

**Local Laws
of
The City of New York
For the Year 2022**

No. 37

Introduced by Council Members Rosenthal, Gjonaj, Chin, Rivera, Dinowitz, Levin, Brooks-Powers, Lander, Riley, Koslowitz, Louis, Barron, Cabán, Rose and the Public Advocate (Mr. Williams).

A Local Law

To amend the administrative code of the city of New York, in relation to open captioning at motion picture theaters

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

Subchapter 13

Motion Picture Theaters

§ 20-699.7 Open captioning in motion picture theaters. **a. Definitions.** As used in this section, the following terms have the following meanings:

Motion picture. The term “motion picture” means a story or event recorded by a camera as a set of moving images.

Motion picture theater. The term “motion picture theater” means an entity in the business of providing showings of motion pictures to the general public.

Open motion picture captioning. The term "open motion picture captioning" means the written, on-screen display of a motion picture's dialogue and non-speech information, including music, the identity of the character who is speaking, and other sounds and sound effects.

Peak motion picture attendance hours. The term "peak motion picture attendance hours" means the hours between 5:59 p.m. and 11:01 p.m. on Friday and the hours between 11:29 a.m. and 11:01 p.m. on Saturday or Sunday.

b. Open motion picture captioning required. A motion picture theater that offers more than 10 motion picture showings per week shall provide scheduled showings of motion pictures with open motion picture captioning such that at least one quarter of all showings of a motion picture with four or more showings during a one-week time period shall have open motion picture captioning, except that no more than four open captioning showings of a single motion picture shall be required in a one-week time period.

c. Exceptions. A motion picture that is produced and distributed without open motion picture captioning is not subject to the provisions of subdivision b of this section.

d. Timing. 1. At least half of the scheduled showings required pursuant to subdivision b of this section shall begin and end within peak motion picture attendance hours, unless fewer than 1 in 8 showings of a motion picture is screened during peak motion picture attendance hours, in which case this requirement is met if all screenings of such motion picture during peak motion picture attendance hours have open motion picture captioning.

2. At least half of the scheduled showings required pursuant to subdivision b of this section that are scheduled outside of peak motion picture attendance hours shall start after 5:59 p.m. and finish before 11:01 p.m. on Mondays, Tuesdays, Wednesdays or Thursdays, unless fewer than 1 in 8 showings of a motion picture is screened after 5:59 p.m. on Mondays, Tuesdays, Wednesdays or Thursdays, in which case this requirement is met if all screenings of such motion picture during such times have open motion picture captioning.

3. No showing of a motion picture with open motion picture captioning that overlaps with another showing of a motion picture with open motion picture captioning shall be counted toward the minimum number of showings required by this section except where it is not practicable to avoid such overlap.

4. Nothing in this subchapter shall prevent a motion picture theater from showing more motion pictures with open captioning than required by subdivision b of this section.

e. Public notice. A motion picture theater subject to the provisions of subdivision b of this section shall advertise the date and time of motion picture showings required by subdivision b in the same manner as the motion picture theater advertises all other motion picture showings and shall indicate which showings will include open motion picture captioning.

f. Records. Every motion picture theater shall maintain documents sufficient to demonstrate compliance with the requirements of this subchapter for a period of at least three years.

g. Violations. Any motion picture theater that violates any of the provisions of this section shall be subject to a civil penalty of not less than \$100 nor more than \$500 for each violation.

§ 2. This local law takes effect 120 days after it becomes law.

The City of New York, Office of the City Clerk, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 15, 2021 and returned unsigned by the Mayor on January 14, 2022.

Michael M. McSweeney, City Clerk, Clerk of the Council.

Certification of Corporation Counsel

I hereby certify that the form of the enclosed local law (Local Law No. 37 of 2022, Council Int. No. 2020-A of 2020) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

Stephen Louis, Acting Corporation Counsel.