SB 331 and HB 1009 as well as to correct misrepresentations about open captioning access and what that means to the population that we represent and serve.

I. Deaf and Hard of Hearing People Want Open Captioning Access

Correction of the record regarding what deaf and hard of hearing people need and have fought for is necessary.

All deaf and hard of hearing advocacy groups have fought for captioning access to movies since the emergence of “talkies.” Captioning access in movie theaters did not begin until 1993 with a very limited version of open captioning in the form of a few movie reels with burned on captions that were circulated across the country. In 1997, a form of closed captioning was developed but theaters were slow to provide any type of captioning.

In fact, the movie industry has fought long and hard against captioning in general, beginning with their successful defenses in the cases of *Cornilles v. Regal Cinemas*, No. Civ. 00-173-AS (D. Or. 2002), and *Todd v. Am. Multi-Cinemas, Inc.*, 222 F.R.D. 118, 123 (S.D. Texas 2003). Captioning in movie theaters only became a reality on the heels of victories by deaf individuals and advocacy groups in the cases of *Ball v. AMC Entertainment Inc.*, 315 F.Supp.2d 210 (D.D.C. 2004), *Wash-CAP v. Regal Cinemas, Inc.*, No. 09-2-06322-2-SEA (King Cty. Super. Ct. Feb. 24, 2010), and *Arizona ex rel Goddard v. Harkins Amusement Enters., Inc.*, 603 F.3d 666 (9th Cir. 2010). More cases were filed thereafter in various jurisdictions seeking to ensure that movie theaters in all areas of the country began showing movies with closed captioning. These victories established that closed captioning was required under the Americans with Disabilities Act, and movie theaters were on notice in 2010 that failure to show movies with captioning was a violation of the law. While open captioning was sought, these court victories mandating closed captioning were viewed by the deaf and hard of hearing community as incremental progress towards the ultimate goal of open captioning.

In July 2010, the U.S. Department of Justice (DOJ) issued an Advanced Notice of Proposed Rulemaking seeking comments on accessibility within movie theaters including captioning access. The National Association of Theater Owners (NATO) submitted comments in opposition to any form of captioning mandate, and a copy of the comments are attached herein.

The DOJ issued its Notice of Proposed Rulemaking in August 2014, and only then did NATO concede that captioning would be mandated and work with the deaf and hard of hearing advocacy groups listed here to file Joint Recommendations to establish minimum requirements for closed captioning. However, the deaf and hard of hearing advocacy groups also filed separate comments asking the DOJ to mandate

open captioned showings in addition to closed captioned showings. The DOJ ultimately issued a Final Rule mandating closed captioning in 2016.

While the deaf and hard of hearing community has appreciated being able to access movies at any time with closed captioning technology in movie theaters across the country, many deaf and hard of hearing people still need and have been advocating for open captioned showings everywhere. In fact, as part of the agreement of the deaf and hard of hearing advocacy groups to sign on the Joint Recommendation with the DOJ, NATO agreed to encourage its member theaters to provide open captioned showings upon request by deaf and hard of hearing consumers.

Consequently, for NATO to claim in its statement that deaf and hard of hearing people “reject[] access to limited open captioned showtimes” is the height of disingenuousness and misrepresentation. The deaf and hard of hearing advocacy groups listed herein proclaim their support for open captioned showtimes. Further, we proclaim a preference for no limits to such open captioned showings but support efforts for even limited showing such as Hawai’i Act 039 in 2015 which mandated at least two open captioned showings per week. Further, SB 331 and HB 1009 does not limit open captioned showtimes but rather provides for a minimum number of open captioned showtimes so that deaf and hard of hearing consumers can have *more*, not less, options. Closed captioned showings are mandated by federal law, and deaf and hard of hearing people in Hawai’i are advocating to *increase* their options by seeking to *add* open captioned showings.

II. State Legislation is Absolutely Necessary to Ensure Open Captioning Access

As a result, state legislation in Hawai’i is the one and only way at the present time for deaf and hard of hearing people in the state to obtain open captioned showings of movies at movie theaters.

