

STATE OF NEW YORK

9947

IN ASSEMBLY

April 26, 2024

Introduced by M. of A. SEAWRIGHT -- read once and referred to the
Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring
certain motion picture theaters to provide scheduled showings of
motion pictures with open motion picture captioning

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The general business law is amended by adding a new article
2 45 to read as follows:

ARTICLE 45

OPEN CAPTIONING

Section 1450. Definitions.

1451. Open motion picture captioning required.

1452. Violations.

1453. Preemption.

1454. Enforcement of this article.

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10 § 1450. Definitions. For the purposes of this article, the following
11 terms shall have the following meanings:

12 1. "Motion picture" means a story or event recorded by a camera as a
13 set of moving images.

14 2. "Motion picture theater" means an entity in the business of provid-
15 ing showings of motion pictures to the general public.

16 3. "Open motion picture captioning" means the written, on-screen
17 display of a motion picture's dialogue and non-speech information,
18 including music, the identity of the character who is speaking, and
19 other sounds and sound effects.

20 4. "Peak motion picture attendance hours" means the hours between five
21 fifty-nine in the evening and one minute past eleven o'clock in the
22 evening on Friday and the hours between eleven twenty-nine in the morn-
23 ing and one minute past eleven o'clock in the evening on Saturday or
24 Sunday.

25 § 1451. Open motion picture captioning required. 1. A motion picture
26 theater that offers more than ten motion picture showings per week shall

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 provide scheduled showings of motion pictures with open motion picture
2 captioning such that at least one quarter of all showings of a motion
3 picture with four or more showings during a one-week time period shall
4 have open motion picture captioning, except that no more than four open
5 captioning showings of a single motion picture shall be required in a
6 one-week time period.

7 2. A motion picture that is produced and distributed without open
8 motion picture captioning is not subject to the provisions of subdivi-
9 sion one of this section.

10 3. At least half of the scheduled showings required pursuant to subdivi-
11 vision one of this section shall begin and end within peak motion
12 picture attendance hours, unless fewer than one in eight showings of a
13 motion picture is screened during peak motion picture attendance hours,
14 in which case this requirement is met if all screenings of such motion
15 picture during peak motion picture attendance hours have open motion
16 picture captioning.

17 4. At least half of the scheduled showings required pursuant to subdivi-
18 vision one of this section that are scheduled outside of peak motion
19 picture attendance hours shall start after five fifty-nine in the even-
20 ing and finish before one minute past eleven o'clock in the evening on
21 Mondays, Tuesdays, Wednesdays or Thursdays, unless fewer than one in
22 eight showings of a motion picture is screened after five fifty-nine in
23 the evening on Mondays, Tuesdays, Wednesdays or Thursdays, in which case
24 this requirement is met if all screenings of such motion picture during
25 such times have open motion picture captioning.

26 5. No showing of a motion picture with open motion picture captioning
27 that overlaps with another showing of a motion picture with open motion
28 picture captioning shall be counted toward the minimum number of show-
29 ings required by this section except where it is not practicable to
30 avoid such overlap.

31 6. Nothing in this article shall prevent a motion picture theater from
32 showing more motion pictures with open captioning than required by
33 subdivision one of this section.

34 7. A motion picture theater subject to the provisions of subdivision
35 one of this section shall advertise the date and time of motion picture
36 showings required by subdivision one in the same manner as the motion
37 picture theater advertises all other motion picture showings and shall
38 indicate which showings will include open motion picture captioning.

39 8. Every motion picture theater shall maintain documents sufficient to
40 demonstrate compliance with the requirements of this article for a peri-
41 od of at least three years.

42 § 1452. Violations. Any motion picture theater that violates any of
43 the provisions of this article shall be subject to a civil penalty of
44 not less than one hundred dollars nor more than five hundred dollars for
45 each violation.

46 § 1453. Preemption. The provisions of this article are cumulative and
47 supplemental and shall not apply within any municipality that, by ordi-
48 nance or resolution, has adopted provisions requiring scheduled showings
49 of motion pictures with open motion picture captioning that are equal to
50 or more stringent than the provisions of this article.

51 § 1454. Enforcement of this article. In the exercise of any of the
52 powers and duties conferred by law, a governing body of a municipality
53 of the state may enforce the provisions of this article.

54 § 2. This act shall take effect on the one hundred twentieth day after
55 it shall have become a law.