

Senate Bill 569

Sponsored by Senator GELSER BLOUIN, Representative REYNOLDS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires closed-captioned television receivers in public areas within places of public accommodation to display closed captioning unless exception applies.

Requires person acting on behalf of place of public accommodation to provide training to staff. Requires Bureau of Labor and Industries to develop model training and post to bureau's website.

Allows person alleging violation of closed-captioning requirements to file complaint with bureau. Requires bureau to provide notice of opportunity to cure initial violation. Permits bureau to impose civil penalties for failure to cure initial violation and for subsequent violations.

Permits Commissioner of Bureau of Labor and Industries to adopt rules to administer provisions of Act.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to closed captioning on televisions in places of public accommodation; and prescribing an
3 effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 659A.**

6 **SECTION 2. (1) As used in this section:**

7 (a) **"Closed-captioned television receiver" means a television and any other apparatus**
8 **that is designed to receive or play back video programming transmitted simultaneously with**
9 **sound and that has the technological capability to display closed captioning.**

10 (b) **"Closed captioning" means a transcript or dialog of the audio portion of video pro-**
11 **gramming that is displayed on the screen of a closed-captioned television receiver in real-**
12 **time and in the language of the audio programming.**

13 (c) **"Person with a visual impairment" has the meaning given that term in ORS 346.110.**

14 (d) **"Public area" means a part of a place of public accommodation that is open to the**
15 **general public.**

16 (2)(a) **Except as otherwise provided by subsections (3) to (5) of this section, every place**
17 **of public accommodation that provides a closed-captioned television receiver in a public area**
18 **shall activate closed captioning on the receiver unless the receiver does not have the tech-**
19 **nical capability to display closed-captioned transmissions.**

20 (b) **The closed captioning must appear in white text, on a black background, in a style,**
21 **font and size that is readable to a person with a visual impairment.**

22 (3)(a) **Whenever a place of public accommodation provides multiple closed-captioned**
23 **television receivers in a public area, the place of public accommodation shall activate closed**
24 **captioning on at least 50 percent of the receivers within the area.**

25 (b) **Whenever closed captioning is disabled on any of the remaining receivers that are not**
26 **subject to the requirement, the place of public accommodation shall affix to each receiver,**
27 **or otherwise display, a notice indicating that the receiver does not output sound or that the**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 receiver is on mute.

2 (4) If a place of public accommodation offers closed-captioned television receivers as
3 merchandise for sale and the receivers are displayed together, the place of public accommo-
4 dation shall activate closed captioning on at least one of the receivers on display.

5 (5) A place of public accommodation may temporarily deactivate closed captioning on a
6 closed-captioned television receiver at the request of a person with a visual impairment.

7 (6)(a) A person acting on behalf of a place of public accommodation shall provide training
8 to staff regarding the requirements of this section.

9 (b) The Bureau of Labor and Industries shall develop, and make available on the bureau's
10 website, model training for a person acting on behalf of a place of public accommodation to
11 use as guidance in providing the training required under paragraph (a) of this subsection.

12 (7) This section does not:

13 (a) Invalidate or limit the remedies, rights and procedures of any other federal, state or
14 local laws that provide equal or greater protection of the rights of an individual with a dis-
15 ability who requests a reasonable accommodation that may be necessary to afford the indi-
16 vidual with full and equal enjoyment of the place of public accommodation.

17 (b) Require a place of public accommodation to repair or replace a closed-captioned tele-
18 vision receiver that does not have the technical ability to display closed captioning.

19 (8) Any violation of this section by a place of public accommodation or person acting on
20 behalf of the place of public accommodation is an unlawful practice.

21 (9) A person who alleges a violation of this section may file a complaint with the Com-
22 missioner of the Bureau of Labor and Industries in the manner provided in ORS 659A.820.

23 (10)(a) The bureau shall develop and provide a notice to the person acting on behalf of a
24 place of public accommodation against whom a violation is alleged that states that the per-
25 son may avoid a civil penalty for the violation by curing the violation within 30 days. The
26 notice described under this paragraph must accompany the notice required under ORS
27 659A.820 (6).

28 (b) If the person fails to cure the violation within 30 days, the bureau may impose a civil
29 penalty of \$75 upon the person found to have committed the violation. The bureau may im-
30 pose a civil penalty of \$150 for the second and each subsequent violation.

31 (c) The bureau is not required to provide the person with an opportunity to cure a second
32 or subsequent violation before imposing the civil penalty for the second or subsequent vio-
33 lation.

34 (11) The bureau shall impose civil penalties under this subsection in the manner provided
35 by ORS 183.745.

36 (12) Moneys collected as penalties under this section shall be deposited in the Bureau of
37 Labor and Industries Account established under ORS 651.160.

38 (13) The Commissioner of the Bureau of Labor and Industries may adopt rules reasonably
39 necessary for the administration of this section.

40 **SECTION 3.** This 2023 Act takes effect on the 91st day after the date on which the 2023
41 regular session of the Eighty-second Legislative Assembly adjourns sine die.

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