

Enrolled
Senate Bill 569

Sponsored by Senator GELSER BLOUIN, Representative REYNOLDS; Senator PATTERSON, Representatives ANDERSEN, NELSON (Pre-session filed.)

CHAPTER

AN ACT

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

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

SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS chapter 659A.
SECTION 2. (1) As used in this section:

(a) "Closed-captioned television receiver" means a television and any other apparatus that is designed to receive or play back video programming transmitted simultaneously with sound and to display closed captioning, if technically feasible.

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

(c) "Judicial department" has the meaning given that term in ORS 174.113.

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

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

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

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

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

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

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

(6) This section does not:

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

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

(c) Apply to the judicial department.

(d) Require a place of public accommodation to display closed captioning on a closed-captioned television receiver with a picture screen that measures 12 inches or less in size.

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

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

(B) In a hospital patient room.

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

(8) A person who alleges a violation of this section may file a complaint with the Commissioner of the Bureau of Labor and Industries in the manner provided in ORS 659A.820.

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

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

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

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

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

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

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

Passed by Senate March 22, 2023

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Lori L. Brocker, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 22, 2023

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Dan Rayfield, Speaker of House

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State