

Requested by Senator GELSER BLOUIN

**PROPOSED AMENDMENTS TO
SENATE BILL 569**

1 On page 1 of the printed bill, delete lines 6 through 27.

2 On page 2, delete lines 1 through 39 and insert:

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

4 **“(a) ‘Closed-captioned television receiver’ means a television and**
5 **any other apparatus that is designed to receive or play back video**
6 **programming transmitted simultaneously with sound and to display**
7 **closed captioning, if technically feasible.**

8 **“(b) ‘Closed captioning’ means a transcript or dialog of the audio**
9 **portion of video programming that is displayed on the screen of a**
10 **closed-captioned television receiver in real-time and in the language**
11 **of the audio programming.**

12 **“(c) ‘Judicial department’ has the meaning given that term in ORS**
13 **174.113.**

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

16 **“(2)(a) Except as otherwise provided by subsections (3), (4) and (6)**
17 **of this section, every place of public accommodation that provides a**
18 **closed-captioned television receiver in a public area shall activate**
19 **closed captioning on the receiver unless the receiver does not have the**
20 **technical ability to display closed captioning.**

21 **“(b) The closed captioning must appear in white text, on a black**

1 background, in a style, font and size that is readable to a person with
2 a visual impairment.

3 “(3) Whenever a place of public accommodation provides multiple
4 closed-captioned television receivers in a public area, the place of
5 public accommodation shall activate closed captioning on at least 50
6 percent of the receivers within the area.

7 “(4) If a place of public accommodation offers closed-captioned
8 television receivers as merchandise for sale and the receivers are dis-
9 played together, the place of public accommodation shall activate
10 closed captioning on at least one of the receivers on display.

11 “(5)(a) A person acting on behalf of a place of public accommo-
12 dation shall provide training to staff regarding the requirements of
13 this section.

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

18 “(6) This section does not:

19 “(a) Invalidate or limit the remedies, rights and procedures of any
20 other federal, state or local laws that provide equal or greater pro-
21 tection of the rights of an individual with a disability who requests a
22 reasonable accommodation that may be necessary to afford the indi-
23 vidual with full and equal enjoyment of the place of public accommo-
24 dation.

25 “(b) Require a place of public accommodation to repair or replace
26 a closed-captioned television receiver that does not have the technical
27 ability to display closed captioning.

28 “(c) Apply to the judicial department.

29 “(d) Require a place of public accommodation to display closed
30 captioning on a closed-captioned television receiver with a picture

1 screen that measures 12 inches or less in size.

2 “(e) Require a place of public accommodation to display closed
3 captioning on a closed-captioned television receiver located:

4 “(A) In a private room that is made available for rent; or

5 “(B) In a hospital patient room.

6 “(7) Any violation of this section by a place of public accommo-
7 dation or person acting on behalf of the place of public accommodation
8 is an unlawful practice.

9 “(8) A person who alleges a violation of this section may file a
10 complaint with the Commissioner of the Bureau of Labor and Indus-
11 tries in the manner provided in ORS 659A.820.

12 “(9)(a) The bureau shall develop and provide a notice to the person
13 acting on behalf of a place of public accommodation against whom a
14 violation is alleged that states that the person may avoid a civil pen-
15 alty for the violation by curing the violation within 30 days. The notice
16 described under this paragraph must accompany the notice required
17 under ORS 659A.820 (6).

18 “(b) If the person fails to cure the violation within 30 days, the
19 bureau may impose a civil penalty of \$75 upon the person found to
20 have committed the violation. The bureau may impose a civil penalty
21 of \$150 for the second and each subsequent violation.

22 “(c) The bureau is not required to provide the person with an op-
23 portunity to cure a second or subsequent violation before imposing the
24 civil penalty for the second or subsequent violation.

25 “(10) The bureau shall impose civil penalties under this subsection
26 in the manner provided by ORS 183.745.

27 “(11) Moneys collected as penalties under this section shall be de-
28 posited in the Bureau of Labor and Industries Account established
29 under ORS 651.160.

30 “(12) The Commissioner of the Bureau of Labor and Industries may

1 **adopt rules reasonably necessary for the administration of this sec-**
2 **tion.”.**

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