

From: [Obioma Officer](#)
To: [Lorraine Belt](#)
Cc: [Eli Schwartz](#); Lance@ncnsolutions.com; [Shelly](#)
Subject: FW: BDR for closed captioning ?
Date: Tuesday, August 20, 2024 4:00:50 PM

Please add contents below to the meeting materials in support of the Legislative Subcommittee report. If it doesn't happen today, no worries, just know Eli will reference it and we will need to add later.

Suggested updates to the NRSs regarding closed captioning in public places, medical and law enforcement in order to strengthen ADA compliances:

Television closed captioning in places of public accommodation. (1)

1(a) Any person that owns or manages a place of public accommodation that offers a closed-captioned television receiver for use in any public area must activate closed captioning with black background, white text color, and a style and size of font that is readable to people with low vision, unless:

(i) The only receiver of television programming available in a public area is technically incapable of displaying closed captioning.

or

(ii) The place of public accommodation is otherwise exempt from the closed captioning requirement under state or federal law.

(b) In a public area with multiple televisions, up to 50 percent of on-premises televisions may be exempt from displaying closed captioning. The exempted televisions must clearly display that they do not have volume or are on mute.

(c) A place of public accommodation may deactivate closed captioning on a television receiver actively displaying text at the request of a vision impaired person. The deactivation of closed captioning is for the length of time the requestor is at the place of public accommodation.

(d)). A business may not refuse to turn on closed captioning upon request.

(2) If multiple television models are displayed together for sale in a public area, at least one closed-captioned television must be available for viewing.

(3) If after 90 days from July 25, 2021, a person that owns or manages a place of public accommodation fails to comply with the requirements of this section, that person shall be subject to a civil fine of up to \$75 for each violation. Written notice of the violation must be provided to the person and must state that the fine will be assessed. The notice must also state that the person has an opportunity to cure the violation by complying with the requirement within 30 days after delivery of the notice. If the person demonstrates compliance within the 30-day period, the fine will not be assessed, and the violation must be dismissed. Any subsequent violation shall result in a civil fine of up to \$150.

(4) For purposes of this section the following definitions apply:

(a) "Closed-captioned television receiver" means a receiver of television programming that can display closed captioning including, but not limited to, a television, digital set-top box, and other technology capable of displaying closed captioning for television programming.

(b) "Closed captioning" means a transcript or dialog of the audio portion of a television program that is displayed on either the bottom or top portion of a television receiver screen when the user activates the feature. There is no requirement for the closed-captioned transcript or dialog to be in any language other than the language of the audio programming, or a default language where a television receiver only displays one language. (c) "Public area" means any part of a place of public accommodation that is open to the general public.

(5) A violation of this section is a violation of this chapter.

(6) The human rights commission must prepare an educational pamphlet advising employers and employees of their duty and liability under this section. The pamphlet should be made available online. Employers must provide employees with training on this section using the pamphlet

Effective Communication

1. A Public Accommodation shall furnish appropriate auxiliary aids and services when necessary to ensure communication.

(a) A public accommodation may not impose on a surcharge a individual with a disability such as the provision of auxiliary aids.

(b) A public accommodation should consult with individuals with disability and Commission for the Person who is Deaf, Hard of Hearing and Speech Impaired whenever possible to determine what type of auxiliary aid is needed to ensure effective communication.

(c) Auxiliary aids for people who are deaf, hard of hearing ro are deaf blind, may include qualified notetaker, a qualified interpreter, oral interpreter, real time captioning, open captioning, closed captioning, and written materials

2. A public accommodation shall not require an individual with a disability to bring another individual for him or her.

3. A public accommodation shall not rely on an adult, or a minor child accompanying an individual with a disability to interpret or facilitate communication, except:

(a) In an emergency involving an imminent threat to safety or welfare of an individual or the public where there is no interpreter available.

Medical

1. ADA prohibits accommodation within the meeting of Title III (hospital, and clinics) from discriminating based on disability in the full and equal

enjoyment of the goods, services, facilities, privileges, advantages or accommodations or a public accommodation.

(a) Medical facilities and clinics must provide the appropriate auxiliary aids and services for effective communication which may include such as, qualified notetaker, a qualified interpreter, oral interpreter, real time captioning, open captioning, closed captioning, and written materials.

Law Enforcements

1. Law enforcement agencies must provide the communication aids and services needed to communicate effectively with persons who are deaf or hard of hearing.

(a) Agencies must give primary consideration to providing the aid or service requested by the person with the hearing disability.

(b) When interpreters are needed, agencies must provide interpreters who can interpret effectively, accurately, and impartially.

(c) A variety of communication aids and services are useful in different situations.

a. Speech supplemented by gestures and visual aids can be used in some cases.

b. A pad and pencil, a word processor or a typewriter can be used to exchange written notes.

(d) An assistive listening system or device to amplify sound can be used when speaking with a person who is hard of hearing.

(e). A sign language interpreter can be used when speaking with a person who knows sign language.

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From: Eli Schwartz <elisnv@aol.com>

Sent: Tuesday, August 20, 2024 12:18 PM

To: Shelly <slfg4cte@gmail.com>

Cc: Obioma Officer <Obioma@adsd.nv.gov>; Lance Ledet <HLAASNC@outlook.com>

Subject: BDR for closed captioning ?



Hi Shelly,

Lance and I gathered some suggestions that we can use to update the NRSs regarding closed captioning in public places, medical and law enforcement in order to strengthen ADA compliances

Please let me know if you have any questions or additional information.

Thanks

Eli

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