

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide that an entity holding a basic business license with an Entertainment: Moving picture theater endorsement shall provide a specified number of movies with open movie captioning at specified times, to authorize the Office of Human Rights to conduct reviews and order remedies to ensure compliance with open movie captioning requirements, and to require the Mayor to conduct a continuous public awareness campaign publicizing open movie captioning requirements; and to amend the Film DC Economic Incentive Act of 2006 to add support for open movie captioning as an allowable use of the Film, Television, and Entertainment Rebate Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Open Movie Captioning Requirement Amendment Act of 2024”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Movie theater” means an entity holding a basic business license with an Entertainment: Moving picture theater endorsement as identified in D.C. Official Code § 47–2820.

(2) “Office” means the Office of Human Rights.

(3) “Open movie captioning” means the written, on-screen display of a motion picture’s dialogue and non-speech information, which may include music, the identity of the character speaking, or other sounds and sound effects.

(4) “Peak weekend hours” means a showing that begins between 5:59 p.m. and 11:01 p.m. on a Friday or 10:59 a.m. and 11:01 p.m. on a Saturday or Sunday.

(5) “Operating week” means the operating hours of a movie theater beginning on a Friday and ending the subsequent Thursday.

Sec. 3. Minimum requirements.

(a)(1) A movie theater with more than 2 screens shall, no later than 90 days after the effective date of this section, provide scheduled open captioned showings for each motion

picture currently showing at the movie theater. The number of open captioned showings provided shall be as follows:

(A) During the first 2 operating weeks of a motion picture's release, no fewer than 3 open captioned showings per week;

(B) For each subsequent operating week of a motion picture's release, no fewer than 2 open captioned showings per week.

(2) At least one of the scheduled showings required pursuant to paragraph (1) of this subsection shall be provided during peak weekend hours unless no other showings of the motion picture are scheduled during those hours.

(b) Open captioned showings scheduled by a movie theater and willfully cancelled prior to showing shall not constitute an open captioned showing for the purposes of fulfilling the requirements of this section. Cancellations due to an event beyond a movie theater's control, such as equipment failure, weather, government order, or studio content error, shall not be considered willfully cancelled.

(c) The following shall be exempt from the requirements of subsection (a) of this section:

(1) Motion pictures that are not produced and made available to movie theaters with open captioning content; and

(2) Motion pictures for which a movie theater has fewer than 7 scheduled showings in one operating week.

(d) A movie theater with 2 or fewer screens shall, within a reasonable time frame of receipt of a request made according to a process established by rule by the Mayor, pursuant to the requirements of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-501 *et seq.*), provide a screening of a motion picture produced with open movie captioning; except, that this subsection shall not apply to a movie theater with 2 or fewer screens that provides scheduled open caption showings as described in subsection (a) of this section.

(e) A movie theater shall advertise the date and time of motion picture showings required by this section in the same manner as the movie theater advertises all other motion picture showings.

Sec. 4. Compliance review.

(a)(1) The Office shall have the authority to conduct random reviews of movie theaters for the purpose of ensuring compliance with this act; provided, that for each movie theater covered by section 3(a), the Office shall review no fewer than 3 operating weeks per calendar year.

(2) The Office shall have the authority to request showtime information by written or verbal inquiry, conference, or any other method or combination of methods suitable in the discretion of the Director of the Office.

(b) The Office shall establish a process for receiving consumer reports of suspected violations of this act and shall use such reports to inform the initiation of inquiries pursuant to

section 301(b) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1403.01(b)).

Sec. 5. Remedy and penalties.

(a)(1) Within the next operating week after issuance of a notice of infraction, a movie theater found to be in violation of the requirements of this act shall be required to provide one additional open captioned showing of a motion picture than would otherwise be required pursuant to section 3(a)(1).

(2) For repeat violations within a 365 day period, the Office may increase the amount of additional open captioned showings otherwise required by paragraph (1) of this subsection.

(3) When scheduling additional open captioned showings pursuant to this section, a movie theater shall prioritize additional open captioned showings of the motion picture related to a violation, provided that the movie in question is still playing at that movie theater.

(b) For each violation of this act, the Office shall, within a 365-day period of notice of the violation, conduct one additional compliance review of the movie theater in addition to the minimum review requirements of section 4(a).

Sec. 6. Public awareness campaign.

(a) The Mayor shall conduct a continuous public awareness campaign publicizing the requirements and benefits of this act. The public awareness campaign shall include information on the potential benefits of open captioned movies to all moviegoers, including patrons who are not Deaf or hard of hearing.

(b) The public awareness campaign shall, at minimum, utilize the following media for dissemination of information:

- (1) Office of Cable Television Programming;
- (2) Public service announcements; and
- (3) A dedicated public website.

(c) The Mayor shall disseminate guidance on clear communication of open captioned movie showings to news media, as defined in D.C. Official Code § 16-4701, for any news media organization that regularly publishes motion pictures showtimes for movie theaters in the District.

Sec. 7. Compliance assistance grants.

(a) Section 2 of the Film DC Economic Incentive Act of 2006, effective March 14, 2007 (D.C. Law 16-290; D.C. Official Code § 2-1204.11), is amended by adding a new subsection (d) to read as follows:

“(d) Subject to the availability of funds, the Mayor may utilize the Fund to provide grants to movie theaters, as defined in section 2(1) of the Open Movie Captioning Requirement

Amendment Act of 2024, passed on 2nd reading on May 7, 2024 (Enrolled version of Bill 25-151), to assist in compliance with that act.

Sec. 8. Conforming amendment.

(a) Section 2(3)(B) of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931(2)(3)(B)) is amended as follows:

(1) Sub-subparagraph (xix) is amended by striking the phrase “Department of Consumer and Regulatory Affairs;” and inserting “Department of Licensing and Consumer Protection;” in its place.

(2) Sub-subparagraph (xxv) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(3) Sub-subparagraph (xxvi) is amended by striking the period and inserting a semicolon in its place.

(4) New sub-subparagraphs (xxvii), (xxviii), and (xxix) are added to read as follows:

“(xxvii) Office of Disability Rights;

“(xxviii) Office for the Deaf, Deafblind, and Hard of Hearing; and,

“(xxix) Department of Buildings.”.

Sec. 9. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

Sec. 10. Applicability.

(a) Sections 4, 5, 6, and 8 of this act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 11. Fiscal impact statement.

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

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Sec. 12. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia