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Civil Rights Division



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## Questions and Answers about the Department of Justice's Final Rule Under Title III of the ADA Requiring Movie Theaters to Provide Closed Movie Captioning and Audio Description

### 1) What is the Department requiring in this rulemaking?

Title III of the Americans with Disabilities Act (ADA) requires public accommodations, including movie theaters, to provide effective communication through the use of auxiliary aids and services. This Final Rule provides specific requirements that movie theaters must now meet to satisfy their existing effective communication obligations to people with hearing and vision disabilities, unless compliance with these requirements would result in an undue burden or a fundamental alteration. Specifically, the rule requires covered movie theaters to:

- (1) have and maintain the equipment necessary to provide closed movie captioning and audio description at a movie patron's seat whenever showing a digital movie produced, distributed, or otherwise made available with these features;
- (2) provide notice to the public about the availability of these features; and
- (3) ensure that theater staff is available to assist patrons with the equipment before, during, and after the showing of a movie with these features.

### 2) Are all movie theaters required to comply with the specific requirements of this rule?

No. This rule applies only to certain movie theaters as defined by the rule. The rule defines a movie theater as a "facility, other than a drive-in theater, that is owned, leased by, leased to, or operated by a public accommodation and that contains one or more auditoriums that are used primarily for the purpose of showing movies to the public for a fee." The specific requirements of this rule, however, do not apply to any movie theater that shows only analog movies in all of its auditoriums. Additionally, drive-in theaters are excluded in the definition of movie theater because the technology to provide closed movie captioning and audio description in such venues does not yet exist.

### 3) What are closed movie captioning and audio description and how do they assist persons with hearing and vision disabilities?

Closed movie captioning and audio description enable people with hearing and vision disabilities to have access to movies shown in a movie theater.

- **Closed movie captioning** is the written display of a movie's dialogue and non-speech information, such as the music, the identity of the character who is speaking, and other sounds or sound effects, made available only to those movie patrons who request it. When requested, the captions are delivered via individual captioning devices used by patrons at their seats. Closed movie

captioning does not result in captions being shown to all patrons by being displayed on the screen itself.

- **Audio description** is a technology that enables movie patrons who are blind or have low vision to enjoy movies by providing the spoken narration of a movie’s key visual elements, such as the action, settings, facial expressions, costumes, and scene changes. Audio description fills in information about the visual content of a movie where there are no corresponding audio elements. It involves a separate script that is recorded and synchronized with the movie as it is projected. The oral delivery of the script is transmitted to the user through infra-red or FM transmission to wireless headsets.

**4) Under what circumstances does this rule require movie theaters to provide closed movie captioning and audio description?**

Whenever a movie theater covered by this rule intends to exhibit a digital movie that is available with closed movie captioning and audio description, the rule requires that the movie theater acquire and exhibit that movie with closed movie captioning and audio description at all scheduled screenings unless doing so would result in an undue burden or a fundamental alteration.

**5) Does the rule interfere with a movie theater’s choice as to which movies to exhibit?**

No. The rule does not prevent a movie theater from showing a particular digital movie that is not produced or otherwise made available with closed movie captioning or audio description nor is a movie theater prevented from showing the analog version of a movie that is also available in digital format and produced with closed movie captioning and audio description. The rule also does not require movie theaters to add closed movie captioning or audio description to movies that are not otherwise produced or distributed with these features.

**6) What must movie theaters do in order to show movies with closed movie captioning and audio description?**

For both closed movie captioning and audio description, movie theaters must obtain and install the necessary equipment that enables movie patrons to view the closed movie captions and hear the audio description at their individual seats. The necessary equipment consists of the following two components:

- (1) the hardware equipment that transmits the closed movie captions or the audio description to movie patrons at their individual seats; and
- (2) the individual devices that receive the closed movie captions or the audio description. The closed movie captioning and audio description devices must be made available to people with hearing and vision disabilities so that these individuals may view the closed movie captions or hear the audio description at their individual seats.

**7) How many captioning devices must a movie theater have available?**

The number of captioning devices required at a movie theater is based on the number of auditoriums in the movie theater that show digital movies. A movie theater must provide a minimum number of fully operational captioning devices in accordance with the following table:

<b>Number of Movie Theater Auditoriums Showing Digital Movies</b>	<b>Minimum Required Number of Captioning Devices</b>
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<b>1</b>	<b>4</b>
<b>2-7</b>	<b>6</b>
<b>8-15</b>	<b>8</b>
<b>16 +</b>	<b>12</b>

**8) How many audio description devices must a movie theater have available?**

The number of audio description devices required at a movie theater is also based on the number of auditoriums in the movie theater that show digital movies. A movie theater must provide a minimum number of fully operational audio description devices in accordance with the following table:

<b>Number of Movie Theater Auditoriums Showing Digital Movies</b>	<b>Minimum Required Number of Audio Description Devices</b>
1	1
2-7	1-4
8-15	4-8
16 +	8+

**9) By what date must movie theaters comply with this rule’s requirements?**

The rule goes into effect 45 days after publication in the Federal Register. The time for compliance with the rule’s provisions varies depending on the specific requirement or event that triggers compliance. The tables below summarize the key dates for compliance.

