

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 51.5-44.01, relating to motion picture*  
 3 *theaters; open captioning.*

4 [S 722]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 51.5-44.01 as follows:**8 **§ 51.5-44.01. *Movie theater open captioning.***9 *A. As used in this section, unless the context requires a different meaning:*10 *"Drive-in theater" means a facility where films are viewed from motor vehicles parked in an outdoor*  
11 *venue.*12 *"Open captioning" means the visible on-screen display of a film's dialogue and non-speech elements, such*  
13 *as music, speaker identity, and sound effects.*14 *"Closed captioning" means the written display of a film's dialogue and non-speech elements including*  
15 *music, speaker identity, and sound effects, delivered via a personal captioning device to individual patrons.*16 *"Motion picture theater company" means any person, partnership, corporation, or entity that owns,*  
17 *operates, controls, or leases one or more motion picture theaters.*18 *"Operating week" means the operating hours of a motion picture theater beginning on a Friday and*  
19 *ending the following Thursday.*20 *B. All motion picture theater companies shall provide access to fully operational and well-maintained*  
21 *closed captioning technology for the general public for each screening of a motion picture that is produced*  
22 *and available with closed captioning as required by Title III of the federal Americans with Disabilities Act,*  
23 *42 U.S.C. § 12131 et seq.*24 *C. All motion picture theater companies, excluding outdoor theaters such as drive-in theaters, that own,*  
25 *operate, control, or lease five or more locations in the Commonwealth and are open to the general public*  
26 *shall provide open captioning on any film that has at least seven showings per operating week for a period*  
27 *greater than one operating week, provided that open captioning is available to the theater for such film as*  
28 *part of the digital cinema package. Within the first two operating weeks following a film's release, a theater*  
29 *shall provide at least four open captioning viewings. At least one of such open captioning viewings shall start*  
30 *between (i) 5:59 p.m. and 11:01 p.m. on a Friday, (ii) 10:59 a.m. and 11:01 p.m. on a Saturday or Sunday, or*  
31 *(iii) 5:59 p.m. and 10:01 p.m. on a Monday through Thursday. Beginning in the third operating week*  
32 *following a film's release, a theater shall provide at least one open captioning viewing within 72 hours after*  
33 *receiving a request for such a viewing provided that no theater shall be obligated to provide open captioning*  
34 *viewing for any particular screening for which advance tickets have been sold prior to its receipt of such*  
35 *request. Motion picture theater companies subject to the provisions of this subsection shall provide notice to*  
36 *the general public regarding the availability of open captioning, including the movies and viewing times at*  
37 *which open captioning will be provided.*38 *D. All motion picture theater companies, excluding outdoor theaters such as drive-in theaters, that own,*  
39 *operate, control, or lease four or fewer locations and are open to the general public shall provide open*  
40 *captioning on any film that has at least seven showings per operating week for a period greater than one*  
41 *operating week, provided that open captioning is available to the theater for such film as part of the digital*  
42 *cinema package. Such theater companies shall provide at least one open captioning viewing within eight*  
43 *calendar days after receiving a request for such a viewing or voluntarily comply with the standards set forth*  
44 *in subsection C provided that no theater shall be obligated to provide open captioning viewing for any*  
45 *particular screening for which advance tickets have been sold prior to its receipt of such request.*46 *E. If an open captioning screening of a motion picture overlaps with one or more other open captioning*  
47 *screenings of the same motion picture at the same motion picture theater, no more than one such motion*  
48 *picture screening may be counted toward the minimum number of screenings required by this section, except*  
49 *where it is not practicable to avoid such overlap.*50 *F. All motion picture theater companies shall provide contact information on their websites for the*  
51 *purpose of receiving and fulfilling requests for open captioning screenings. All movie theater companies shall*  
52 *advertise the date and time of open captioning screenings in the same manner used to advertise all other*  
53 *motion picture screenings and indicate which screenings shall include open captioning by utilizing the*  
54 *character symbol "OC" or such other language or symbols as may reasonably identify which screenings will*  
55 *include open captioning.*56 *G. The Office of Civil Rights of the Department of Law (the Office) created pursuant to § 2.2-520 shall*

57 *establish a process for receiving consumer reports of suspected violations of this section. The Office shall*  
58 *have the authority to request show time information by written or verbal inquiry, conference, or any other*  
59 *method or combination of methods. If the Office determines that a violation of this section has occurred,*  
60 *within the next operating week after issuance of a notice of infraction, a motion picture theater found to be in*  
61 *violation of the requirements of this section shall be required to provide one additional open captioning*  
62 *screening of a motion picture than would otherwise be required.*

63 *H. All motion picture theater companies subject to the provisions of this section shall maintain documents*  
64 *sufficient to demonstrate compliance with the requirements of this section for a period of at least one year.*

65 *I. Nothing in this section shall be construed to prevent a motion picture theater company from offering*  
66 *more open captioning screenings than required by this section.*