In their statement, NATO threatens that “theater owners may simply embrace the limited open captioning option allowed by federal law, which of course will restrict access to specific showtimes and seriously disrupt the movie-going experience for all consumers.” Such statements are reflective of how an industry behaves when it does not get what it wants, even when federal law prohibits such behavior. Federal law clearly requires the provision of closed caption technology to be used to view movies at any showing, and state law cannot impede this access.

By contrast, under federal law, a movie theater is allowed to provide only open captioned showings in lieu of purchasing closed captioned technology as long as deaf and hard of hearing consumers are able to see any movie at any time with such access. This was what happened as a result of a recent settlement between the National Association of the Deaf and a Pittsburgh facility of Cleveland Cinemas. To date, the open captioned showings of movies in that Pittsburgh theater seem to have been favorably received without any complaints.

Time and time again, the movie theater industry has proven itself as an opponent of captioning access and willing to use misleading data to justify suppression of improved access to any form of captioned showings. A reading of their comments in opposition to the DOJ’s 2010 ANPRM reflects that even then, NATO argued that adding closed captioning “has a negative impact on attendance in the auditoriums equipped therewith.” Now, NATO changes its tune and claims closed captioning is the only form of access that will not have a negative impact on attendance?!

Despite our frequent inquiries to a full disclosure of the data compiled by the movie theater industry, NATO has refused to share any data on the revenues received by movie theaters when captioned movies are shown. Any survey of hearing moviegoers regarding their captioning preference is immaterial and

irrelevant, given that movie theaters have been profiting for the past twenty years even when required to provide closed as well as open captioned showings. NATO has repeatedly claimed that movie attendance drops when open captioned movies are shown but there have been no independent verification of such data. More importantly, NATO has never provided data on whether their overall profit declines as a result of the open captioned showings, especially given that theaters have more than one screen and any consumers who decline to see an open captioned movie are redirected to another screen without captions.

More importantly, movie theaters have consistently provided open captioned showings at the least popular hours, when there are not many customers in the theater anyway. Customers who do not want open captioning have many options to view the movies they want, and open captioning does not turn away such customers from such viewings. Rather, open captioning *adds* new income to theaters by bringing in deaf and hard of hearing customers and their families and friends as well as others who simply are not bothered by open captioning. This is new revenue for the theaters, and the theaters have not shown that they actually lose any revenue that is directly attributed to loss of ticket sales due to customers who left solely because they did not want to see an open captioned showing rather than seeing the same movie at another time without open captions.

Given that such data has not been forthcoming and given the persistence of NATO and its members in combating any form of captioning for decades, the co-endorsing deaf and hard of hearing advocacy groups ask that NATO's position statement be accorded no weight.

III. Conclusion

Hawai'i led the country in being the first state to establish an open captioning mandate for movie theaters in 2015 with Act 039. With passage of SB 331 / HB 1009, Hawai'i would remain the first and only state to require open captioning at movie theaters but will not be the last. Several states have looked to Hawaiian leadership and are in the process of passing their own open captioning laws.

The co-endorsing deaf and hard of hearing advocacy groups wish to express its gratitude and support to the Hawai'i Legislature for contemplating granting equal access at movie theaters to all deaf and hard of hearing people in your state. Closed captioning is a form of access, but it is also a form of segregation, and we ask that you usher in an era of full inclusivity for all.

sanbuenaventura2 - Kevin

From: Hawaii Interpreting Services <info@interpretinghawaii.com>
Sent: Monday, March 18, 2019 7:42 AM
To: JUDtestimony
Subject: SB331

Hawaii Interpreting Services is in support of this bill.

Mahalo.

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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March 19, 2019

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

Tuesday, March 19, 2019 at 2:05 P.M.
Conference Room 325, State Capitol

RE: SENATE BILL 331 RELATING TO MOVIE THEATERS

Dear Chair Lee:

I am submitting this testimony in strong support of Senate Bill 331, which will ensure that individuals in Hawaii who are deaf, hard of hearing, or deaf-blind are afforded 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; no other method has ever remotely given me an equal degree of access.

The decision to allow for “lightweight” eyewear as a substitute for open captioning was a slap in the face for me; I was left feeling like I was demoted to a second-class citizen who was not worthy of a fully accessible movie-going experience. The “lightweight” eyewear is not light, comfortable, or effective. Even more so, they are embarrassing and borderline discriminatory to wear.

