

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 254 (Delegate Angel)
Health and Government Operations

State Government - Closed Captioning Activation Required Without Request

This bill requires a “place of public accommodation,” as defined under current law, to keep closed-captioning activated on any closed-captioning television receiver that is in use during regular hours in any part of the accommodation that is open to the general public.

Fiscal Summary

State Effect: The bill’s requirements can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None. Small businesses with closed-captioning television receivers and monitors in public places can comply with the bill’s requirements without incurring additional expenses.

Analysis

Current Law:

Definitions: A “place of public accommodation” includes (1) an inn, hotel, motel, or other lodging establishment; (2) a facility serving food or alcoholic beverages, including facilities on the premises of a retail establishment or gasoline station; (3) entertainment, sports, or exhibition venues; and (4) a public or privately operated retail establishment offering goods, services, entertainment, recreation, or transportation. A separate establishment that holds itself out as serving patrons of one of the above establishments is also included if (1) it is physically located within the premises of one of the above establishments or (2) it is within the premises of which one of the above establishments is

physically located. “A place of public accommodation” does not include a private club or other establishment that is not open to the public, except to the extent that the facilities of the private club or other establishment are made available to the customers or patrons of an establishment within a place of public accommodation.

“Public Area” means a part of the place of public accommodation that is open to the general public.

“Closed-captioning” means a transcript or dialog of the audio portion of a television program that is displayed on a television receiver screen when the user activates the feature.

Closed-Captioning: On request, a place of public accommodation must keep closed-captioning activated on any closed-captioning television receiver that is in use during regular hours in any public area. If there is no television receiver of any kind available in the public area, or the only public television receiver available is not a closed-captioning television receiver, the public accommodation is not required to make closed-captioning available.

Public Accommodations, Generally: An owner or operator of a place of public accommodation, or an agent or employee of the owner, may not refuse, withhold from, or deny to any person any of the accommodations, advantages, facilities, or privileges of the place of public accommodation because of the person’s race, sex, age, color, creed, national origin, marital status, sexual orientation, gender identity, or disability. Governmental units, officers, and employees are prohibited from discrimination in public accommodations. Any structural changes, modifications, or special equipment that is necessary to accommodate an individual with a disability must be reasonable. A “reasonable accommodation” is defined as making a place of public accommodation suitable for access, use, and patronage by an individual with a disability without danger to the individual’s health or safety and undue hardship or expense to the person making the accommodation.

On a finding that a respondent has engaged in a discriminatory act in relation to the prohibition against discrimination in public accommodations, the Maryland Commission on Civil Rights may issue an order for nonmonetary relief and/or assess a civil penalty against a respondent. Maximum civil penalties range from \$500 to \$2,500, depending on whether or not the respondent committed prior discriminatory acts. However, an order may not be issued that substantially affects the cost, level, or type of any transportation services.

Background: Various State facilities may be considered “places of public accommodation” and potentially affected by the bill. For example, the Maryland Stadium Authority facilities fall within the definition of a “place of public accommodation.” The

following information provides a summary of the services currently provided by M&T Bank Stadium and Oriole Park Stadium.

M&T Bank Stadium: The stadium provides captioning services on the concourse and suite monitors of the radio play-by-play feed as well as captioning services of the house public address (PA) audio feed to the main videoboards in the seating bowl.

Oriole Park Stadium: The stadium does not provide captioning services to either the concourse monitors or seating bowl; they rely on the graphic information contained on their main videoboards, which is also sent to the concourse monitors pregame and during inning breaks. There is a hearing-assist system of the house PA feed in place at Oriole Park, with transmitters available for sign out at guest services.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): University System of Maryland; M&T Bank Stadium; Maryland Department of Agriculture; Department of General Services; Department of Natural Resources; Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2017
fn/mcr

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