

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Introduced**

## **Senate Bill 181**

By Senator Caputo

[Introduced January 13, 2023; referred  
to the Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §5-11C-1, relating to enacting the Closed Captioning Act; requiring public  
 3 places that have televisions for use by the public to have at least one half of those  
 4 televisions to have their closed captioning feature activated at all times; providing an  
 5 exception; defining terms; and establishing an effective date.

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

**ARTICLE 11C. THE CLOSED CAPTIONING ACT.**

**§5-11C-1. The Closed Captioning Act.**

1 (a) This section applies to health care facilities, restaurants, sports bars, place of  
 2 entertainment such as bowling alleys, sports venues, colleges and universities, state agencies,  
 3 local governments, or any "public area" which means a part of a place of public accommodation  
 4 that is open to the general public licensed under this section.

5 (1) Any television provided for use by the general public, or by individuals using or  
 6 requesting services, must have a closed captioning feature activated at all times if the television  
 7 includes a captioning feature. A public area must make a reasonable effort to prevent members of  
 8 the general public and individuals using or requesting services, from independently deactivating a  
 9 captioning feature.

10 (2) If the public area of a place of public accommodation has multiple televisions or  
 11 television receivers located within, then:

12 (A) At least one half of the televisions should have closed captioning enabled;

13 (B) Televisions shall be distributed throughout the public area so that patrons of the place  
 14 of public accommodation are within reasonable eyesight of at least one television with closed  
 15 captioning enabled; and

16 (C) In cases where multiple televisions display different programming content, then at least  
 17 one half of the televisions displaying the same content shall have closed captioning enabled.

18 (b) Definitions. --

19 "Closed captioning" means a transcript or dialog of the audio portion of a television  
20 program that is displayed on a television receiver screen when the user activates the feature.

21 "Closed-captioning television receiver" means a receiver of television programming that  
22 has the ability to display closed captioning, including a television, digital set top box, and any other  
23 technology capable of displaying closed captioning.

24 "Regular hours" means the hours of any day in which a place of public accommodation is  
25 open to members of the general public.

26 (c) General. -- On request, a place of public accommodation may not fail to keep closed  
27 captioning activated on any closed-captioning television receiver that is in use during regular  
28 hours in any public area.

29 (d) Exception. -- This section does not require a place of public accommodation to make  
30 closed captioning available in a public area of the place of public accommodation if:

31 (1) No television receiver of any kind is available in the public area; or

32 (2) The only public television receiver available in the public area is not a closed-captioning  
33 television receiver.

34 (e) This article takes effect upon passage.

NOTE: The purpose of this bill is to enact the Closed Captioning Act. The bill requires public places that have televisions for use by the public to have at least one half of those televisions to have their closed captioning feature activated at all times. The bill creates an exception. The bill defines terms, and establishes an effective date.

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