

HOUSE BILL 1463

O3

0lr3452

By: **Delegates Kelly, Barnes, Beitzel, Conaway, Donoghue, Dumais, Feldman, Frank, Gilchrist, Gutierrez, Hixson, Kaiser, Kramer, Lee, McComas, Montgomery, Myers, Reznik, Rice, Rosenberg, Serafini, Simmons, and Valderrama**

Introduced and read first time: February 26, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Rachel's Law – Closed Captioning in Movie Theaters**

3 FOR the purpose of requiring a certain place of public accommodation to provide
4 access to closed-captioning technology for deaf and hard of hearing individuals;
5 requiring the Department of Labor, Licensing, and Regulation, in consultation
6 with the Governor's Office of the Deaf and Hard of Hearing, to identify and
7 approve the appropriate technology to provide reasonable accommodation and to
8 set the minimum number of showings required to be made available with
9 closed-captioning technology at a movie theater; requiring the Department, in
10 consultation with the Governor's Office, to adopt certain regulations; defining
11 certain terms; and generally relating to closed captioning in movie theaters for
12 deaf and hard of hearing individuals.

13 BY repealing and reenacting, without amendments,
14 Article – State Government
15 Section 20–301
16 Annotated Code of Maryland
17 (2009 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article – State Government
20 Section 20–305
21 Annotated Code of Maryland
22 (2009 Replacement Volume)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Government**

2 20–301.

3 In this subtitle, “place of public accommodation” means:

4 (1) an inn, hotel, motel, or other establishment that provides lodging
5 to transient guests;6 (2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or
7 other facility principally engaged in selling food or alcoholic beverages for consumption
8 on or off the premises, including a facility located on the premises of a retail
9 establishment or gasoline station;10 (3) a motion picture house, theater, concert hall, sports arena,
11 stadium, or other place of exhibition or entertainment;

12 (4) a retail establishment that:

13 (i) is operated by a public or private entity; and

14 (ii) offers goods, services, entertainment, recreation, or
15 transportation; and

16 (5) an establishment:

17 (i) 1. that is physically located within the premises of any
18 other establishment covered by this subtitle; or19 2. within the premises of which any other establishment
20 covered by this subtitle is physically located; and21 (ii) that holds itself out as serving patrons of the covered
22 establishment.

23 20–305.

24 (a) **(1) In this section[“reasonable”] THE FOLLOWING WORDS HAVE THE**
25 **MEANINGS INDICATED.**26 **(2) “CLOSED CAPTIONING” MEANS A TRANSCRIPT OR DIALOGUE**
27 **OF THE AUDIO PORTION OF A MOVIE THAT IS DISPLAYED ON A SCREEN WHEN**
28 **THE USER ACTIVATES THE FEATURE.**29 **(3) “MOVIE THEATER” MEANS A BUILDING DESIGNED OR USED**
30 **PRIMARILY FOR THE EXHIBITION OF MOTION PICTURES TO THE GENERAL**
31 **PUBLIC.**

1 (4) “REASONABLE accommodation” means to make a place of public
2 accommodation suitable for access, use, and patronage by an individual with a
3 disability without:

4 [(1)] (I) danger to the individual’s health or safety; and

5 [(2)] (II) undue hardship or expense to the person making the
6 accommodation.

7 (b) (1) This subtitle does not require structural changes, modifications, or
8 additions to buildings or vehicles, except as required by this section or as otherwise
9 required by law.

10 (2) Any building constructed, modified, or altered in compliance with,
11 or in accordance with a waiver from, the Maryland Accessibility Code under § 12–202
12 of the Public Safety Article is not subject to this subtitle.

13 (c) If a structural change or modification or the provision of special
14 equipment is necessary to accommodate an individual with a disability, the
15 accommodation shall be a reasonable accommodation.

16 (d) (1) Except as provided in paragraph (2) of this subsection, a private
17 motor coach transportation carrier may not be required to expend more than \$2,500
18 per operating vehicle to make a reasonable accommodation to comply with this title.

19 (2) At least 10% of the total operating fleet of any private motor coach
20 transportation carrier doing business in the State shall comply with this title.

21 **(E) (1) A PLACE OF PUBLIC ACCOMMODATION EXHIBITING MOTION**
22 **PICTURES ON FIVE OR MORE SCREENS AT A SINGLE LOCATION SHALL PROVIDE**
23 **ACCESS TO CLOSED–CAPTIONING TECHNOLOGY FOR DEAF AND HARD OF**
24 **HEARING INDIVIDUALS.**

25 **(2) THE DEPARTMENT OF LABOR, LICENSING, AND**
26 **REGULATION, IN CONSULTATION WITH THE GOVERNOR’S OFFICE OF THE DEAF**
27 **AND HARD OF HEARING, SHALL:**

28 **(I) IDENTIFY AND APPROVE THE APPROPRIATE**
29 **TECHNOLOGY IN WHICH CLOSED CAPTIONING CAN BE UTILIZED TO PROVIDE**
30 **REASONABLE ACCOMMODATION, INCLUDING A PREDETERMINED REASONABLE**
31 **COST FOR THE TECHNOLOGY; AND**

32 **(II) SET THE MINIMUM NUMBER OF SHOWINGS OF A MOTION**
33 **PICTURE THAT A PLACE OF PUBLIC ACCOMMODATION IS REQUIRED TO MAKE**
34 **AVAILABLE WITH CLOSED–CAPTIONING TECHNOLOGY AT A MOVIE THEATER IN**

1 RELATION TO THE TOTAL NUMBER OF ALL SHOWINGS OF THAT MOTION
2 PICTURE AT THE MOVIE THEATER.

3 **(3) THE DEPARTMENT OF LABOR, LICENSING, AND**
4 **REGULATION, IN CONSULTATION WITH THE GOVERNOR'S OFFICE OF THE DEAF**
5 **AND HARD OF HEARING, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
6 **SUBSECTION.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2010.