To go even further, individuals other than those who are deaf, hard of hearing, or deaf-blind benefit from captioning. This is true for kupuna, members of the limited English proficient community, or everyday individuals desiring to comprehend heavily accented or obscured dialogue. In fact, a study by the BBC showed that 80% of individuals who rely on captioning have no hearing disability at all.¹ However, these same individuals cannot benefit from assistive technology provided at movie theaters because, without a disability, they cannot request ADA accommodations. This is where mandatory open captioning is a boon; it allows anyone – regardless of ability – to benefit from captioned movies.

There are many issues with Hawaii’s current open captioning law that will be corrected and made permanent by Senate Bill 331, 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. I ask you to vote in support of this bill.

Mahalo for the opportunity to submit testimony.

Sincerely,

Mary Harman
Honolulu, HI

¹ http://news.bbc.co.uk/2/hi/uk_news/magazine/4862652.stm

SB-331-HD-1

Submitted on: 3/18/2019 2:23:19 PM

Testimony for JUD on 3/19/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nikki	Individual	Support	Yes

Comments:

Aloha,

My name is Nikki Kepoo and I have submitted testimony throughout this process. I again submit, in support to SB331 as it was originally written. It is critical to understand the depth of concern I now have considering recent submission of opposition. One would assume that by becoming an inclusive entity, you could market and profit from another target market. However, it was shown that the opposition gave false and/or partial data that is very heavily weighed on by self implemented findings.

As a mother of a deaf child, open caption is the BEST way for my son to enjoy movies. We have 2 children, 1 hearing and 1 deaf. We use open captioning at home to familiarize my son with this access point. It is difficult for any parent to restrict one child from the other when it is not necessary.

Alternate technology is unrealistic for my son who is only 7 and unable to use the devices as they are mainly intended for adults. Additionally, please consider others who are unable to use these lightweight eye-wear due to other physical or behavioral challenges, such as autism.

Aside from the right of my child and the deaf community at large, we also live in a state that welcomes visitors and many who have moved have English as their second language. Additionally, our elderly benefit from open captioning.

Please join me in passing this bill to provide EQUAL and FULL access to these communities.

Mahalo,

Nikki Kepoo

SB-331-HD-1

Submitted on: 3/15/2019 3:42:04 PM

Testimony for JUD on 3/19/2019 2:05:00 PM

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

Comments:

sanbuenaventura2 - Kevin

From: Sharlyn Chong <schong5808@gmail.com>
Sent: Monday, March 18, 2019 7:42 AM
To: JUDtestimony
Subject: SENATE BILL 331 HD1 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

March 15, 2019

Representative Chris Lee
Chair Judiciary
Hawaii State Capitol, Room 436
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Lee,

I am submitting this testimony in support of SB331 HD1, which will permanently require open captioning at movie theaters in Hawaii.

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.

Sincerely,
Sharlyn Chong

--
Sharlyn Chong

March 19, 2019

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

Tuesday, March 19, 2019 at 2:05 P.M.
Conference Room 325, State Capitol

RE: SENATE BILL 331 RELATING TO MOVIE THEATERS

Dear Chair Lee:

I am submitting this testimony in support of Senate Bill 331, 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 son 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 child's experience at movie theaters. The glasses are uncomfortable to wear, and he 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. Kids are deaf too. They need the captions to access the movie.

Senate Bill 331 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.

Senate Bill 331 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

SB-331-HD-1

Submitted on: 3/15/2019 3:33:34 PM

Testimony for JUD on 3/19/2019 2:05:00 PM

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

Comments:

Please pass SB 331 HD1, which supports equal access for persons who are Deaf or Hard of Hearing.

