

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 181

94TH GENERAL ASSEMBLY

0390L.03T

2007

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

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.

17 instructional environment through television programming, teleconferences, and/or
18 products distributed over the Internet or World Wide Web.

19 **3. If the publisher or manufacturer fails to comply with the requirements of this**
20 **section, the publisher or manufacturer shall be liable to the entity that purchased the**
21 **electronic video instructional materials in the amount of three times the amount paid by**
22 **the purchasing entity to have captions placed on the materials.**

23 **4. In order to ensure the effective implementation of subsection 3 of this section, a**
24 **liability claim may be made on behalf of the purchasing entity by either the individual**
25 **purchaser; a school, school district, college, or university that employs the individual**
26 **purchaser; the Missouri department of elementary and secondary education; or the**
27 **Missouri department of higher education.**

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