

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Introduced**

## **Senate Bill 698**

By Senators Deeds, Fuller, and Woodrum

[Introduced on March 5, 2025; referred  
to the Committee on Government Organization; and  
then to the Committee on the Judiciary]

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 exhibitors of motion pictures who operate six or  
3 more theaters in more than one location in this state to provide open captioning during at  
4 least two showings per week of each motion picture that is produced and offered with open  
5 captioning; and requiring, when requested, audio description be provided for any motion  
6 picture that is produced and offered with audio description.

*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 motion pictures who operate six or more theaters in more than one  
2 location in this state shall provide open captioning during at least two showings per week of each  
3 motion picture that is produced and offered with open captioning.

4 (b) Upon request, audio description shall be provided for any motion picture that is  
5 produced and offered with audio description.

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

9 (d) The requirements set forth in this section do not apply to drive-in movie theater.

NOTE: The purpose of this bill is to require exhibitors of motion pictures who operate two or more theaters 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 requires, when requested, audio description to be provided for any motion picture that is produced and offered with audio description.

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