SB-331-HD-1

Submitted on: 3/15/2019 3:42:54 PM

Testimony for JUD on 3/19/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Momosea-Silva	Individual	Support	No

Comments:

SB-331-HD-1

Submitted on: 3/15/2019 3:43:24 PM

Testimony for JUD on 3/19/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eva Momosea	Individual	Support	No

Comments:

SB-331-HD-1

Submitted on: 3/15/2019 3:43:50 PM

Testimony for JUD on 3/19/2019 2:05:00 PM

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

Comments:

sanbuenaventura2 - Kevin

From: Alex Low <bugalexander@gmail.com>
Sent: Monday, March 18, 2019 7:49 AM
To: JUDtestimony
Subject: SB331 HD1

Dear Representative Lee,

I am submitting this testimony in support of SB331 HD1, which will permanently require open captioning at movie theaters in Hawaii.

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.

Sincerely,

Alexander Low

sanbuenaventura2 - Kevin

From: DeWayne Berg <dbinterpreting@gmail.com>
Sent: Monday, March 18, 2019 8:15 AM
To: JUDtestimony
Subject: Senate Bill 331

SENATE BILL 331 HD1 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

March 18, 2019

Representative Chris Lee
Chair Judiciary
Hawaii State Capitol, Room 436
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Lee,

I am submitting this testimony in support of SB331 HD1, which will permanently require open captioning at movie theaters in Hawaii.

I am a son of 2 deaf parents. I have 2 deaf uncles. I have a deaf partner. I taught at the Hawaii School for the Deaf and the Blind for 10 years. For the last 5 years I have been a sign language interpreter here on Oahu.

My life is the deaf community. It has been a wonderful blessing to be able to go to open captioned movies with my partner, family when they come, and numerous deaf friends. I really hope this becomes permanent. We usually had to wait until it came out on dvd to enjoy it, as it had closed captions, and watching it on a TV screen is not the same experience as watching it in the theater. It has been great!

Another reason it has been so great is that we haven't had to use those pesky glasses. I had to ended up always requesting a pair as my partners would have a glitch, either the battery would die, or the captioning would be haywire, and he would miss so much of the movie going to get another pair. It didn't always work, as mine would also be problematic. Such a pain! And speaking of pain, they literally were a pain, can you imagine wearing this things for 2 hours!

I hope you will do the right thing so all of our deaf ohana and island visitors can enjoy a movie in the theater here on Oahu!

Mahalo!

DeWayne A Berg
HQAS V Sign Language Interpreter

March 19, 2019

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

Tuesday, March 19, 2019 at 2:05 P.M.
Conference Room 325, State Capitol

RE: SENATE BILL 331 RELATING TO MOVIE THEATERS

Dear Chair Lee:

I am submitting this testimony in support of Senate Bill 331, 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.

That's the reason why I would prefer to go to movies that provided open-captioning. I would sit down and feel very much comfortable without the lightweight eyewear. My hands are free to rest and not needed to worry about the eyewear would fall off my face or need to adjust the switches on the lightweight eyewear device. I feel so much assessible and no burden at all. Just the beautiful sight to see open captioning on the screen and always have a smile on my face. I just feel good about it.

Senate Bill 331 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

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

sanbuenaventura2 - Kevin

From: Eleanor Macdonald <elemacdonald8@icloud.com>
Sent: Monday, March 18, 2019 8:53 AM
To: JUDtestimony
Subject: Support of SB 331 HD1

To The Honorable Chris Lee,

I am writing to enthusiastically support SB 331 HD1 Relating to Open Caption Movies In theaters with at least one showing on the weekend. As a retired state employee, many friends and family members are experiencing some hearing loss. We are a growing segment of the population in the State of Hawaii and we should be able to continue to enjoy the movies with open captions!

Open caption movies ensures accessibility for many of us who are living longer and still want to hang out with old buddies and family.

Please pass this important bill that addresses the inclusion of aging residents who want to be part of the theater-going culture. Mahalo.

Sincerely,

Eleanor Macdonald, M.Ed.
Oahu resident

SENATE BILL 331 HD1 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

March 15, 2019

Representative Chris Lee

Chair Judiciary

Hawaii State Capitol, Room 436

415 South Beretania Street

Honolulu, Hawaii 96813

Dear Representative Lee,

I am submitting this testimony in support of SB331 HD1, which will permanently require open captioning at movie theaters in Hawaii.

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.

