

# Seattle's New Closed Captioning Requirements

08/20/2019

Seattle Office for Civil Rights



City of Seattle

# Roadmap

- Seattle's Closed Captioning Ordinance, SMC 14.05
- Rulemaking process
- Questions and answers



# Overview of Seattle's Closed Captioning Ordinance



# Why Do We Need This Law?

- Hearing loss is widespread
- Inclusive of people with hearing disabilities
- Beneficial to many groups



# What Does The Law Do?

The law requires any person owning or managing a place of public accommodation to activate closed captioning on all closed-captioned television receivers in use in any public area during regular business hours.

Enforcement of the law begins 11/15/19.



# Race & Social Justice Impacts

The law also asks the Seattle Office for Civil Rights to determine the race and social justice impacts of requiring that places of public accommodation activate closed captioning and assess how to lessen impacts on businesses.



# Place of Public Accommodation

Any place, licensed or unlicensed, where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or any place, store, or other establishment that supplies goods or services with or without charge to the general public.



# Closed Captioning

A transcript or dialog of the audio portion of a television program that is displayed on either the bottom or top portion of a television receiver screen when the user activates the feature.



# Closed-Captioned Television Receiver

A receiver of television programming that has the ability to display closed captioning, including but not limited to a television, digital set top box, and other technology capable of displaying closed captioning for television programming.

# Exceptions To The Law

1. No television receiver in a public area;
2. The only television receiver in a public area is technically incapable of displaying closed captioning; or
3. If multiple television models are being displayed together for sale in a public area, for each of those models, at least one closed-captioned television must be available for viewing.



# What Happens If There Is a Violation?

- SOCR will send an advisory letter to the business to notify them of the violation.
- The business has 30 days from the date of the letter to provide a written response. The business can dispute the violation or show that it's been fixed and describe how future violations will be prevented.



# Notice of Violation

Can occur if:

- A business fails to provide a written response within 30 business days; or
- A business provides a response that fails to reasonably satisfy the SOCR Director.



# Appeal Rights

- A business may request a contested hearing before the Hearing Examiner in writing within 15 days of the notice of violation.
- The Hearing Examiner shall enter an order affirming, modifying, or reversing the violation.



# Rulemaking Process



# Possible Administrative Rule #1

## SHRR XXX-XXX. Proof of Compliance

1. Proof of compliance includes, but is not limited to, a physical or digital photograph of a television receiver that shows:
  - a. Closed captioning is activated on all receivers of television programming; or
  - b. The receiver of television programming is not in a public area; or
  - c. The only receiver of television programming in a public area is technically incapable of displaying closed captioning; or
  - d. There are multiple television models displayed together for sale in a public area, and for each of those models, at least one closed-captioned television is available for viewing.



# Possible Administrative Rule #1

SHRR XXX-XXX. Proof of Compliance

2. Proof of compliance must be accompanied by a sworn declaration that the business has turned on closed captioning or is exempt for one of the reasons listed in SMC 14.05.020 (A)(1), SMC 14.05.020 (A)(2), or SMC 14.05.020 (A)(3). The declaration shall also include the date the closed captioning was turned on.



# Possible Administrative Rule #2

SHRR XXX-XXX. Technically Incapable

A television that is “technically incapable” of displaying closed captioning is one that does not work when the closed captioning setting is on or is an older model that cannot show closed captioning.

# Rulemaking Timeline (subject to change)

<b>09/03/19</b>	<b>Rules will be published for the 20-day Notice and Comment period</b>
<b>Date TBD</b>	<b>Public Meeting about Administrative Rules</b>
<b>11/04/19</b>	<b>Administrative Rules and Frequently Asked Questions are finalized</b>





**QUESTIONS**

**ANSWERS**