

# HOUSE BILL 1523

P3

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By: **Delegate Cox**

Introduced and read first time: February 7, 2020

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Human Relations – Public Accommodations – Captioning in Movie Theaters**  
3 **(Open Captioning Equality Act of 2020)**

4 FOR the purpose of requiring a certain place of public accommodation that owns, leases,  
5 operates, or controls a movie theater to provide access to certain closed-captioning  
6 technology for the general public for certain motion pictures under certain  
7 circumstances; requiring a certain place of public accommodation that owns, leases,  
8 operates, or controls a movie theater in a certain number of locations in the State to  
9 provide open captioning during a certain number of showings per week of certain  
10 motion pictures under certain circumstances; defining certain terms; and generally  
11 relating to open and closed captioning in movie theaters.

12 BY repealing and reenacting, without amendments,  
13 Article – State Government  
14 Section 20–301  
15 Annotated Code of Maryland  
16 (2014 Replacement Volume and 2019 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – State Government  
19 Section 20–305  
20 Annotated Code of Maryland  
21 (2014 Replacement Volume and 2019 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
23 That the Laws of Maryland read as follows:

24 **Article – State Government**

25 20–301.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 In this subtitle, “place of public accommodation” means:

2 (1) an inn, hotel, motel, or other establishment that provides lodging to  
3 transient guests;

4 (2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or  
5 other facility principally engaged in selling food or alcoholic beverages for consumption on  
6 or off the premises, including a facility located on the premises of a retail establishment or  
7 gasoline station;

8 (3) a motion picture house, theater, concert hall, sports arena, stadium, or  
9 other place of exhibition or entertainment;

10 (4) a retail establishment that:

11 (i) is operated by a public or private entity; and

12 (ii) offers goods, services, entertainment, recreation, or  
13 transportation; or

14 (5) an establishment:

15 (i) 1. that is physically located within the premises of any other  
16 establishment covered by this subtitle; or

17 2. within the premises of which any other establishment  
18 covered by this subtitle is physically located; and

19 (ii) that holds itself out as serving patrons of the covered  
20 establishment.

21 20–305.

22 (a) **(1)** In this section[, “reasonable”] **THE FOLLOWING WORDS HAVE THE**  
23 **MEANINGS INDICATED.**

24 **(2) (I) “CLOSED CAPTIONING” MEANS A TRANSCRIPT OF AUDIO**  
25 **ELEMENTS OF A MOTION PICTURE THAT IS DISPLAYED ON A SCREEN WHEN A USER**  
26 **ACTIVATES THE FEATURE.**

27 **(II) “CLOSED CAPTIONING” INCLUDES A TRANSCRIPT OF:**

28 **1. THE ENTIRE AUDIO PORTION OF A MOTION PICTURE;**

29 **OR**

30 **2. ONLY THE DIALOGUE OF A MOTION PICTURE.**

1           **(3) “MOVIE THEATER” MEANS A BUILDING OR SPACE IN A BUILDING**  
2 **DESIGNED OR USED PRIMARILY FOR THE EXHIBITION OF MOTION PICTURES TO THE**  
3 **GENERAL PUBLIC.**

4           **(4) (I) “OPEN CAPTIONING” MEANS A TRANSCRIPT OF AUDIO**  
5 **ELEMENTS OF A MOTION PICTURE THAT IS DISPLAYED ON A MOTION PICTURE**  
6 **SCREEN AND CANNOT BE TURNED OFF BY ANY VIEWER.**

7                   **(II) “OPEN CAPTIONING” INCLUDES A TRANSCRIPT OF:**

8                           **1. THE ENTIRE AUDIO PORTION OF A MOTION PICTURE;**

9 **OR**

10                           **2. ONLY THE DIALOGUE OF A MOTION PICTURE.**

11           **(5) “REASONABLE accommodation” means to make a place of public**  
12 **accommodation suitable for access, use, and patronage by an individual with a disability**  
13 **without:**

14                   **[(1)] (I) danger to the individual’s health or safety; and**

15                   **[(2)] (II) undue hardship or expense to the person making the**  
16 **accommodation.**

17           (b) (1) This subtitle does not require structural changes, modifications, or  
18 additions to buildings or vehicles, except as required by this section or as otherwise  
19 required by law.

20           (2) Any building constructed, modified, or altered in compliance with, or in  
21 accordance with a waiver from, the Maryland Accessibility Code under § 12–202 of the  
22 Public Safety Article is not subject to this subtitle.

23           (c) If a structural change or modification or the provision of special equipment is  
24 necessary to accommodate an individual with a disability, the accommodation shall be a  
25 reasonable accommodation.

26           (d) (1) Except as provided in paragraph (2) of this subsection, a private motor  
27 coach transportation carrier may not be required to expend more than \$2,500 per operating  
28 vehicle to make a reasonable accommodation to comply with this title.

29           (2) At least 10% of the total operating fleet of any private motor coach  
30 transportation carrier doing business in the State shall comply with this title.

31           **(E) (1) A PLACE OF PUBLIC ACCOMMODATION THAT OWNS, LEASES,**

1 OPERATES, OR CONTROLS A MOVIE THEATER IN THE STATE SHALL PROVIDE ACCESS  
2 TO FULLY OPERATIONAL AND WELL-MAINTAINED CLOSED-CAPTIONING  
3 TECHNOLOGY FOR THE GENERAL PUBLIC FOR EACH MOTION PICTURE THAT IS  
4 PRODUCED AND OFFERED WITH CLOSED CAPTIONING AND IS EXHIBITED IN THE  
5 MOVIE THEATER.

6 (2) A PLACE OF PUBLIC ACCOMMODATION THAT OWNS, LEASES,  
7 OPERATES, OR CONTROLS A MOVIE THEATER IN TWO OR MORE LOCATIONS IN THE  
8 STATE SHALL PROVIDE OPEN CAPTIONING DURING AT LEAST TWO SHOWINGS PER  
9 WEEK OF EACH MOTION PICTURE THAT IS PRODUCED AND OFFERED WITH OPEN  
10 CAPTIONING AND IS EXHIBITED IN THE MOVIE THEATER.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2020.