



Theatre Owners of New England

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February 6, 2020

The Honorable Ann Pugh, Chairperson
House Committee on Human Services
State House
Montpelier, VT 05633

Dear Chairperson Pugh:

On behalf of the Theatre Owners of New England (TONE), a regional affiliate of the National Association of Theatre Owners (NATO), representing movie theatres in the state of Vermont, we respectfully submit these written comments in opposition to bill HB312. As an industry, we want full accessibility for the deaf and hard of hearing community. We want accessibility for every show, 7 days a week, 365 days a year.

That being said, we respectfully oppose **House Bill 312** for the following reasons:

Movie theatres offer closed captioning technology that allows all moviegoers to view a movie with captions during any show, any day of the week, while at the same time allowing the rest of the audience to enjoy the film without seeing the captions on the screen.

- This personal captioning equipment is available in all Vermont theaters because of the collaborative efforts of movie theatres, advocacy groups, motion picture studios, and technology companies to develop equipment that could provide 100% accessibility.
- Our national affiliate, the National Association of Theatre Owners (NATO) was proactive in working with four national advocacy groups including the National Association for the Deaf, the Alexander Graham Bell Association, the Association of Late-Deafened Adults and the Hearing Loss Association of America, to develop standards which requires all theatres to provide personal closed captioning and descriptive listening devices upon request for all of their screens. These agreed upon standards were submitted and approved by the United States Department of Justice (DOJ).
- The DOJ accepted these standards and published the final rule on December 2, 2016. The ruling took effect on January 17, 2017.

An open captioning mandate will hurt our business.

- Theatres in Vermont are already offering open-captioned shows on a regular basis without a mandate in place. Theatres are responsive to the needs of their communities,

and can design open captioning programs that both respond to market demand and make sense for the theatres.

- However, imposing a mandate that well exceeds demand will have a negative impact on ticket sales. Unfortunately, we have found that general audiences do not enjoy seeing captions on the screen while viewing a movie, and open captioning tends to discourage people from attending the movies.
- Theatre owners have spent millions of dollars upgrading their projection booths from analog to digital and we continually struggle with rising real estate and labor costs. This mandate would be a further hardship on theatres.
- Our business operates on very thin margins and we can't afford to lose any admissions. Lost admissions have a domino effect with lower concessions sales, the lifeblood of our industry, and could result in theatres having to reduce employee numbers or being forced to pass on costs to customers in order to remain competitive.

Our feedback from the deaf and hard of hearing community regarding these personal devices has been positive. Vermont theatre operators welcome the opportunity to work with those who may be having difficulty with the devices, in order to make their experience more enjoyable.

Sincerely,
Daniel Vieira
Executive Director