

# WASHINGTON STATE HUMAN RIGHTS COMMISSION

## OPEN CAPTIONING GUIDANCE

FOR

## MOTION PICTURE THEATERS



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## **Background:**

The Washington State Human Rights Commission (WSHRC) was established in 1949 to administer the Washington Law Against Discrimination, RCW 49.60 (WLAD), which prohibits discrimination in the areas of employment, places of public accommodation, housing, and credit and insurance transactions on the basis of protected class. Currently, protected class in Washington State includes: race, color, creed, national origin, citizenship or immigration status, age (employment 40+), sex (includes pregnancy), disability, use of a trained dog guide or service animal, sexual orientation (includes gender identity), honorably discharged veteran and military status, marital status (employment, credit, insurance, housing), family status (housing), breastfeeding mother (public accommodation), or retaliation for opposing discrimination.

## **New Law for Motion Pictures in Theaters Operating in Washington State:**

Effective January 1, 2026, a new law, RCW 49.60.540 requires motion picture theaters in Washington State to provide the audience with closed captioning, and in motion pictures available with the technology, open captioning. Currently, federal law requires theaters to provide closed captioning under Title III of the Americans with Disabilities Act (ADA). **Closed captioning** includes verbal information, similar to subtitles in foreign language films, and is provided on an individual device when requested by a moviegoer. **Open captioning** appears on the screen to all members of the audience and requires no separate device. Open captioning includes both verbal and non-verbal information describing ambient sounds, music, and other noises associated with the scene.

The new state law under RCW 49.60.540 adds new provisions to the WLAD that include the closed captioning requirements from the ADA, plus requirements for open captioning when available in screenings of new releases during prime movie times identified in the statute.

## **Questions and Answers:**

**When does the new law for movie theaters to provide both closed and open captioning go into effect?**

The new law, RCW 49.60.540, is effective January 1, 2026.

**What places of public accommodation in Washington State must follow the new requirements?**

**Companies with 5 or more theaters in the state with 5 scheduled screenings, must include 2 open caption screenings during the first 2 weeks followed by at least 1 per week during prime movie times.** The new law requires motion picture companies that operate five (5) or more motion picture theaters in Washington state where the schedule includes five (5) or more screenings of a motion picture produced with open captioning technology, must offer at least two (2) open captioning screenings of the motion picture during each of the first two (2) weeks after

its release to begin at **prime movie times, which include: Fridays with a start time between 5:59 p.m. and 11:01 p.m., or Saturdays or Sundays with a start time between 10:59 a.m. and 11:01 pm.** After the first two weeks following the motion picture's release, the theater must provide at least one open captioning screening per week during the prime movie times above on Mondays, Tuesdays, Wednesdays, or Thursdays at the same evening times, or Saturday or Sunday at the same weekend times.

**Companies operating 4 (four) theaters or fewer in the state must include an open caption screening within 8 (eight) days of receiving a request.** Any theater operating in the state may choose to follow the same requirements as those companies operating five or more theaters.

### **Are there any exceptions?**

In order to screen a motion picture with open captioning, it must have been produced with this technology, and the theater must have digital projection systems that support open captioning files. Some re-releases or older, analog movies may lack the new digital technology so that the motion picture cannot be shown with open captioning. Requirements for closed captioning will remain applicable as usual under Title III of the ADA, and under the new section of the WLAD.

The new law for open captioning does not apply to drive-in movie theaters.

### **What does a movie theater need to do to comply with this new law?**

As a place of public accommodation in Washington State, a motion picture theater is required to provide access to fully operational and well-maintained closed captioning technology, which must be available for the general public for *each* screening of a motion picture that is produced and available with closed captioning. This requirement is already covered under federal law by Title III of the ADA.

Contact information is required on theater websites for the purpose of receiving and fulfilling requests for open captioning screenings.

For a period of one year, the new law requires theaters to maintain documents sufficient to demonstrate compliance with the requirements of the new law.

In advertising, theaters must indicate which screenings will include open captioning by using the character symbol "OC."

Motion picture theaters may choose to offer more open captioning screenings than the new law requires.

### **Who administers this law?**

The Washington State Human Rights Commission is responsible for administering this law as

part of its mission to prevent and eliminate discrimination under RCW 49.60. Complaint inquiries or reports of non-compliance will be addressed directly by the agency by notice and corrective actions to bring the theater into compliance with the new law. Nothing in the new law prevents individuals from filing a formal discrimination complaint against a movie theater alleging a violation of RCW 49.60 on the basis of disability discrimination for failure to provide a reasonable accommodation.

