

JAN 18 2019

A BILL FOR AN ACT

RELATING TO MOVIE THEATERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Act 39, Session Laws
2 of Hawaii 2015 (Act 39), codified as section 489-9, Hawaii
3 Revised Statutes, requires a public accommodation that owns,
4 leases, leases to, or operates a motion picture theater in more
5 than two locations in the State to provide open movie captioning
6 at two showings per week. Open movie captioning provides a
7 display of text on the movie screen or via another visual
8 display that provides additional or interpretive information of
9 what is being presented.

10 The legislature further finds that one of the goals of
11 Act 39 was to improve accessibility for and reduce
12 discriminatory effects of communication barriers upon the deaf
13 and/or hard-of-hearing community. The legislature additionally
14 finds that open movie captioning has enabled deaf and hard-of-
15 hearing consumers to enjoy movies in a similar fashion as those
16 who do not require open movie captioning.



1 Despite these laudable benefits, Act 211, Session Laws of
2 Hawaii 2017 (Act 211), amended section 489-9, Hawaii Revised
3 Statutes, to allow movie theaters the option of providing only
4 one open movie captioning showing per week or offering consumers
5 a personal closed captioning system, in the form of a
6 lightweight eyewear device. This amendment enabled movie
7 theaters to make eyewear devices available in lieu of offering
8 any showings with open movie captioning, thus depriving the deaf
9 and/or hard-of-hearing community of a tremendous benefit.

10 The legislature notes that some movie theaters have
11 complied with Act 211 by providing open movie captioning during
12 weekday screenings only. Many members of the deaf and/or hard-
13 of-hearing community work and attend school, often making
14 attendance at weekday screenings infeasible. The legislature
15 also notes that people have complained that the personal closed
16 captioning device permitted by Act 211 is unreliable and
17 uncomfortable to wear, especially with eyeglasses.

18 Therefore, the purpose of this Act is to ensure that Hawaii
19 continues to support full access for persons with disabilities
20 through meaningful accessibility requirements for movie
21 theaters, by:



- 1 (1) Permanently requiring motion picture theaters to offer
- 2 open movie captioning showings at least two times per
- 3 week;
- 4 (2) Requiring one of those showings to occur on Saturday
- 5 or Sunday; and
- 6 (3) Eliminating the requirement that public accommodations
- 7 provide an option of personal closed captioning
- 8 screenings by means of lightweight eyewear.

9 SECTION 2. Section 489-9, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) A public accommodation that owns, leases, leases to,
12 or operates a motion picture theater in more than two locations
13 in the State shall provide[+]

14 ~~(1) Open~~ open movie captioning during at least [~~one~~
15 ~~showing~~] two showings per week of each motion picture
16 that is produced and offered with open movie
17 captioning [~~+ or~~

18 ~~(2) A personal closed captioning system by means of~~
19 ~~lightweight eyewear for a motion picture that is~~
20 ~~produced and offered with closed captioning content.] ,~~



1 including at least one showing per week featuring open
2 movie captioning on Saturday or Sunday."

3 SECTION 3. Act 39, Session Laws of Hawaii 2015, as amended
4 by Act 211, Session Laws of Hawaii 2017, is amended by amending
5 section 3 to read as follows:

6 "SECTION 3. This Act shall take effect on January 1,
7 2016 [~~and shall be repealed on January 1, 2020~~]."

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

11

INTRODUCED BY:

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S.B. NO. 331

Report Title:

Deaf and Blind Task Force; Motion Picture Theaters;
Accommodations; Open Movie Captioning

Description:

Makes permanent the requirement for certain motion picture theater owners and operators to provide open movie captioning for at least two showings per week, one of which occurs on a Saturday or Sunday. Repeals the requirement to provide an option of personal closed captioning screenings by means of lightweight eyewear.

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