WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

ENROLLED
Committee Substitute for
SENATE BILL NO. 184

(By Senator [Signature])

PASSED March 7, 1990
In Effect 90 days from Passage
AN ACT to amend chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated eight-e, relating to the display of video ratings or the lack thereof; setting forth the legislative purpose; defining certain terms; prohibiting business entities from selling, offering for sale, renting or offering to rent, video movies without certain designations displayed upon the cassettes or jackets thereof; creating a misdemeanor crime; and establishing penalties therefor.

Be it enacted by the Legislature of West Virginia:

That chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article eight-e, to read as follows:

ARTICLE 8E. DISPLAY OF VIDEO RATINGS OR LACK THEREOF.

§61-8E-1. Legislative purpose.

1 The legislature finds that the motion picture industry has had an effective voluntary film rating system for many years. It further finds that with the advent of movie video cassette sales and rentals that the
variety and number of movie video cassettes available to the consumer for home use has significantly increased. This growth in the marketplace has resulted in some film makers and distributors choosing not to be subject to the voluntary rating system, putting the consumer in the position of being without the guidance of such rating system in making rental or purchase decisions. The Legislature believes that the public has a right to be informed about movie video cassette ratings or the lack thereof in making rental or purchase decisions.


In this article, unless a different meaning is plainly required:

(1) "Business entity" means any sole proprietorship, partnership or corporation;

(2) "Official rating" means an official rating of the Motion Picture Association of America and the Film Advisory Board, Inc.; and

(3) "Video movie" means a video tape or video disc copy of a motion picture film.

§61-8E-3. Labeling of video movies designated for sale or rental; penalties.

(a) No business entity in this state shall sell, offer for sale, rent, or offer for rent, any video movie which does not have visibly and legibly displayed on the cassette case or jacket, an official rating or, if the motion picture film has obtained no such rating, the designation “NOT RATED” or “N.R.”.

(b) Any business entity which knowingly violates the provisions of subsection (a) of this section shall be guilty of a misdemeanor and for a first offense conviction shall be fined not more than twenty-five dollars. A conviction for a second or subsequent offense shall subject the offender to a fine not to exceed one hundred dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick L. Parker
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Hassell E. Fleenor
Clerk of the Senate

Daniel J. Vapp
Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 1st day of June, 1990.

Weston Caperton
Governor
PRESENTED TO THE
GOVERNOR

Date 3/14/10
Time 10:26 AM

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