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 Assembly, do enact as follows:

Section 1. The general business law is amended by adding a new article 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.

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

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

2. "Motion picture theater" means an entity in the business of providing showings of motion pictures to the general public.

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

4. "Peak motion picture attendance hours" means the hours between five fifty-nine in the evening and one minute past eleven o'clock in the evening on Friday and the hours between eleven twenty-nine in the morning and one minute past eleven o'clock in the evening on Saturday or Sunday.

§ 1451. Open motion picture captioning required. 1. A motion picture 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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provide scheduled showings of motion pictures with open motion picture captioning such that at least one quarter of all showings of a motion picture with four or more showings during a one-week time period shall have open motion picture captioning, except that no more than four open captioning showings of a single motion picture shall be required in a one-week time period.

2. A motion picture that is produced and distributed without open motion picture captioning is not subject to the provisions of subdivision one of this section.

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

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

5. No showing of a motion picture with open motion picture captioning that overlaps with another showing of a motion picture with open motion picture captioning shall be counted toward the minimum number of showings required by this section except where it is not practicable to avoid such overlap.

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

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

8. Every motion picture theater shall maintain documents sufficient to demonstrate compliance with the requirements of this article for a period of at least three years.

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

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

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

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