

FIRST REGULAR SESSION

HOUSE BILL NO. 472

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SANDER (Sponsor), PHILLIPS, LOWE (44), HARRIS (110),
CHINN, HOBBS AND MOORE (Co-sponsors).

Read 1st time February 7, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1333L.011

AN ACT

To amend chapter 170, RSMo, by adding thereto one new section relating to captioning of electronic video instructional materials.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 170, RSMo, is amended by adding thereto one new section, to be
2 known as section 170.135, to read as follows:

170.135. 1. As used in this section, the following terms mean:

2 **(1) "Closed-captioning", when the audio portion of programming is displayed as**
3 **text superimposed over the video;**

4 **(2) "Electronic video instructional materials", materials designed and marketed**
5 **for use in schools, including but not limited to materials on videotape, CD ROM, digital**
6 **video disc (DVD), television, computers, film, the Internet, teleconference, and the World**
7 **Wide Web.**

8 **2. Beginning January 1, 2006, every publisher or manufacturer of electronic video**
9 **instructional materials offered for adoption or sale in the state shall comply with the**
10 **following requirements:**

11 **(1) Electronic video instructional materials designed for pupils in kindergarten**
12 **through grade twelve shall be closed-captioned, except for the following:**

13 **(a) Video products or portions of video products for which the publisher does not**
14 **have the rights to close-caption; and**

15 **(b) Video products or portions of video products that are open-captioned, captions**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 where the audio portion is displayed as text superimposed over the video but cannot be
17 turned off;

18 (2) Internet resources and digital multimedia programs intended for use by pupils
19 in kindergarten through grade twelve shall at least meet standards for accessibility under
20 the Rehabilitation Act of 1973, 29 USC 794d, as amended, and regulations implementing
21 that act as set out in 36 CFR Part 1194;

22 (3) In order to facilitate access by pupils with disabilities who are progressing in
23 the general curriculum, to the extent technologically feasible, a digital multimedia program
24 shall allow the user to control sizing of images and fonts, speed and volume of audio, colors
25 and contrast, and other inherently transformable attributes, but not modification of
26 content to match individual performance and abilities.

27 3. If the publisher or manufacturer knowingly fails to comply with the
28 requirements of this section, the publisher or manufacturer shall be liable to the entity that
29 purchased the electronic video instructional materials in the amount of ten times the
30 amount paid by the purchasing entity to have captions placed on the materials.