

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5357**

By Delegates Campbell, Griffith, Jeffries, C. Pritt,  
Jennings, Stephens, DeVault, Vance, Lewis,  
Longanacre, and Dean

[Introduced January 30, 2024; 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 section,  
 2 designated §47-11D-5, relating to requiring exhibitors of motion pictures who operate two  
 3 or more theatres 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 two or more theatres 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 theatre.

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

NOTE: The purpose of this bill is to require exhibitors of motion pictures who operate two or more 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 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.