

# STATE OF NEW YORK

8961

## IN SENATE

April 3, 2024

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and  
when printed to be committed to the Committee on Consumer 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.

6 1451. Open motion picture captioning required.

7 1452. Violations.

8 1453. Preemption.

9 1454. Enforcement of this article.

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.

LBD14891-02-4

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.