

FIRST REGULAR SESSION

SENATE BILL NO. 435

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Read 1st time February 5, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2019S.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 known as section 170.135, to read as follows:

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

(1) "Captions", when the audio portion of video programming is displayed as text superimposed over the video;

(2) "Closed captions", captions that may be turned on or off by the viewer;

(3) "Electronic video instructional materials", materials designed, marketed, and sold for use in the instructional programs of educational institutions in Missouri, including but not limited to materials on videotape, CD-ROM, digital video disc (DVD), and film;

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

2. Beginning January 1, 2008, every publisher or manufacturer of electronic video instructional materials offered for adoption or sale in the state shall supply such materials with open captions or closed captions, except for the following:

(1) Video products or portions of video products for which the publisher does not have the rights to add captions; and

(2) Video products or portions of video products for which the user does not receive a physical copy of the product, but rather the product is otherwise broadcast into the instructional environment through television programming, teleconferences, and/or products

22 distributed over the Internet or World Wide Web.

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

28 4. In order to ensure the effective implementation of subsection
29 3 of this section, a liability claim may be made on behalf of the
30 purchasing entity by either the individual purchaser; a school, school
31 district, college, or university that employs the individual purchaser;
32 the Missouri department of elementary and secondary education; or the
33 Missouri department of higher education.

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