

# **WEST VIRGINIA LEGISLATURE**

**2025 REGULAR SESSION**

**ENGROSSED**

**Committee Substitute**

**for**

**House Bill 3013**

By Delegates Campbell, Brooks, Ferrell, Jennings,  
Jeffries, Cooper, Canterbury, Pinson, Browning,  
Parsons, and J. Cannon

[Originating in the Subcommittee on Government  
Administration; Reported on March 12, 2025]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
2 designated §47-11D-5, relating to requiring certain theatres to make showings of certain  
3 motion pictures accessible to persons with disabilities; requiring exhibitors of motion  
4 pictures who operate theatres in more than one location in this state to provide open  
5 captioning during at least two showings per week of each digital motion picture that is  
6 produced and offered with open captioning; requiring, when requested, audio description  
7 be provided for any digital motion picture that is produced and offered with audio  
8 description; requiring theatres to have at least two audio description devices; providing  
9 exceptions.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 11D. THE MOTION PICTURE FAIR COMPETITION ACT.**

**§47-11D-5. Open Captioning for Motion Pictures.**

1 (a) Exhibitors of digital motion pictures who operate theatres in more than one location in  
2 this state shall provide open captioning during at least two showings per week of each motion  
3 picture that is produced and offered with open captioning.

4 (b) Upon request, audio description shall be provided for any digital motion picture that is  
5 produced and offered with audio description. Each theatre shall have at least two audio description  
6 devices.

7 (c) Notwithstanding any section of this code to the contrary, no exhibitor may be required to  
8 purchase new equipment in order to comply with the requirements set forth in this section where  
9 doing so would result in an undue burden to the exhibitor or a fundamental alteration of the theatre.

10 (d) The requirements set forth in this section do not apply to the following:

11 (1) a drive-in movie theatre;

12 (2) a theatre with fewer than six screens;

13 (3) a theatre that is not equipped with a digital projection system or a theatre with a digital  
14 projection system that does not support open caption files;

- 15           (4) a motion picture that is shown in a theatre fewer than eight times from Friday through  
16 Thursday in a seven-day period; or  
17           (5) any motion picture shown by a theatre after 20 days have passed since the day the  
18 movie premiered at that theatre.