

A BILL

25-151

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



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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, 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.

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

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

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

35 Sec. 3. Minimum requirements.

36 (a)(1) A movie theater with more than 2 screens shall, no later than 90 days after the
37 effective date of this section, provide scheduled open captioned showings for each motion
38 picture currently showing at the movie theater. The number of open captioned showings
39 provided shall be as follows:

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

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

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

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

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

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

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

57 (d) A movie theater with 2 or fewer screens shall, within a reasonable time frame of
58 receipt of a request made according to a process established by the Mayor, pursuant to the
59 requirements of the District of Columbia Administrative Procedure Act, effective October 21,
60 1968 (82 Stat. 1206; D.C. Official Code § 2-501 *et seq.*), provide a screening of a motion picture
61 produced with open movie captioning; provided, that this subsection shall not apply to a movie
62 theater with 2 or fewer screens that provides scheduled open caption showings as described in
63 subsection (a) of this section.

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

67 Sec. 4. Compliance review.

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

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

75 (b) The Office shall establish a process for receiving consumer reports of suspected
76 violations of this act, and shall use such reports to inform the initiation of inquiries pursuant to
77 section 301(b) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38,
78 D.C. Official Code § 2-1403.01(b)).

79 Sec. 5. Remedy and penalties.

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

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

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

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

93 Sec. 6. Public awareness campaign.

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

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

100 (1) Office of Cable Television Programming;

101 (2) Public service announcements; and

102 (3) A dedicated public website

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

107 Sec. 7. Compliance assistance grants.

108 (a) Section 2 of the Film DC Economic Incentive Act of 2006, effective March 14, 2007
109 (D.C. Law 18-111; D.C. Official Code § 2-1204.11) is amended by adding a new subsection (d)
110 to read as follows:

111 “(d) Subject to the availability of funds, the Mayor may utilize the Fund to provide grants
112 to movie theaters, as defined in section 2 of the Open Movie Captioning Requirement
113 Amendment Act of 2024, as approved by the Committee on Public Works and Operations on
114 March 18, 2024 (Committee print of Bill 25-151), to assist in compliance with that act.

115 Sec. 8. Language access, conforming amendments.

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

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

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

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

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

127 “(xxvii) Office of Disability Rights;
128 “(xxviii) Office for the Deaf, Deafblind, and Hard of Hearing; and,
129 “(xxix) Department of Buildings.”

130 Sec. 9. Rules.

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

134 Sec. 10. Applicability.

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

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

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

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

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147 Sec. 11. Fiscal impact statement.

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

151 Sec. 12. Effective date.

152 This act shall take effect following approval by the Mayor (or in the event of veto by the
153 Mayor, action by the Council to override the veto) and a 30-day period of congressional review
154 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
155 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).