

Closed Captioning in Places of Public Accommodation

What business owners, managers, and employees need to know about closed captioning and the Washington Law Against Discrimination

There is a new law requiring closed captioning

- ▶ The Washington Law Against Discrimination now specifically requires places of public accommodation to provide closed captioning on televisions in public areas
- ▶ The State Legislature passed and the Governor signed Senate Bill 5027 during the 2021 Legislative Session, putting this requirement into the law
- ▶ The law goes into effect on July 25, 2021
- ▶ Businesses must be in compliance with this law by October 23, 2021

Businesses that must be in compliance:

- ▶ Any business that is open to the public (clients, customers, patients, etc.)
- ▶ That has a television or televisions that are located in the public areas of the business
- ▶ These businesses must provide closed captioning on the televisions that members of the public can view

Exceptions to the rule:

- ▶ Where there are multiple televisions, up to half do not have to display closed captioning
 - ▶ but those that do not display closed captioning must clearly show they are on mute/have no sound
- ▶ When a television receiver is not technologically able to display closed captioning, the requirement does not apply
- ▶ When another state or federal law exempts the business from the closed captioning requirement, that law would supersede this law

If the business sells televisions:

- ▶ At least one closed captioned television must be available for customers to view

What if someone asks that the closed captioning be turned off?

- ▶ If that person is vision impaired, and requests that the closed captioning be turned off so they can see the screen better, the business should turn off the closed captioning while the person is present at the business
- ▶ If the person simply does not like the closed captioning, the business can explain that it must be on because of a law that helps people who are hard of hearing

What does the closed captioning have to look like?

- ▶ It must be white text, with a black background, and in a style and font that is readable to someone who has low vision

This is an example of how closed captioning should appear

How does a business get ready for the new requirement?

- ▶ Check all of the televisions to see if they are able to display closed captioning
 - ▶ There is no requirement to replace televisions that are not technologically capable of displaying closed captioning
 - ▶ Remember or make a note of which televisions cannot display closed captioning, in case someone makes a complaint
- ▶ Make sure that all of the televisions that are required to display closed captioning do so by October 23, 2021
 - ▶ If there are multiple televisions, up to half of them do not have to display closed captioning. Those televisions must be on mute or have no sound, and the television must clearly show it is on mute or has no sound.

Enforcement

- ▶ The WA State Human Rights Commission (WSHRC) enforces this law
- ▶ If there is a complaint, the WSHRC may visit the business to view the televisions to corroborate the complaint
- ▶ If there is a violation, the WSHRC will issue a notice of the violation and of a possible \$75 fine, and will provide information on how to cure the violation
 - ▶ The number of violations is calculated on a per business and per day basis, not on a per television set basis
- ▶ The business can cure the violation by turning on the closed captioning on all televisions that are required to have it, within 30 days of when the business receives the notice of violation, and continuing to display closed captions
 - ▶ If the violation is cured in this manner, there will be no fine and the violation is dismissed
 - ▶ If the business fails to cure the violation, there will be a fine of \$75.
- ▶ A second violation will result in a fine of \$150

Questions?

- ▶ Contact the WA State Human Rights Commission at policy@hum.wa.gov
- ▶ See our website a www.hum.wa.gov for a guidance paper with further information on this topic