

## SENATE AMENDMENTS TO SENATE BILL 569

By COMMITTEE ON HUMAN SERVICES

March 20

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 any other apparatus**  
5 **that is designed to receive or play back video programming transmitted simultaneously with**  
6 **sound and to display closed captioning, if technically feasible.**

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

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

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

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

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

19 **“(3) Whenever a place of public accommodation provides multiple closed-captioned tele-**  
20 **vision receivers in a public area, the place of public accommodation shall activate closed**  
21 **captioning on at least 50 percent of the receivers within the area.**

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

25 **“(5)(a) A person acting on behalf of a place of public accommodation shall provide train-**  
26 **ing to staff regarding the requirements of this section.**

27 **“(b) The Bureau of Labor and Industries shall develop, and make available on the**  
28 **bureau’s website, model training for a person acting on behalf of a place of public accom-**  
29 **modation to use as guidance in providing the training required under paragraph (a) of this**  
30 **subsection.**

31 **“(6) This section does not:**

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

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

3       “(c) Apply to the judicial department.

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

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

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

9       “(B) In a hospital patient room.

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

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

14       “(9)(a) The bureau shall develop and provide a notice to the person acting on behalf of a  
15 place of public accommodation against whom a violation is alleged that states that the per-  
16 son may avoid a civil penalty for the violation by curing the violation within 30 days. The  
17 notice described under this paragraph must accompany the notice required under ORS  
18 659A.820 (6).

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

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

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

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

29       “(12) The Commissioner of the Bureau of Labor and Industries may adopt rules reason-  
30 ably necessary for the administration of this section.”.

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