



Disability Rights Oregon

TO: Senate Committee on Human Services
FROM: Disability Rights Oregon
DATE: February 8, 2023
RE: SB 569 and Captioning in Public Places

Chair Gelser, Vice Chair Robinson, and members of the Committee,

Thank you for the opportunity to address the Committee on the importance of captioning in providing equal access to television broadcasts in public places.

SB 569 is narrowly tailored to require that closed captioning be activated on closed-captioned televisions in places of public accommodation, such as sports bars, restaurants, and lobbies within hotels.

Title III of the Americans with Disabilities Act (ADA) requires public accommodations to furnish appropriate auxiliary aids and services, where necessary, to ensure effective communication with people with disabilities. The U.S. Department of Justice has long held the position that captioning and audio description are auxiliary aids required by the ADA. In its simplest form, under current law places of public accommodation must activate captioning whenever requested by a person with a disability.

SB 569 merely requires that captioning be turned on by these places of public accommodation, without the request being made. This action does not interfere with a place of business's choice to have their televisions muted or unmuted, whether music is playing or not play in the background, or whether blind Oregonians or people learning English can benefit from having the television present with or without captioning. The bill does not require businesses to get rid of their current televisions, to create or purchase closed captioning services that don't already exist, or to take any steps beyond activating an accessibility feature that already exists. This bill is merely about equal access from the start.

When a Deaf person must request captioning be activated, it can be stigmatizing to the person requesting it, disruptive to the workers who often fumble with the remote and complicated menus on television, and this frequently interrupts the experience of other patrons without disability or Deafness. Asking someone to turn on the captioning once the bar is full, the big game is on, and the orders are coming in fast is much more challenging than just having staff turn on the captions when they turn the TV on at the start of the day before the first customer comes in.

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Disability Rights Oregon is the Protection and Advocacy System for Oregon

A Deaf or Hard of Hearing person may have difficulty requesting staff to turn on closed captioning. People who primarily communicate in sign language may not be able to explain their request to a bartender or staff member who doesn't know sign language. People who use hearing aids or cochlear implants may not be able to communicate easily in a crowded, noisy place like a bar or restaurant. Even Oregonians who are not Deaf or Hard of Hearing may enjoy the secondary benefits of being able to track the dialogue or narration to a program when they're far from the screen, when there is a lot of background noise, or when multiple televisions are on at once. By requiring activation of closed captioning during the open hours of a business, SB 569 is a clear win-win-win for Deaf Oregonians, businesses, and patrons.

Oregonians with disabilities, Deaf Oregonians, and many others benefit from equal access to information communicated through broadcast television. For these reasons, we support SB 569.

About Disability Rights Oregon

Since 1977 Disability Rights Oregon has been the State's Protection and Advocacy System.¹ We are authorized by Congress to protect, advocate, and enforce the rights of people with disabilities under the U.S. Constitution and Federal and State laws, investigate abuse and neglect of people with disabilities, and "pursue administrative, legal, and other appropriate remedies".² We are also mandated to "educate policymakers" on matters related to people with disabilities.³

If you have any questions regarding DRO's position on this legislation, please call Meghan Moyer at 503-432-5777 or email her at mmoyer@droregon.org.

¹ See ORS 192.517.

² See 42 U.S.C. § 15041 et seq; 42 U.S.C. § 10801 et seq.

³ See 42 U.S. Code § 15043(a)(2)(L).