

Americans with Disabilities Act – Communication Accommodation Project

A Resource for Voluntary Compliance with the ADA

A JOINT PROGRAM OF

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MEMORANDUM ON THE VIDEO CAPTIONING REQUIREMENTS OF THE AMERICAN WITH DISABILITIES ACT

Thank you for your request for information about captioning television and videotape information by public entities and places of public accommodation.

Open and closed captioning, and the provision of television decoder equipment, is expressly listed as examples of auxiliary aids and services in the regulations to the Americans with disabilities Act (ADA). 28 C.F.R. § 36.303 (b) (1); 28 C.F.R. § 5.104. The U.S. Department of Justice Analysis to its Regulation to Title III of the ADA, 56 Fed. Reg. 35544 (July 26, 1991), States:

.... Public accommodation that impart verbal information through soundtracks on films, videotapes, or side shows are required to make the information accessible to individuals with disabilities. Captioning is one means to make the information accessible to individuals with disabilities.

Fed. Reg. 35567.

Open captioning consists of visible subtitle that appear on the screen of a video production. Closed captioning consists of subtitles that can be seen only if the television is equipped with decoding equipment.

The ADA requires places of lodging, such as hotels and hospitals, which provide televisions to provide, upon request, for decoding closed captions on the television for individuals with impaired hearing. 28 C. F. R. § 303 (e).

Until recently, decoding of closed captions on television sets only possible through an additional piece of equipment, a decoder, which had to be attached to the television set. When it is activated, the captions appeared on the screen.

Beginning in July 1993, all new televisions with 13 inch or larger screens will be equipped with a built-in decoder. In order to see closed captions, the viewer will merely have to push "caption" button. This built-in decoder is required by the television decoder circuitry Act of 1990, 47 U.S.C. §303 (u), (b) (West, 1991)