### **What happens if a movie theater covered under this law does not comply?**

Nothing in the new law prevents individuals from filing a formal discrimination complaint against a movie theater on the basis of disability discrimination for failure to provide a reasonable accommodation. While the new section lacks an enforcement mechanism, individuals alleging a violation of their rights on the basis of disability under RCW 49.60.215 may pursue formal complaints against places of public accommodation, which includes motion picture theaters. Apart from legal liability, non-compliance with the law can also result in adverse consequences such as loss of good will and reduced business revenue.

**This document is intended as general guidance does not constitute legal advice; if you have a particular situation about which you need legal advice, contact your attorney.**

**For questions or to obtain additional information** regarding discrimination issues, please contact the WSHRC to request technical assistance at email address [frontdesk@hum.wa.gov](mailto:frontdesk@hum.wa.gov), or by phone 360-753-6770 or 800-233-3247 (TTY 800-300-7525). Additional information on discrimination and other civil rights issues is available at [www.hum.wa.gov](http://www.hum.wa.gov).

A copy of the new section is presented below and is also available at [www.leg.gov](http://www.leg.gov).

#### **RCW [49.60.540](#)**

#### **Closed captioning at motion picture theaters. (*Effective January 1, 2026.*)**

(1) A place of public accommodation that is a motion picture theater shall provide access to fully operational and well-maintained closed captioning technology for the general public for each screening of a motion picture that is produced and available with closed captioning as required by Title III of the federal Americans with disabilities act.

(2) If a motion picture is produced with open captioning content and distributed to motion picture theaters, a motion picture theater company that controls, operates, owns, or leases five or more motion picture theaters in the state shall provide open captioning screenings of such motion picture that has at least five scheduled screenings at that theater, provided that the theater has digital projection systems that support open captioning files. Such open captioning screenings must occur within each of the time periods set forth below:

(a) Within each of the first two weeks of such a motion picture's release, the motion picture theater shall provide at least two open captioning screenings, of which at least one must begin between 5:59 p.m. and 11:01 p.m. on Fridays or between 10:59 a.m. and 11:01 p.m. on Saturdays or Sundays.

(b) Within each week after the first two weeks of such a motion picture's release, the motion picture theater shall provide at least one open captioning screening per week, which must begin between 5:59 p.m. and 10:01 p.m. on Mondays, Tuesdays, Wednesdays, or Thursdays; between 5:59 p.m. and 11:01 p.m. on Fridays; or between 10:59 a.m. and 11:01 p.m. on Saturdays or Sundays.

(3) If a motion picture is produced with open captioning content and distributed to motion picture theaters, a motion picture theater company that controls, operates, owns, or leases four or fewer motion picture theaters in the state shall, at each theater that has digital projection systems that support open captioning files:

(a) Provide an open captioning screening within eight calendar days after receiving a request; or

(b) Offer open captioning consistent with the requirements for motion picture theaters in subsection (2) of this section.

(4) Nothing in this section shall prevent a motion picture theater from offering more open captioning screenings than required by subsections (2) and (3) of this section.

(5) Motion picture theaters shall provide contact information on their websites for the purpose of receiving and fulfilling requests for open captioning screenings.

(6) If an open captioning screening of a motion picture overlaps with one or more other open captioning screenings of the same motion picture at the same motion picture theater, no more than one such motion picture screening may be counted toward the minimum number of screenings required by this section, except where it is not practicable to avoid such overlap.

(7) A motion picture theater shall advertise the date and time of open captioning screenings in the same manner as the motion picture theater advertises all other motion picture screenings and indicate which screenings will include open captioning by using the character symbol "OC."

(8) A motion picture theater shall maintain documents sufficient to demonstrate compliance with the requirements of this section for a period of at least one year.

(9) This section does not apply to drive-in theaters.

(10) For purposes of this section:

(a) "Closed captioning" means the written display of a movie's dialogue or transcript and may include nonspeech information such as music, character identities, and other sounds or sound effects by means of a personal captioning device that delivers captions to individual patrons.

(b) "Motion picture theater" means an establishment in which feature motion pictures are regularly exhibited to the public for an admission charge.

(c) "Motion picture theater company" means any individual or business entity that operates one or more motion picture theaters.

(d) "Open captioning" means the written, on-screen display of a motion picture's dialogue and nonspeech information, which may include music, the identity of the character speaking, or other sounds and sound effects.

[ [2025 c 355 s 1.](#)]

NOTES:

Effective date—2025 c 355: "This act takes effect January 1, 2026." [ [2025 c 355 s 2.](#)]

Short title—2025 c 355: "This act may be known and cited as the John Waldo act." [ [2025 c 355 s 3.](#)]

