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SENATE BILL NO. 274

Offered January 8, 2020

Prefiled January 3, 2020

A *BILL to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 20.1, consisting of sections numbered 59.1-261.1, 59.1-261.2, and 59.1-261.3, relating to motion picture theaters; open-caption showings.*

 Patron—Barker

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 20.1, consisting of sections numbered 59.1-261.1, 59.1-261.2, and 59.1-261.3, as follows:

CHAPTER 20.1.**ACCESS TO MOTION PICTURES FOR DEAF AND HARD-OF-HEARING INDIVIDUALS.****§ 59.1-261.1. Definitions.**

As used in this chapter, unless the context requires otherwise:

"Open-captioned-available motion picture" means any motion picture for which open captions are available to the theater as part of a digital cinema package.

"Open-captioned showing" means a showing of a motion picture that engages the open captions for a particular showing of an open-captioned-available motion picture.

"Open captions" means the written, on-screen display of a motion picture's dialogue and nonspeech information, including music, the identity of the character who is speaking, and other sounds and sound effects.

"Peak weekday motion picture attendance hours" means a motion picture that begins after 5:59 p.m. and finishes before 11:01 p.m. on Monday, Tuesday, Wednesday, or Thursday.

"Peak weekend motion picture attendance hours" means a motion picture that begins after 5:59 p.m. and finishes before 11:01 p.m. on Friday or a motion picture that begins after 11:59 a.m. and finishes before 11:01 p.m. on Saturday or Sunday.

"Theater" means an indoor business establishment containing four or more separate auditoriums used primarily for the purpose of showing or exhibiting motion pictures to the public regularly for a fee or charge.

§ 59.1-261.2. Times that open-captioned showings are required.

A. A theater shall provide two scheduled open-captioned showings each week in any auditorium showing any open-captioned-available motion picture. Of such required scheduled open-captioned showings, (i) no less than one open-captioned showing in each auditorium shall be during peak weekend motion picture attendance hours and (ii) at least half of the other open-captioned showings shall be during peak weekday motion picture attendance hours. If any auditorium is showing more than one motion picture during a week, the theater may select the motion picture to offer as open-captioned showings, but shall show a different motion picture on the weekend than it shows during the week.

B. To maximize the variety and availability of open-captioned movies, no theater may provide more than one open-captioned showing at overlapping times unless the theater has more auditoriums than available showtimes. In no event shall a theater showing a movie in more than one auditorium have multiple open-captioned showings of that movie at overlapping times.

C. Theaters may show movies for which open captions are not available as part of the digital cinema package; however, the theaters shall request an open-captioned-available movie when that option is available.

D. Theaters shall advertise the date and time of open-captioned showings in all advertising to the same extent they are currently required by federal regulation to advertise the availability of closed-captioned showings.

§ 59.1-261.3. Civil enforcement; injunction.

Any person who suffers an injury resulting from a violation of the provisions of this chapter shall be entitled to bring an individual action to recover damages and reasonable attorney fees. The provisions of this chapter may be enforced by injunction or any other available equitable or legal remedy.

INTRODUCED

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