

1 Brianne K. Nadeau  
2 Councilmember Brianne K. Nadeau

Charles Allen  
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4 Robert C. White, Jr.  
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Elissa Silverman  
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8 Janeese Lewis George  
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Mary M. Cheh  
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13 Christina Henderson  
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18 A BILL

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23 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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28 To provide that an entity holding a basic business license with an “Entertainment:  
29 Moving picture theater” endorsement shall provide open movie captioning at  
30 specified times; to provide that a violation shall be a unlawful discriminatory  
31 practice; and to require notice of the requirements of this act.

32  
33 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

34 That this act may be cited as the “Open Movie Captioning Requirement Act of 2022”.

35 Sec. 2. Definitions.

36 For purposes of this act, the term:

37 (1) “Movie theater” means an entity holding a basic business license with  
38 an “Entertainment: Moving picture theater” endorsement.

39 (2) “Open movie captioning” means the written, on-screen display of a

40 motion picture's dialogue and non-speech information, including music, the identity of  
41 the character who is speaking, and other sounds and sound effects.

42 (3) "Peak movie attendance hours" means:

43 (A) A movie that begins after 5:59 p.m. and finishes before 11:01 p.m. on  
44 Friday; or

45 (B) A movie that begins after 11:59 a.m. and finishes before 11:01 p.m. on  
46 Saturday or Sunday.

47 Sec. 3. Open movie captioning required.

48 (a)(1) A movie theater with more than one screen shall provide scheduled showings of  
49 motion pictures with open movie captioning such that at least 12% of the weekly  
50 scheduled showings of each motion picture currently showing at the movie theater have  
51 open movie captioning; provided, that if a motion picture has fewer than 7 scheduled  
52 showings in a week, the movie theater shall not be required to provide open movie  
53 captioning for the motion picture.

54 (2)(A) At least half of the scheduled showings required pursuant to paragraph  
55 (1) of this subsection shall be provided during peak movie attendance hours.

56 (B) At least half of the scheduled showings required pursuant to paragraph  
57 (1) of this subsection that are scheduled outside of peak movie attendance hours shall  
58 start after 5:59 p.m. and finish before 11:01 p.m. on Monday, Tuesday, Wednesday, or  
59 Thursday.

60 (b) A movie theater with one screen shall provide a screening of a motion picture  
61 produced with open movie captioning as follows:

62 (1) Once per month; or

63           (2) Upon receipt of a request made through a process established by the  
64 Mayor pursuant to the requirements of the District of Columbia Administrative Procedure  
65 Act, effective October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-501 *et seq.*).

66       (c) This section shall not prohibit the showing of a motion picture that is produced  
67 and distributed without open movie captioning; provided, that a movie theater shall  
68 provide notice to the public of which motion pictures shown by the movie theater are  
69 produced and distributed without open movie captioning.

70       (d) A violation of this section shall be an unlawful discriminatory practice,  
71 pursuant to section 231 of the Human Rights Act of 1977, effective December 13, 1977  
72 (D.C. Law 2-38; D.C. Official Code § 2-1402.31).

73       Sec. 4. Notice required.

74       (a) A movie theater shall advertise the date and time of motion picture showings  
75 required by section 3 in the same manner as the movie theater advertises all other motion  
76 picture showings.

77       (b) A movie theater shall provide, through radio and television advertisement,  
78 social media, and print media, and by posting inside in the movie theater, notice to all  
79 customers of the following:

80           (1) The availability of showings of motion pictures with open movie captioning;

81 and

82           (2) The notice required by subsection 3(c).

83       (c)(1) The Mayor shall coordinate with the Office of Disability Rights and other  
84 agencies the Mayor deems appropriate to create an awareness campaign publicizing the  
85 requirements of this act and explaining the benefits provided by this act, including by

86 requiring movie theaters to provide information about open movie captioning.

87 (2) All outreach information shall comply with the Language Access Act of  
88 2004, effective June 19, 2005 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*).

89 Sec. 5. Fiscal impact statement.

90 The Council adopts the fiscal impact statement in the committee report as the fiscal  
91 impact statement required by section 4a of the General Legislative Procedures Act of  
92 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

93 Sec. 6. Effective date.

94 This act shall take effect following approval by the Mayor (or in the event of veto by  
95 the Mayor, action by the Council to override the veto), a 30-day period of congressional  
96 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act,  
97 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and  
98 publication in the District of Columbia Register.

open caption screening per month or upon a request made pursuant to regulations that the Department of Consumer and Regulatory Affairs would set up.

Further, the bill would require that at least half of the required open caption screenings are during “peak movie attendance hours.” Peak movie attendance hours are Friday nights or weekend afternoons and evenings—that is, when most people are off of work and able to actually go out to a movie. Half of the open caption showings outside of peak movie attendance hours would have to be on weekday evenings. In other states, the Deaf and Hard of Hearing Community report that required open caption screening are often shown at days and times when people just cannot take advantage.

I developed this legislation in partnership with the DC Deaf Moviegoers group, which has worked for many years to organize and request open caption showings of movies at theaters in the region. That generally involves coordinating with a group big enough to interest a theater and all the people in the group agreeing on one day and time and location. This is, of course, not how hearing residents choose a movie, and Deaf and hard of hearing residents should also have the opportunity to pick from showtimes of open captioned movies. Netflix reports that 80% of their subscribers use subtitles or open captions at least once a month, indicating that there is also an audience for open caption movies among hearing residents.

When the pandemic closed down movie theaters, the Council put a previously-introduced version of this legislation on hold, not wanting to burden a struggling industry. As movie theaters re-open, I believe that Deaf and hard of hearing residents should have the same opportunity as hearing residents to once again enjoy the communal experience that movies provide. New York City recently adopted legislation that borrows liberally from the version of this legislation that I introduced in 2019, and the Maryland House of Delegates just held a hearing on legislation that would require open captioned movie screenings. I hope that the Council will follow suit.

Please feel free to reach out to me or my Legislative Director, Chris Laskowski, with any questions or for additional information.

Sincerely,



Councilmember Charles Allen, Ward 6  
Chairperson, Committee on the Judiciary and Public Safety  
Co-Chairperson, Special Committee on COVID-19 Pandemic Recovery

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