

SENATE BILL REPORT

SB 5486

As Reported by Senate Committee On:
Law & Justice, February 6, 2025
Ways & Means, February 28, 2025

Title: An act relating to open motion picture captioning in motion picture theaters.

Brief Description: Concerning open motion picture captioning in motion picture theaters.

Sponsors: Senators Orwall, Dhingra, Nobles and Trudeau.

Brief History:

Committee Activity: Law & Justice: 2/04/25, 2/06/25 [DPS-WM, DNP, w/oRec].
Ways & Means: 2/28/25 [w/oRec, DNP].

Brief Summary of First Substitute Bill

- Requires movie theaters to provide captioning for movie screenings.
- Sets fines for failures to comply.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5486 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Lovick, Salomon and Valdez.

Minority Report: Do not pass.

Signed by Senators Fortunato and Wagoner.

Minority Report: That it be referred without recommendation.

Signed by Senators Holy, Ranking Member; Torres.

Staff: Patrick Moore (786-7535)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That it be referred without recommendation.

Signed by Senators Robinson, Chair; Stanford, Vice Chair, Operating; Trudeau, Vice Chair, Capital; Frame, Vice Chair, Finance; Gildon, Ranking Member, Operating; Torres, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Dozier, Assistant Ranking Member, Capital; Boehnke, Cleveland, Conway, Dhingra, Hansen, Hasegawa, Kauffman, Muzzall, Pedersen, Riccelli, Saldaña, Wagoner, Wellman and Wilson, C..

Minority Report: Do not pass.

Signed by Senators Braun and Warnick.

Staff: Kimmy Eide (786-7471)

Background: Closed captioning and open captioning are forms of video subtitling that display dialogue and other information, sometimes used by viewers who are deaf or hard of hearing. Closed captioning can be turned on and off. Open captioning is always in view on the main screen and cannot be turned off. In movie theaters, closed captioning can be delivered to individual viewers through accessory screens or glasses that display the subtitling. Open captioning in movie theaters is displayed on the main screen as part of the screening. There are presently requirements for television closed captioning in places of public accommodation.

The Human Rights Commission receives, investigates, and issues findings on claims of discrimination. When the commission finds an unfair practice has occurred, staff work to eliminate it through dialogue and agreement, if possible. If no agreement is reached, the case may be heard and ruled on by an administrative law judge who may award damages, as well as order the alleged discriminating party cease unfair practices and take remedial actions.

Summary of Bill (First Substitute): Movie theaters that are open to the public for a charge are required to provide closed and open captioning. All such theaters are required to provide closed captioning technology for the general public in each screening of movies that have closed captioning available. For movies that have open captioning available, movie theaters with six or more screens must run a certain number of screenings within different periods such as the first two weeks of a movie's release and peak hours of business. Theaters with five or fewer screens may either follow the same criteria on open captioning that apply to larger theaters or provide an open-captioned screening within 72 hours of receiving a request.

Theaters must advertise and list the times of open-caption screenings in the same manner they do for other screenings. Theaters must also keep records of their compliance for one year. First-time violation of any of these requirements results in a \$100 civil fine for each

violation, but there is a notice and opportunity to cure. Subsequent violations result in fines of up to \$500. The Washington State Human Rights Commission is required to prepare a pamphlet advising movie theaters about their duty and liability under this bill.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Sets threshold of five screenings to trigger open caption screening requirements at theaters with six or more screens.
- Expands timeframe to five days for theaters with five or fewer screens to provide an open caption screening upon request.
- Allows one overlapping open caption screening to be counted unless overlap is impracticable to avoid.
- Requires the characters "OC" be used to indicate open caption screenings in advertisements.
- Requires Washington State Human Rights Commission to make the informational pamphlet available online.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on January 1, 2026.

Staff Summary of Public Testimony on Original Bill (Law & Justice): *The committee recommended a different version of the bill than what was heard.* PRO: The Americans with Disabilities Act requires captioning glasses or individual screens in movie theaters but these do not work well and are not well maintained. Open captions are important for the deaf and hard of hearing communities. People whose first language is not English also appreciate open captions, as well as other Americans like Generation Z. Some jurisdictions have implemented requirements similar to those in this bill. Better advertising of open captions on websites would help. The six-screen threshold in the bill is within the range that other jurisdictions use. Deaf people enjoy going to movies which are social events and may include people who are not deaf. Better labeling of screenings with open captioning would help people find those. Open captions include movie information that closed captioning does not, such as ambient noise descriptions. Rather than a 72-hour window to respond to a request for open caption screening, a 24-hour window is preferred as many people do not plan movie outings several days in advance. This bill will result in more sales and reduce staff labor and training that is needed for the individual closed caption devices. Open caption screenings of different movies should not overlap because then people cannot watch each.

CON: This bill does not account for small theaters. Small town theaters will be unduly burdened. In such theaters, open caption screenings drew very few viewers at all. Some viewers were disappointed because they did not know open captioning would be on and they found it distracting. There is simply no demand for open caption screenings in small-town theaters. Washington should follow Hawaii's example which applies a similar law only to the largest theaters and companies. The requirement for open caption screenings in this bill should apply only to theaters with five or more locations. Theaters with four or fewer locations should only be required to have open caption screenings on request.

OTHER: Some theaters do not have digital capabilities to fulfill these open caption requirements. The Pacific Northwest Theatre Owners Association is working with the sponsor on this issue and other refinements so that these requirements will work for theaters to implement.

Persons Testifying (Law & Justice): PRO: Senator Tina Orwall, Prime Sponsor; Karen Atwood, Washington State Association of the Deaf; Jim House, Washington Association of the Deaf; Cheryl Perazzoli, Hering Loss Association of America-Washington state.

CON: Kevin Fairchild.

OTHER: Vicki Christophersen, Pacific Northwest Theatre Owners Association.

Persons Signed In To Testify But Not Testifying (Law & Justice): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): No public hearing was held.

Persons Testifying (Ways & Means): N/A

Persons Signed In To Testify But Not Testifying (Ways & Means): N/A