**Table 1: General Compliance Dates for All Movie Theaters with Auditoriums Showing Digital Movies with Closed Movie Captioning and Audio Description**

**The rule goes into effect 45 days after publication in the Federal Register.** Any movie theater that provides closed movie captioning and audio description on or after this date must:

- notify the public about the availability of these features (see § 36.303(g)(8)); and
- have staff available to assist movie patrons with the equipment (see §36.303(g)(9)).



**Table 2: Compliance Dates for Movie Theaters with Auditoriums Showing Digital Movies on or after the Final Rule's Publication**

**Eighteen (18) months after publication in the Federal Register**, any movie theater that shows digital movies must:

- have available and maintain the equipment necessary to provide closed movie captioning and audio description at a movie patron's seat (see §36.303(g)(2)-(6)).

**Table 3: Compliance Dates for Movie Theaters Converting Auditoriums from Analog to Digital Projection Systems after the Final Rule's Publication**

<b>If conversion occurs</b>	<p style="text-align: center;">-</p> <b><u>§36.303(g)(2)-(6)</u></b> <b>Have available and maintain the necessary equipment</b>	<b><u>§ 36.303(g)(8)</u></b> <b>Notify the public about the availability of these features</b>	<b><u>§36.303(g)(9)</u></b> <b>Have staff available to assist patrons with the equipment</b>
<b>After the date of publication in the Federal Register but before eighteen (18) months after publication in the Federal Register,</b>	Within twenty-four (24) months after the date of publication in the Federal Register	Beginning forty-five (45) days after the date of publication in the Federal Register, as soon as closed movie captioning and audio description is made available	Beginning forty-five (45) days after the date of publication in the Federal Register, as soon as closed movie captioning and audio description is made available
<b>Eighteen (18) months after publication in the Federal Register,</b>	Within six (6) months after the date of conversion	Beginning forty-five (45) days after the date of publication in the Federal Register, as soon as closed movie captioning and audio description is made available	Beginning forty-five (45) days after the date of publication in the Federal Register, as soon as closed movie captioning and audio description is made available

**10) Does this rule require any movie theater to convert its auditoriums to digital projection systems?**

No. This rule imposes no obligation on any theater owner to use digital technology.

**11) What happens if a movie theater cannot afford to comply with the requirements of this rule?**

This rule limits the obligation of movie theaters to comply with the rule's specific requirements where compliance would result in an undue burden. In those situations, a movie theater is only required to comply with the requirements of the rule to the point where compliance results in an undue burden. Even if compliance results in an undue burden, the movie theater still has an obligation to provide an alternative aid or service that provides effective communication if one is available.

**12) Why did the Department decide to defer application of the specific requirements of this rule to auditoriums that show analog movies exclusively?**

A movie theater is not required to comply with the specific requirements of this rule in any auditorium that shows analog movies exclusively. However, if a movie theater shows both analog movies and digital movies in its auditoriums, the theater must obtain and install the necessary equipment in those auditoriums that show digital movies. Uncertainty exists as to whether movie theaters will continue to show analog movies, whether analog movies will be distributed with captioning and audio description, and whether analog movies will continue to be produced at all. Thus, the Department believes that it is prudent to defer application of the specific requirements of this rule at this time.

**13) Does this rule ever require movie theaters to provide open captioning?**

No. While the rule permits movie theaters to provide open captioning (i.e., captioning that is shown on the screen and visible to all movie patrons) instead of closed movie captioning as a means of meeting their obligation to provide effective communication for people with hearing disabilities, the rule does not require movie theaters to provide open captioning under any circumstances.

**14) How can I obtain a copy of the Final Rule and other documents related to the rule?**

An advance copy of the Final Rule and related documents, including the Final Regulatory Assessment and Questions and Answers about the Final Rule, are available on the Department's website at [www.ada.gov/regs2016/movie\\_captioning\\_rule\\_page.html](http://www.ada.gov/regs2016/movie_captioning_rule_page.html). Once the Final Rule is published in the Federal Register, an official copy will be available on the Federal Register's website.