Not only do these devices cause these issues for Deaf, Deaf-Blind, or Hard of Hearing moviegoers, asking for them forces the individuals to disclose their status as non-hearing and therefore cannot attend a show anonymously like other hearing patrons can. It takes away their autonomy and independence to be simply another moviegoer wanting to enjoy the latest release in theaters.

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.

Sincerely,

Sierra Fallau

sanbuenaventura2 - Kevin

From: Eileen Chiwa <echiwa@gmail.com>
Sent: Monday, March 18, 2019 3:44 PM
To: JUDtestimony
Subject: SENATE BILL 331 HD1 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

March 18, 2019

Representative Chris Lee
Chair Judiciary
Hawaii State Capitol
Room #302
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Lee,

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

LATE

SB-331-HD-1

Submitted on: 3/19/2019 2:32:00 PM

Testimony for JUD on 3/19/2019 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carmen Golay	Individual	Support	No

Comments:

Strong support!! Hearing community members do not mind captions at all. Thank you.

sanbuenaventura2 - Kevin

From: Florence Rapozo <florence.rapozo@gmail.com>
Sent: Monday, March 18, 2019 8:27 AM
To: JUDtestimony
Subject: SENATE BILL 331 HD1 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

March 15, 2019

Representative Chris Lee
Chair Judiciary
Hawaii State Capitol, Room 436
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Lee,

I am submitting this testimony in support of SB331 HD1, which will permanently require open captioning at movie theaters in Hawaii.

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.

Sincerely,

Florence Guzman-Rapozo

sanbuenaventura2 - Kevin

From: Eric and Dina Dela Pena <dpdeafevents@gmail.com>
Sent: Monday, March 18, 2019 8:17 AM
To: JUDtestimony
Subject: SENATE BILL 331 HD1 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

March 15, 2019

Representative Chris Lee
Chair Judiciary
Hawaii State Capitol, Room 436
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Lee,

I am submitting this testimony in support of SB331 HD1, which will permanently require open captioning at movie theaters in Hawaii.

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.

Sincerely,

Eric Dela Pena

sanbuenaventura2 - Kevin

From: Eric and Dina Dela Pena <dpdeafevents@gmail.com>
Sent: Monday, March 18, 2019 8:16 AM
To: JUDtestimony
Subject: SENATE BILL 331 HD1 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

March 15, 2019

Representative Chris Lee
Chair Judiciary
Hawaii State Capitol, Room 436
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Lee,

I am submitting this testimony in support of SB331 HD1, which will permanently require open captioning at movie theaters in Hawaii.

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.

Sincerely,

Dina Dela Pena

sanbuenaventura2 - Kevin

From: Mary Joy Ramiro <maaryjoy.r@gmail.com>
Sent: Monday, March 18, 2019 1:07 PM
To: JUDtestimony
Subject: SENATE BILL 331 HD1 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

SENATE BILL 331 HD1 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

March 15, 2019

Representative Chris Lee
Chair Judiciary
Hawaii State Capitol, Room 436
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Lee,

I am submitting this testimony in support of SB331 HD1, which will permanently require open captioning at movie theaters in Hawaii.

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.

Sincerely,
Mary Joy Ramiro

sanbuenaventura2 - Kevin

From: ckc cidade <ckcidade2@gmail.com>
Sent: Tuesday, March 19, 2019 8:09 AM
To: JUDtestimony
Subject: SENATE BILL 331

SENATE BILL 331 HD1 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIAL RY

March 15, 2019

Representative Chris Lee
Chair Judiciary
Hawaii State Capitol, Room 302
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Lee,

I am submitting this testimony in support of SB331 HD1, which will permanently require open captioning at movie theaters in Hawaii.

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.

Sincerely,
CKCidade

JUDtestimony@capitol.hawaii.gov

My name is Angie Molina from Kauai. I want open captioning at all movie theatres on neighbor island including Kauai.

SENATE BILL 331 HD1 TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

March 15, 2019

Representative Chris Lee

Chair Judiciary

Hawaii State Capitol, Room 302

415 South Beretania Street

Honolulu, Hawaii 96813

Dear Representative Lee,

I am submitting this testimony in support of SB331 HD1, which will permanently require open captioning at movie theaters in Hawaii.

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

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Sincerely,

Angenette Molina