

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0277.01 Jane Ritter x4342

SENATE BILL 21-120

SENATE SPONSORSHIP

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Ortiz and Froelich,

Senate Committees
Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROVIDING OPEN CAPTIONING IN MOVIE THEATERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires a person who owns, leases, leases to, or operates a movie theater open to the public in Colorado to provide, on or before January 1, 2022, and ongoing thereafter, open captioning at all indoor and outdoor movie showings of each movie that is produced and offered with open movie captioning, including trailers.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Approximately 48,000,000 Americans have hearing loss, and
5 of that, approximately 1,139,000 Coloradans have an invisible hearing
6 loss disability and are either hard of hearing or deaf;

7 (b) Moviegoers who are hard of hearing or deaf cannot participate
8 in or fully benefit from movies if they cannot access the dialogue and
9 sounds;

10 (c) Open captions in movies are preferred over closed captioning
11 devices because closed captioning devices have numerous problems,
12 including:

13 (I) Causing the moviegoer's eyes to experience a "ping-pong"
14 effect between choosing to see the action on the screen or the dialogue in
15 the closed captioning display unit. This results in eye fatigue, headaches,
16 and other physical symptoms.

17 (II) Being broken at the base and not staying stationary during the
18 movie. The moviegoer can either hold the device with his or her hands or
19 between the legs for the entire movie or miss part of the movie to go get
20 a different closed captioning device.

21 (III) Often not fitting in the cup holder, leaving the moviegoer to
22 either hold the device for the entire movie or go get assistance and thus
23 miss part of the movie;

24 (IV) Occupying space that could be holding a drink or getting in
25 the way at dine-in theaters because the device hovers over the eating
26 space where the moviegoer is sitting;

27 (V) Being unsanitary; and

1 (VI) Being out of sync or having incomplete script dialogue; and

2 (d) Closed caption viewing glasses in particular are
3 uncomfortable, especially for moviegoers with prescription glasses;

4 (e) In addition to people who are hard of hearing or deaf,
5 numerous groups of people would benefit from a requirement for movie
6 theaters to offer open captions at all showings of a movie that is produced
7 and offered with open captioning. This includes people with:

8 (I) Autism;

9 (II) Attention deficit disorder;

10 (III) Dyslexia;

11 (IV) Down syndrome;

12 (V) Auditory neuropathy;

13 (VI) Meniere's disease;

14 (VII) Veterans with battle-acquired hearing loss;

15 (VIII) Auditory processing disorder or sensitivity to noise;

16 (IX) Hyperacusis;

17 (X) Learning disabilities; and

18 (XI) English as a second language.

19 (2) The general assembly further finds that providing open
20 captions at movies will eliminate:

21 (a) The need for open caption volunteer organizers to request in
22 advance from a theater an open caption showing;

23 (b) The need for persons who are hard of hearing or deaf to meet
24 a minimum attendance requirement before a theater approves an open
25 caption showing; and

26 (c) Inconsistency in obtaining approval for open captioned
27 showings.

1 (3) Therefore, the general assembly finds that it is in the best
2 interest of Coloradans to provide open captioned movie showings at
3 indoor and outdoor theaters, at any time, with no advance notice and no
4 minimum attendance requirement.

5 **SECTION 2.** In Colorado Revised Statutes, **add** 24-34-606 as
6 follows:

7 **24-34-606. Provision of open captioning in movie theaters.** ON
8 OR BEFORE JANUARY 1, 2022, AND ONGOING THEREAFTER, A PERSON WHO
9 OWNS, LEASES, LEASES TO, OR OPERATES A MOVIE THEATER OPEN TO THE
10 PUBLIC IN COLORADO SHALL PROVIDE OPEN MOVIE CAPTIONING AT ALL
11 INDOOR AND OUTDOOR SHOWINGS OF EACH MOVIE, INCLUDING TRAILERS,
12 THAT IS PRODUCED AND OFFERED WITH OPEN MOVIE CAPTIONING.

13 **SECTION 3. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly; except
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V
17 of the state constitution against this act or an item, section, or part of this
18 act within such period, then the act, item, section, or part will not take
19 effect unless approved by the people at the general election to be held in
20 November 2022 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.