

April 5, 2019

MEMORANDUM

To: Members of the Civil Rights, Utilities, Economic Development & Arts Committee
From: Asha Venkataraman, Council Central Staff
Subject: Amendments to CB 119487: Legislation to require closed captioning

On April 9, the Civil Rights, Utilities, Economic Development & Arts Committee (CRUEDA) will discuss and potentially vote on [Council Bill 119487](#) (CB), requiring that closed captioning must be activated on televisions in public areas of all places of public accommodation. This memorandum provides brief background and describes potential amendments to the bill.

Background

The legislation requires that any person who owns or manages a place of public accommodation activate closed captioning on televisions in use in a public area during regular hours. If all three of those definitions are not met, the requirements of this legislation do not apply. Exceptions to this requirement apply when:

- There is no television in the public area of a place of public accommodation; or
- A television is technically incapable of showing closed captioning.

The bill also defines technical standards for closed captioning, which are black background color; text font of Arial, Calibri, Helvetica, Tahoma or Verdana; text size of 24; and white text color. This law will be enforced by the Seattle Office for Civil Rights (SOCR). Enforcement of the law will begin 180 days after passage of the bill, to ensure time for education, technical assistance, and outreach to persons subject to the ordinance. On January 8, 2019, a co-chair on the Commission for People with DisAbilities discussed the concept underlying this legislation in CRUEDA. Committee members discussed a draft version of this bill on March 12 and discussed the provisions and enforcement mechanism in CB 119487 on March 26.

Potential Amendments Sponsored by Councilmember Herbold

Proposed Amendment 1 reorganizes Section 14.05.020 of CB 114987 to group together all requirements in one subsection and group together all exceptions to the requirement that any person who owns or manages a place of public accommodation activate closed captioning on televisions in use in a public area during regular hours. The amendment language is reflected on page 1 of Attachment A.

Proposed Amendments 2a and 2b add an exception to the requirement that applies to places where televisions are sold. If multiple televisions are for sale in a public area, at least one of each model must have closed captioning turned on. This allows a consumer to view the television's capability to display closed captioning and make a more informed choice about whether to purchase. Proposed amendment language is reflected on pages 2 and 3 of

Attachment A. Option 2a (page 2 of Attachment A) assumes passage of Proposed Amendment 1 and option 2b (page 3) assumes rejection of Proposed Amendment 1.

Proposed Amendment 3 notes in the bill's recitals that there are various types of exemptions from state or federal law regarding closed-captioning. Certain programming may be exempt from these laws, such as manufacturer-produced commercials that show various attributes of their products. This amendment recognizes that there may be circumstances in which closed captioning may be activated on the television receiver, but the programming itself does not have closed captioning encoded in it. The amendment language is reflected on page 4 of Attachment A.

Proposed Amendment 4 clarifies that if programming itself does not have closed captioning, this law does not apply. Practically, this means that if the owner or manager of a place of public accommodation is otherwise complying with the requirement to activate closed captioning, the lack of captions coded into a program resulting in captions not appearing on the screen is not a violation of this law. If the programming does not have closed captioning, it is likely either exempt from or in violation of a state or federal law and should be enforced accordingly. The amendment language is reflected on page 5 of Attachment A.

Attachments:

A. Proposed Amendments to CB 119487

cc: Kirstan Arestad, Central Staff Director
Erik Sund, Supervising Analyst

Attachment A: Proposed Amendments to CB 119487

Proposed Amendment 1 (sponsored by CM Herbold)

14.05.020 Requirements for closed captioning in places of public accommodation

A. Any person owning or managing a place of public accommodation must activate closed captioning, with black background color, white text color, text size of 24, and text font of Arial, Calibri, Helvetica, Tahoma, or Verdana, in accordance with the technical standards in subsection 14.05.020.C, on all closed-captioned television receivers in use in any public area during regular hours, except in the following circumstances:-

~~———— B. A person owning or managing a place of public accommodation is not required to make a closed-captioned television receiver available for viewing in a public area if:~~

1. No receiver of television programming of any kind is available in a public area of the place of public accommodations; or
2. The only receiver of television programming available in a public area of the place of public accommodations is technically incapable of displaying closed captioning.

~~C. Closed captioning on digital televisions must meet the following technical standards for display:~~

- ~~———— 1. Background color: Black~~
- ~~———— 2. Text font: Arial, Calibri, Helvetica, Tahoma, or Verdana~~
- ~~———— 3. Text size: 24~~
- ~~———— 4. Text color: White~~

Proposed Amendment 2 (sponsored by CM Herbold)

Option 2a (assuming passage of Proposed Amendment 1):

14.05.020 Requirements for closed captioning in places of public accommodation

A. Any person owning or managing a place of public accommodation must activate closed captioning, with black background color, white text color, text size of 24, and text font of Arial, Calibri, Helvetica, Tahoma, or Verdana, on all closed-captioned television receivers in use in any public area during regular hours, except in the following circumstances:

1. No receiver of television programming of any kind is available in a public area of the place of public accommodation; or

2. The only receiver of television programming available in a public area of the place of public accommodation is technically incapable of displaying closed captioning; or

3. If multiple television models are displayed together for sale in a public area, for each of those models, at least one closed-captioned television must be available for viewing.

Option 2b (assuming rejection of Proposed Amendment 1):

14.05.020 Requirements for closed captioning in places of public accommodation

A. Except as provided in subsection 14.05.020.D, Aany person owning or managing a place of public accommodation must activate closed captioning, in accordance with the technical standards in subsection 14.05.020.C, on all closed-captioned television receivers in use in any public area during regular hours.

B. A person owning or managing a place of public accommodation is not required to make a closed-captioned television receiver available for viewing in a public area if:

1. No receiver of television programming of any kind is available in a public area of the place of public accommodations; or

2. The only receiver of television programming available in a public area of the place of public accommodations is technically incapable of displaying closed captioning.

C. Closed captioning on digital televisions must meet the following technical standards for display:

1. Background color: Black
2. Text font: Arial, Calibri, Helvetica, Tahoma, or Verdana
3. Text size: 24
4. Text color: White

D. If multiple television models are displayed together for sale in a public area, for each of those models, at least one closed-captioned television must be available for viewing.

Proposed Amendment 3 (sponsored by CM Herbold)

WHEREAS, closed captioning can help the general public with learning names and terminology, comprehension of dialogue, and better understanding in sound-sensitive environments;

WHEREAS, various types of programming may be exempt from state or federal closed-captioning requirements, such as manufacturer-created commercial programming to display attributes of a product, and such programming will not have closed captioning regardless of whether the television receiver is activated; NOW, THEREFORE,

Proposed Amendment 4 (sponsored by CM Herbold)

14.05.040 Exclusions

A. This Chapter 14.05 shall not be interpreted or applied to diminish or conflict with any requirements of state or federal law. In the event of any conflict, state and federal requirements shall supersede the requirements of this Chapter 14.05.

B. This Chapter 14.05 does not apply to programming that is exempt from closed captioning requirements under state or federal law.