

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Committee Substitute**

**for**

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**for**

**Senate Bill 493**

BY SENATOR DEEDS

[Reported February 21, 2026, from the Committee on  
Rules]



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

*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 eight or more screens in more than one  
2 location in this state may 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  
7 to 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  
9 theater.

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

11 (1) A drive-in movie theater;

12 (2) A theater with fewer than eight screens;

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

15 (4) A motion picture that is shown in a theater fewer than eight times from Friday through  
16 Thursday in a seven-day period;

- 17            (5) Any motion picture shown by a theater after 20 days have passed since the day the  
18 movie premiered at that theater.