

JUDICIAL PROCEEDINGS COMMITTEE
HB 1363: PLACES OF PUBLIC ACCOMMODATION - CAPTIONING FOR MOTION PICTURE
HOUSES - ALTERATIONS
APRIL 1, 2025

POSITION: SUPPORT

Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) is the designated Protection and Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM thanks the Committee for the opportunity to submit this testimony in support of House Bill 1363: Places of Public Accommodation - Captioning for Motion Picture Houses – Alterations.

HB 1363 seeks to lower the threshold for mandatory open captioning from theaters with eight or more screens to those with four or more screens. It requires these venues to provide open captioning for at least two screenings of each motion picture per week and to report the number of open and closed captioning screenings to the state. Last session, legislation was passed requiring that at least four showings of open-captioned films be provided weekly by certain movie theaters. State and local laws requiring that movie theaters provide open captioning are increasingly common throughout the nation. New York’s City Council passed a bill, which went into effect in 2022, requiring some movie theaters to offer at least 25% of all showings to be open-captioned.¹ In comparison, Maryland has taken a more cautious approach, which may make compliance easier for movie theaters. Open captioning benefits many groups, including Deaf and hard-of-hearing individuals, older adults with hearing loss, and neurodivergent individuals.

Although Title III “Public Accommodations and Commercial Facilities” of the Americans with Disabilities Act (ADA) was signed into law over 30 years ago, movie theater patrons with disabilities still have not achieved equal enjoyment of this public accommodation. The applicable law under 28 CFR § 36.202(b) states:

“A public accommodation shall not afford an individual or class of individuals, on the basis of a disability or disabilities of such individual or class, directly, or through contractual, licensing, or other arrangements, with the opportunity to participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.”

Pursuant to a Final Rule issued in 2016 by the U.S. Department of Justice, movie theaters are required to provide captioning technology to patrons with disabilities.²

¹ See <https://www.nyc.gov/site/mome/about/open-captions>.

² See https://www.ada.gov/regs2016/movie_rule.htm

When this rule was issued, Deaf and hard-of-hearing individuals gained greater access to the public pastime of seeing movies in theaters. However, closed captioning is the most commonly provided option. Time has shown that closed captioning is insufficient as the sole auxiliary aid available to moviegoers with disabilities. Closed captioning devices provided to movie theater guests frequently malfunction, causing patrons to miss essential dialogue while seeking a repair or replacement. Oftentimes the technology fails to function properly at all.

Under ADA obligations, a movie theater may fulfill its obligation to provide captioning “through any technology so long as that technology provides communication as effective as that provided to movie patrons without disabilities.”³ However, since closed captioning devices are often unreliable, theaters may instead choose to “use open movie captioning as an alternative to complying with the requirements.”⁴

Maryland has joined other states implementing similar disability rights legislation to align with Title III of the ADA. Now that last year’s legislation has been successfully implemented, it is time to expand that access to open captioning for the benefit of people with disabilities, older adults, children, English language learners, and others who rely on captions for an engaging moviegoing experience.

For these reasons, DRM supports House Bill 1363. If you have any questions regarding DRM’s testimony, please contact me at (443) 692-2507 or AudreyS@DisabilityRightsMD.org. I appreciate the Committee’s time and consideration in reviewing our testimony.

Respectfully,

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Disability Rights Maryland

³ 28 CFR § 36.303(d)(6)(i)

⁴ *Id.* at (d)(6)(ii)