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Department of Justice Issues Final Rule on Movie Captioning

On June 10, 2010 the U.S. Department of Justice (DOJ) published an Advance Notice of Proposed Rulemaking (ANPRM), “Nondiscrimination on the Basis of Disability by Public Accommodations—Movie Theaters; Movie Captioning and Audio Description.” Now, more than six years later, the DOJ has issued a Final Rule on the ANPRM.

The new rule clarifies the appropriate auxiliary aids and services that must be provided in movie theaters under Title III of the Americans with Disabilities Act (ADA). The Final Rule says public accommodations that own, operate or lease movie theaters are required to provide closed movie captioning and audio description whenever showing a movie that is available with these features. The rule will take effect on January 17, 2017.

In their Final Rule, the DOJ requires movie theaters to:

- have and maintain the equipment necessary to provide closed movie captioning and audio description at a movie patron’s seat whenever showing a digital movie produced, distributed, or otherwise made available
- provide notice to the public about the availability of these features, including in communications and advertisements at the box office and other ticketing locations, on websites, mobile apps, newspapers and via telephone. Third party websites are not required to provide that information.
- ensure that theater staff is available to assist patrons with the equipment before, during, and after the showing of a movie with these features.

Currently, under the ADA movie theaters are required to provide assistive listening devices. And while several chains already offer some form of captioning, under the new rule all digital movie theaters throughout the country will be required to offer it.

This rulemaking did not magically appear. Advocates have been working hard to push for better access at movies for many years, and the DOJ has finally acted. (For more information on movie access advocacy since 2010, visit hearingloss.org/advocacy/captioning-and-cart/movies.)

The new rule defines how many devices a theater must have in place. However, while it outlines the minimum number of devices required, theaters are certainly allowed to go above and beyond these regulations. In fact, the DOJ suggests theaters will increase the number of devices voluntarily in places where demand exceeds the requirement.

If theaters do not respond and individuals do not get the access they need, once again, it is up to that person to file a complaint. It’s not just important to file complaints, it’s critical; there is no other way the DOJ will know for sure that the rule is working. If movie theaters do not have equipment upon request, if the equipment is not working, if the theater doesn’t have staff who know how to make it work, or if there was no notification that the movie was captioned or described, file a complaint with the DOJ. If we are going to get the access we need, we must be willing to take action ourselves. There is no other way we will be able to enjoy movies just like everyone else. **HLM**

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