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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO EDUCATION - CAPTIONING OF ELECTRONIC VIDEO MATERIALS

Introduced By: Senator William A. Walaska

Date Introduced: February 27, 2014

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended
2 by adding thereto the following chapter:

3 CHAPTER 103

4 CAPTIONING OF ELECTRONIC VIDEO MATERIALS

5 **16-103-1. Short title.** – This chapter shall be known and may be cited as the "Captioning
6 of Electronic Video Materials Act."

7 **16-103-2. Definitions.** – As used in this chapter:

8 (1) "Captions" means the text superimposed over the video of a program that places in
9 text the audio portion of video programming, for the deaf and hard of hearing.

10 (2) "Closed captions" means captions that may be turned on or off by the viewer.

11 (3) "Electronic video instructional materials" means materials that are designed,
12 marketed, and sold for use in the instructional programs of educational institutions in the state,
13 including, but not limited to, materials on videotape, CD-ROM, digital video disc (DVD), video
14 clips (both downloadable and through social media online), and film.

15 (4) "Open captions" means captions that are always viewable, and that cannot be turned
16 on or off by the viewer.

17 **16-103-3. Captioning of electronic video instructional materials for adoption or sale.**

18 – (a) Commencing on July 1, 2014, every publisher and/or manufacturer of electronic video
19 instructional materials offered for adoption or sale in the state shall supply such materials with

1 open captions or closed captions, except for video products or portions of video products for
2 which the publisher does not have the rights to add captions.

3 (b) If the publisher and/or manufacturer fails to comply with the requirements of this
4 section, the publisher or manufacturer shall be liable to the entity that purchased the electronic
5 video instructional materials, in the amount of three (3) times the amount paid by the purchasing
6 entity to have captions placed on the materials;

7 (c) The requirements of this chapter shall not apply to electronic video instructional
8 materials purchased or produced by the professor, instructor, and lecturer prior to July 1, 2014;
9 and

10 (d) In order to ensure the effective implementation of this section, an action may be
11 commenced in a court having competent jurisdiction on behalf of the purchasing entity, by either
12 the individual purchaser, school, school district, college, or university that employs the individual
13 purchaser, the Rhode Island department of elementary and secondary education, or the Rhode
14 Island department of higher education.

15 **16-103-4. Captioning of electronic video instructional materials for education.** – (a)
16 Commencing on July 1, 2014, every professor, instructor, or lecturer who produces electronic
17 video instructional materials for his or her students who are deaf and/or hard of hearing, over the
18 internet, including, but not limited to, blackboard or class curriculums, in the state shall supply
19 such materials with open or closed captions.

20 (b) If the professor, instructor, or lecturer fails to comply with the requirements of this
21 section, the institutional entity of the professor, instructor, or lecturer shall be liable to the entity
22 that produced the electronic video instructional materials in the amount of three (3) times the
23 amount paid by the purchasing entity to have captions placed on the materials.

24 **16-103-5. Exemptions.** – Any publisher, manufacturer, professor, instructor or lecturer
25 who offered for use or purchase any electronic video instructional materials pursuant to this
26 chapter prior to July 1, 2014, shall be exempt from the provisions contained herein relative to the
27 materials offered or sold prior to said date only.

28 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO EDUCATION - CAPTIONING OF ELECTRONIC VIDEO MATERIALS

1 This act would require that all publishers or manufacturers of electronic video
2 instructional materials offered for adoption or sale in the state after July 1, 2014, intended to be
3 used in the instructional programs of educational institutions, shall supply such materials with
4 open or closed captions. The failure of a publisher or manufacturer and a professor, instructor, or
5 lecturer to comply with the requirements of this chapter would subject the publisher or
6 manufacturer to three (3) times the cost to the purchaser to have captions placed on the materials.
7 This chapter would not apply to electronic video instructional materials purchased or produced
8 prior to July 1, 2014.

9 This act would take effect upon passage.

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