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Education, Energy, and the  
Environment Committee

Energy Subcommittee

Chair, Joint Electric Universal  
Service Program Workgroup



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**TESTIMONY IN SUPPORT WITH AMENDMENT OF SB92**  
**Places of Public Accommodation – Motion Picture Houses – Captioning**

Judicial Proceedings Committee  
February 8, 2024

Chair Smith, Vice-Chair Waldstreicher and Members of the Committee,

Thank you for the opportunity to testify before you on SB92, Places of Public Accommodation-Motion Picture Houses – Captioning. The purpose of this bill to make motion picture houses fair and equitable for our deaf, hard of hearing, and non-English or non-native English-speaking residents. SB92, as amended, would require motion picture houses with 8 or more screens, to offer open captioning for at least 2 showings for each motion picture it screens. This would apply to each of the 3 weeks after a motion picture premieres. After which, motion picture houses may provide open captioning with reasonable notice. Pictures that are played less than 5 shows in a one-week period, defined as Friday thru Thursday would not be subject to this regulation. As amended, National Association of Theatre Owners (NATO), remains neutral on the bill.

Everyone is likely familiar with closed captioning, which is an option that you can find on your TV remote or video streaming services. Closed captioning requires a separate device to process and display captions and gives the user the option to turn it off. Open captioning is a separate copy of the film, provided to motion picture houses at no additional cost, with embedded captions. These cannot be turned off.

Currently, motion picture houses are required to provide individual closed captioning devices in compliance with a 2016 ruling of the Department of Justice. Closed captioning devices commonly take the form of wearable glasses or handheld devices that can fit into cup holders. As you will hear from witnesses, these devices are uncomfortable, distracting, frequently out of synch, and often encounter technical issues. The setup and troubleshooting of these devices can cause users to miss crucial scenes of the movie. These challenges often lend themselves to a less than favorable movie experience.

Many theater owners worry that offering more frequent captioning showings may inconvenience moviegoers with a preference against captions, but, given the plethora of screening options available to consumers, it is hard to imagine circumstances in which a hearing moviegoer would be forced into watching an open captioned film. The reverse of this situation is a much more common experience for our state's 1.2 million deaf or hard of hearing residents.

Further, research conducted by the charity, StateTEXT, performed in November of 2021 suggests that “31% of people would go to more live events if they had captions on a screen in the venue. Among 18-25-year-olds, that figure was 45%, compared with 16% among those over 56. The new data reveals, public opinion favors increased captioning, post pandemic. Nearly 46% said that the number of captioned performances and events was not enough, with 77% saying they are in favor of venues offering more captioned performances.” According to the study, the public is also “more likely to frequent venues offering captioning service with almost 43% describing this service as valuable and almost a third (28%) suggesting these venues deserve more funding from grant giving organizations and the government”.

Further, a Preply study, in the U.S. found that:

- 74% of viewers say subtitles help them comprehend the plot.
- 68% say subtitles help hold their attention on the screen.
- 55% say they often must rewind after missing dialogue when they are not using subtitles.

Some of the largest theaters in Maryland, Cinemark, Regal, Horizons and AMC, already offer frequent open captioning showings at select locations. Based upon our research, ticket sale data demonstrates the popularity of these showings among the local community. In many cases, most, if not all, of the seats in the theater are sold out. However, since it is not mandated, the parameters of these voluntary programs may change from time to time. SB92 limits the movie theater’s ability to arbitrarily alter these programs by providing clear guidance. This mandate eliminates uncertainties for both theaters and moviegoers. Maryland has the opportunity to become a national leader in communications accessibility, with the passage of SB92.

For these reasons, I am requesting a favorable report on SB92.

With kindest regards,



Benjamin Brooks

Sponsor Amendment. With this amendment, NATO remains neutral on the bill.

SB 92 TECHNICAL CHANGES

(a)

2) “Closed captioning” means a transcript or dialog of the audio portion of a television program ~~OR MOTION PICTURE~~ that is displayed on a television receiver screen ~~OR A MOTION PICTURE SCREEN~~ when the user activates the feature.

**(3) “CLOSED MOVIE CAPTIONING” MEANS THE WRITTEN DISPLAY OF A MOVIE’S DIALOGUE AND CERTAIN NON-SPEECH INFORMATION GENERALLY DELIVERED TO INDIVIDUAL PATRONS ON A CAPTIONING DEVICE (TECHNOLOGY) IN A MOTION PICTURE HOUSE.**

**(54) “OPEN MOVIE CAPTIONING” MEANS A TRANSCRIPT OR DIALOG OF THE AUDIO PORTION OF A MOTION PICTURE THAT IS DISPLAYED ON A MOTION PICTURE**

**SCREEN THAT CANNOT BE TURNED OFF BY A VIEWER.—**

(c)

**(1) A PLACE OF PUBLIC ACCOMMODATION THAT IS A MOTION PICTURE HOUSE SHALL PROVIDE ACCESS TO FULLY OPERATIONAL AND WELL-MAINTAINED CLOSED-MOVIE-CAPTIONING TECHNOLOGY FOR THE GENERAL PUBLIC AS OUTLINED IN THE FEDERAL RULES ON MOVIE CAPTIONING FOR EACH SCREENING OF A MOTION PICTURE THAT IS PRODUCED AND AVAILABLE ~~OFFERED~~ WITH CLOSED MOVIE CAPTIONING.**

SB 92 SUBSTANTIVE AMENDMENTS

**(C) (2) (I) THIS PARAGRAPH DOES NOT APPLY TO MOTION PICTURES THAT PLAY LESS THAN 5 SHOWS IN A ONE WEEK PERIOD, DEFINED AS FRIDAY THRU THURSDAY ~~DURING THE FIRST 7 DAYS AFTER A MOTION PICTURE PREMIERES~~ IN THE MOTION PICTURE HOUSE.**

**(II) THIS PARAGRAPH APPLIES TO EACH OF THE FIRST 3 WEEKS**

**AFTER A MOTION PICTURE PREMIERES IN THE MOTION PICTURE HOUSE. AFTER THE FIRST 3 WEEKS, MOTION PICTURE HOUSES MAY PROVIDE OPEN CAPTIONING WITH REASONABLE NOTICE.**

**(III) A PLACE OF PUBLIC ACCOMMODATION THAT CONTROLS, OPERATES, OWNS, OR LEASES ~~AT LEAST TWO~~ A MOTION PICTURE HOUSES IN THE**

STATE WITH EIGHT OR MORE SCREENS SHALL PROVIDE OPEN  
MOVIE CAPTIONING

SCREENS FOR AT LEAST TWO SHOWINGS FOR EACH MOTION PICTURE IT

PRODUCED AND EACH WEEK PROVIDED THAT THE MOTION PICTURE IS

AVAILABLE TO MOVIE THEATERS OFFERED WITH CLOSED OPEN  
MOVIE CAPTIONING.

~~FOR AT LEAST TWO SCREENINGS EACH WEEK.—~~