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## Fact Sheet

# Advance Notice of Proposed Rulemaking on Movie Captioning and Video Description

### **The Department of Justice's Consideration of Regulations Requiring Closed Captioning and Video Description for Movies Shown at Movie Theaters**

*Since the enactment of the ADA twenty years ago, technologies have been developed to include closed captions and video description in movies being shown at movie theaters. Movie studios have responded by producing and distributing movies with captioning and video description. However, these features are not generally made available at movie theaters. In 2008, the Department of Justice published a Notice of Proposed Rulemaking (NPRM) seeking comment on whether it should issue regulations requiring captioning and video description. The Department received many comments supporting such regulations. Also, recently a federal appellate court endorsed the position of the Department and determined that the ADA requires movie theaters to show movies with closed captioning and video description unless the theaters can show that it would be a fundamental alteration or undue burden to do so. In light of these developments, this advance notice presents for public review and comment a series of questions seeking additional and updated comments and suggestions regarding what a future rule on this issue should address.*

**Summary:** The Department is providing advance notice that it is considering whether to propose revising the title III regulations to require movie theater owners and operators to show movies with closed captions and video description in their theaters at least fifty percent of the time. The purpose of the notice is to discuss how best to frame such a requirement and to determine the costs and benefits of any such requirement.

In this notice, the Department is asking several key questions: (1) what is the appropriate basis for calculating the number of movies that will be captioned and video described and how should any requirement be phased in; (2) what is the status of any conversion to digital cinema; (3) what standards and technologies exist or are in development for captioning and video description; (4) what are the costs and benefits of movie captioning and video description; and (5) what impact will such requirements have on small businesses?

The Department is also soliciting comments on whether movie theater owners and operators should be encouraged to screen movies with open captions, even though the Department is not considering requiring open captions, as an alternate way to achieve compliance with any regulation, whether certain categories of movie theater owners and operators should be exempt from any regulation, and whether there should be notification and training requirements included in any regulation.

Comments on this notice will be available for public review at [www.regulations.gov](http://www.regulations.gov). The Regulations.gov Docket ID is DOJ-CRT-2010-0007. The comments will also be available by appointment at 1425 New York Avenue, NW, Washington, DC 20005. For access to the Docket materials, call (800) 514-0301 (voice) or (800) 514-0383 (TTY) to make an appointment. The Department will hold at least one public hearing to solicit additional comments on the issues raised in this notice.

**For more information:** The Federal Register notice and this fact sheet are available in electronic format on the Department's ADA Website at <http://www.ada.gov>. For additional information or to order copies of any documents, call the toll-free ADA Information Line (800) 514-0301 (voice) or (800) 514-0383 (TTY). Copies will be available in accessible formats.