

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

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.

NOTE: The purpose of this bill is to require exhibitors of motion pictures who operate theatres in more than one location in this state to provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning. The bill also requires each theatre to have at least two audio description devices and to make such a device available upon request. Finally, the bill provides for exceptions to this section's applicability.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.