

Honolulu, Hawaii

February 13, 2015

RE: H.B. No. 1272
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Economic Development & Business, to which was referred H.B. No. 1272 entitled:

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

begs leave to report as follows:

The purpose of this measure is to remove communication barriers at motion picture theaters for individuals who are deaf, hard of hearing, blind, or have low vision.

Specifically, the measure:

- (1) Requires motion picture theaters that are open to the public and operate more than two facilities in the State to provide closed movie captioning and descriptive narration, upon request, during at least two showings per week of each motion picture that is offered for viewing;
- (2) Exempts motion pictures that are shown for less than one week from the closed captioning and descriptive narration requirement; and
- (3) Takes effect on January 1, 2016.

Your Committee received testimony in support of this measure from the Hawaii Association of the Blind and four individuals.



Your Committee received testimony in support of the bill's intent with an amendment to require open, rather than closed, captioning from the Aloha State Association of the Deaf, Gallaudet University Alumni Association-Hawaii Chapter, Hawaii Deaf Surfriders Association, and nineteen concerned citizens.

Your Committee received comments on this measure from the Disability and Communication Access Board and one individual.

Your Committee finds that the measure will address discrimination of individuals who are deaf, hard of hearing, blind, or have low vision by providing them with an equal opportunity to attend and enjoy motion pictures. Your Committee further finds that open captioning, which refers to captioning that is seen on the screen by all viewers, would provide equal access to enjoying movies, rather than closed captioning, in which a viewer is required to wear or use a special device to see the captions. Your Committee further finds that these new accessibility requirements would be more easily enforced if placed under the purview of chapter 489, Hawaii Revised Statutes, which relates to nondiscrimination in public accommodations, where they may be enforced by the Hawaii Civil Rights Commission.

Based on the testimony submitted, your Committee has amended the measure by:

- (1) Requiring theaters to have "open movie captioning", instead of "closed movie captioning";
- (2) Removing the requirement that captioning and descriptive narration be provided "upon request";
- (3) Deleting the exemption for motion pictures shown for less than one week;
- (4) Making a violation of the new requirements a discriminatory practice under chapter 489, Hawaii Revised Statutes, and enforceable by the Hawaii Civil Rights Commission;
- (5) Directing the Department of Labor and Industrial Relations to adopt administrative rules necessary for the new requirements; and



- (6) Making technical nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Economic Development & Business that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1272, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1272, H.D. 1, and be referred to the Committees on Consumer Protection & Commerce and Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Economic
Development & Business,



DEREK S.K. KAWAKAMI, Chair



State of Hawaii
House of Representatives
The Twenty-eighth Legislature

HSCR 200

Record of Votes of the Committee on Economic Development & Business

Bill/Resolution No.: HB 1272	Committee Referral: EDB, CPE/JUD	Date: 10 Feb 15		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EDB Members	Ayes	Ayes (WR)	Nays	Excused
1. KAWAKAMI, Derek S.K. (C)	✓			
2. KONG, Sam Satoru (VC)	✓			
3. BROWER, Tom	✓			
4. CACHOLA, Romy M.	✓			
5. CHOY, Isaac W.	✓			
6. ITO, Ken				✓
7. OHNO, Takashi	✓			
8. ONISHI, Richard H.K.	✓			
9. TOKIOKA, James Kunane	✓			
10. TSUJI, Clift	✓			
11. WOODSON, Justin H.	✓			
12. MATSUMOTO, Lauren Kealohilani	✓			
13. WARD, Gene	✓			
TOTAL (13)	12			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>James S. King</i></u>				
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