



House Bill 1238 – Places of Public Accommodation - Motion Picture Houses – Captioning  
Before the Senate Judicial Proceedings Committee  
April 5, 2022  
POSITION: Oppose

Testimony of Donald Fox  
Fox Theatres LLC

My name is Donald Fox. I am the owner of Fox Theatres LLC, a movie theater company based in Reading, Pennsylvania. The company, founded in 1957 by my father, Richard Fox, today operates twenty screens in three theater locations. Two theaters, the Sun & Surf Cinema and the Fox Gold Coast, are in Ocean City, Maryland, and one additional theater is in Reading, Pennsylvania.

I am submitting this written testimony in opposition of HB 1238. While Fox Theatres fully supports access for all guests, and already has a number of methods to serve our hearing impaired community, the audience is small and the demand is minimal. This bill will hurt our business more than it will impact the deaf and hard of hearing customers.

On a personal note, I have severe hearing loss and wear hearing aids in both ears. While I agree that open captions would give some moviegoers another option, it's totally unnecessary to run two open captioned shows per film every week. In February 2022, we began offering two open captions shows per week for one film only, a new release, at our 8-screen movie theater, Sun & Surf Cinema: one show on Sunday at 3pm and one on Wednesday at 3pm. Only nine-percent of the customers attending these open caption shows came for the open captions. We know this because we survey the audience at every open caption show.

This means 91% of customers at our open caption shows are not there for open captions, they are there to see a movie at that particular showtime. They are not looking for an open caption showtime and some customers have left the theater when they find out their showtime has open captions. Additional open captions shows each week would not bring in more deaf and hard of hearing customers, it would only alienate hearing customers.

Movie theaters are just starting to recover from the devastation the pandemic had on our business and the resulting new competition from streaming. The passage of the law would create an additional financial burden to movie theaters because of the loss of revenue from patrons who will avoid going to an open caption showtime and don't have other options that work for their schedule. I thank you for allowing me to convey our concerns, and urge the committee to vote NO on HB 1238.