

Title: Requiring that closed captioning be enabled on television and television receivers in public areas of place of. Public accommodation.

Introduction:

WHEREAS, Title II of the ADA requires state/local governments to give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities.

WHEREAS, Title III of the ADA prohibits discrimination on the basis of disability in the activities of places of public accommodations.

WHEREAS, in the interest of eliminating isolation and segregation and encouraging the gathering and participation of all individuals, it is sound public policy to promote full and equal communication access to all; and

WHEREAS, televisions are increasingly used in venues open to the general public, such as hospital waiting rooms, restaurants, small businesses, health clubs, social recreation facilities, airport lounges, and more; and

WHEREAS, hearing loss is a part of life for many individuals in Nevada; and

WHEREAS, a 2011 study by Johns Hopkins researchers estimated that approximately one in five Americans who are 12 years of age or older have some type of hearing loss in one or both ears that affects their ability to communicate and receive information; and

WHEREAS, In 1993, the Federal Communications Commission (“FCC”) adopted regulations requiring all analog television receivers manufactured and sold in the United States with screens larger than 13 inches contain built-in decoder circuitry to display closed captioning.

WHEREAS, hearing loss is one of the most common disabilities in Nevada; and

WHEREAS, closed captioning displays the audio portion of a television program as text on the television screen, providing access to news, entertainment, and information for individuals who are deaf or hard of hearing; and

WHEREAS, the Federal Communications Commission requires video programming shown on television and over the internet, after being shown on television, to be closed captioned; and³. Closed captioning consists of a transcript of the audio portions of television programming displayed on the television receiver screen when the user activates the caption feature. **As outlined in NRS 651(I need exact wordings for it, I couldn't find it)**

WHEREAS, In 1996, Congress amended the Communications Act to require that all video program distributors (including broadcasters, cable operators, etc.) add closed

captioning to certain video programming and authorized the Federal Communications Commission (the FCC) to establish a transition schedule for complying with this requirement.

WHEREAS, Following Congress's legislative directive, the FCC adopted administrative rules to ensure that video programming be accessible by closed captioning to the maximum extent possible. 47 CFR Part 79 sets forth the FCC's standards for accessibility of video programming.

WHEREAS, In 2002, the FCC adopted closed captioning requirements for digital television receivers.

WHEREAS, Under the FCC's rules, video program distributors are required to add closed captioning to all new English language programming. Starting in 2010, a similar requirement has applied to Spanish language programming. The FCC also requires video program distributors to add closed captioning to a certain percentage of previously broadcast programs.

WHEREAS, Enacted in 1973, Rehabilitation Act is a national law that protects individuals from discrimination based on their disability. Sections 504 and 508 bring online video content under the act.

Section 504 makes accessibility for disabled individuals a civil law. It requires providing individuals with disabilities an equal opportunity to participate in their programs and benefit from their services, including providing information to employees and members of the public. Failure to comply with this amendment can result in a discrimination lawsuit.

Section 508 mandates the accessibility of electronic media or IT in federal programs. It requires Federal agencies to ensure that persons with disabilities have equal access to electronic information technology. It also involves compliance with WCAG 2.0, mandating captions and audio descriptions for pre-recorded videos and captions for live videos.

WHEREAS, In 2010, Congress enacted the Communications and Video Accessibility Act ("CVAA"), extending the scope of closed captioning requirements to all devices that can play back video. Since September 30, 2012, new TV programming shown online is required to have closed captioning rendered as well.

WHEREAS, in addition to benefitting members of the public who are deaf or hard of hearing, closed captioning also benefits people with learning disabilities, sensory disabilities, attention deficits, and autism, as well as the elderly and persons learning English as a second language; and

WHEREAS, closed captioning can help the general public with learning names and terminology, comprehension of dialogue, and better understanding in

sound-sensitive environments; Better comprehension for viewers who know or are learning English as a second language.

(1) Improved comprehension of on-screen dialogue that is spoken very quickly or has accents, mumbling, or background noise.

(2) Enhanced learning environment for children or adults who are learning to read.

(3) Better clarity of full names, brand names, or technical terminology.

(4) Improved access to the television in noisy environments, such as restaurants and bars.

WHEREAS: The lack of communication access to the audio content on TVs in public places has always existed as a barrier for individuals with certain disabilities; and

WHEREAS: During the COVID-19 pandemic TV programming played a critical role in conveying information from public health experts and government officials to the public during the state of emergency; and

WHEREAS: This new necessity of watching/listening to TV during the COVID-19 pandemic to receive critical public health information and guidance highlighted the striking inequity that exists in communication access for those in the disability community and beyond who have no access to audible TV content when they are in public places; and

TVs audible content has not been accessible to persons with these types of disabilities: Deaf/deaf, Hard of Hearing, hearing loss due to age or illness, developmental disabilities, sensory disabilities, non-native English speakers, and others; and

WHEREAS: When businesses enable the “open captions” function on their TVs, a live transcript of the program’s audio content is shown scrolling across the bottom of the screen; and

WHEREAS: Visible captions would eliminate a significant communication barrier for people with hearing loss and other disabilities by providing access to the information being given by speakers on TV programming in all of Boston’s public places; and
(1) Visible captions would also increase access to information for the general public, because TVs are often located in crowded and noisy commercial spaces where everybody may have difficulty hearing;

WHEREAS, Television receivers in these locations enable members of the general public to obtain the latest news reports in an emergency, watch local sports teams, or simply pass the time while waiting for an appointment or service to be completed. People with hearing disabilities should not be excluded from being able to meaningfully participate in these activities while in public areas.

