

April 9, 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 locally produced and distributed non-news programs with no repeat value, primarily textual programming, or video programming for which closed captioning has been waived. 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
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