THEREFORE,

a. **Purpose.** The purpose of this ordinance is to expand accessible communication in places of public accommodation.

b. **Definitions:**

When used in this section, unless the context otherwise requires, the following terms shall have the following meanings:

1. "Closed captioning" means a transcript or dialog of the audio portion of a television program that is displayed on the bottom portion of a television receiver screen when the user activates the feature.

2. "Closed captioning television receiver" means 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.

3. "Person" means one or more individuals, partnerships, organizations, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy and receivers. It includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons, and any political or civil subdivision or agency or instrumentality of the City.

4. "Place of public accommodation" means 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. "Public area" means any part of a public facility that is open to the general public. "Public entertainment venue" means a place that is open to the public for mass gathering

"Place of public accommodation" includes, but is not limited to, the following types of services or facilities: Businesses can not refuse to turn on closed caption upon request.

(1) hotels, inn, motel or other establishments which provide lodging to transient guests;

(2) restaurants, cafeterias, lunchrooms, lunch counters, soda fountains or other facilities principally engaged in selling or offering for sale food for consumption upon or off the premises;

(3) public restrooms;

(4) public elevators;

(5) for entertainment, regardless of whether or not a ticket or payment of any type is required for admission. The term includes, but is not limited to, cinemas, theaters, concert halls, sports centers, stadiums, and festivals.

- (6) bowling alleys, pool halls, arcades, and amusement parks;
- (7) retail establishments;
- (8) transportation carriers; terminal, depot, bus stations, airport lounges,
- (9) barber shops and beauty shops;
- (10) bars or taverns or other facilities engaged in selling or offering for sale alcoholic beverages for consumption upon the premises;
- (11) public burial facilities
- (12) hospital waiting rooms
- (13) health clubs, gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation
- (14) bakery, grocery store, clothing store, hardware store, shopping center, appliance stores, department store, laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair store, gas station, office of an accountant or lawyer, Pharmacy, insurance office, professional office of a health care provider, hospital, or any other retail, sales or rental establishment
- (15) an auditorium, convention center, lecture hall, or other place of public gathering
- (16) museum, library, gallery, or other place of public display or collection
- (17) park, zoo, amusement park, or other place of recreation
- (18) nursery, elementary, secondary, undergraduate, or postgraduate, private school or other place of education
- (19) day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment;

“Regular hours” means the hours of any day in which a place of public accommodation is generally open to members of the general public.

Activating Closed Captioning

1. Any person owning or managing a public facility in the State of Nevada must activate closed captioning on closed captioned television receivers in use in any public area during regular hours.
2. In the event that two television in the public area of the place of public accommodation have the same channel being broadcast, at least of 50% of television shall be subject to this
3. An owner or operator of a public accommodation that has multiple television receivers on display for sale is required to activate closed captioning on at least one television receiver per group of five television receivers.

4. Upon request, a place of public accommodation shall not fail to keep closed captioning activated on any closed-captioning television that is in use during regular hours in any public area.
5. Any electronic device and informative technology must be accessible.

Enforcement

“Respondent” means any person who is alleged or found to have committed a violation of regulations established in this act.

Penalties.

Each violation will be a civil infraction punishable by a minimum of \$500, with an increment of \$500 for each violation. Where a Responsible Person is not immediately apparent, there shall be a rebuttable presumption of responsibility on the part of the owner of the Place of Public Accommodation. If after 90 days from July 25, 2025, a person that owns or manages a place of public accommodation fails to comply with the requirements of this section, that person shall be subject to a civil fine of up to \$500 for each violation. Written notice of the violation must be provided to the person and must state that the fine will be assessed. The notice must also state that the person has an opportunity to cure the violation by complying with the requirement within 30 days after delivery of the notice. If the person demonstrates compliance within the 30-day period, the fine will not be assessed, and the violation must be dismissed. Any subsequent violation shall result in a civil fine of up to \$500. The fines will be collected by Nevada Equal Right Commission and Nevada Commission for Deaf and Hard of Hearing Persons and the NERC are to set an agency to allocate the funds for Deaf/ Hard of Hearing non profit organization serving Deaf/Hard of Hearing population.

Effective date.

This law shall take effect on January 1, 2026.

Resources: Nevada Equality Rights Commission must prepare an educational pamphlet advising employers and employees of their duty and liability under this section. The pamphlet should be made available online, Employers must provide employees with training on this section using the pamphlet.

GUIDANCE ON SETTING UP CLOSED CAPTIONING

Depending on the program you are broadcasting in your business, you will enable closed captioning either (1) in the streaming app, e.g. Netflix, Hulu, YouTube; (2) through your cable settings, e.g. Xfinity, DirecTV, etc.; or (3) on in your television's settings. You only have to do it one time. Once captions are enabled, they will remain enabled unless you go in to turn them off. Below are a few links that may be able to help you with the exact steps required for your use. The exact menu depends on the manufacturer. Many have a closed captioning (“CC”) button on the remote for easy access. If it doesn't, you may need to navigate to your device's menu or settings. Try the “gear icon” and look for “Accessibility” settings, or check out the following support

articles. If this does not work, you may need to enable captions through the programming provider, aka Cable or Streaming.

Sorenson has compiled directions with screenshots for enabling captions from the following cable and streaming services: Xfinity, Spectrum, Cox, DirecTV, DISH, Hulu, Netflix, Amazon Prime, Disney+, YouTube, Roku, Apple TV , and Samsung TV Plus.