

**WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1990**



**ENROLLED**

*Committee Substitute for*  
**SENATE BILL NO. 184**

(By Senator *Heckel, et al*)



**PASSED March 7, 1990**

In Effect 90 days from Passage

no. 184

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**Senate Bill No. 184**

(BY SENATORS WEHRLE, HUMPHREYS AND  
M. MANCHIN, *original sponsors*)

---

[Passed March 7, 1990; in effect ninety 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 indus-  
2 try has had an effective voluntary film rating system  
3 for many years. It further finds that with the advent  
4 of movie video cassette sales and rentals that the

5 variety and number of movie video cassettes available  
6 to the consumer for home use has significantly  
7 increased. This growth in the marketplace has resulted  
8 in some film makers and distributors choosing not to  
9 be subject to the voluntary rating system, putting the  
10 consumer in the position of being without the guid-  
11 ance of such rating system in making rental or  
12 purchase decisions. The Legislature believes that the  
13 public has a right to be informed about movie video  
14 cassette ratings or the lack thereof in making rental or  
15 purchase decisions.

**§61-8E-2. Definitions.**

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

3 (1) "Business entity" means any sole proprietor-  
4 ship, partnership or corporation;

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

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

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

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

7 (b) Any business entity which knowingly violates  
8 the provisions of subsection (a) of this section shall be  
9 guilty of a misdemeanor and for a first offense  
10 conviction shall be fined not more than twenty-five  
11 dollars. A conviction for a second or subsequent  
12 offense shall subject the offender to a fine not to  
13 exceed one hundred dollars.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Fredrick L. Parker*  
.....  
Chairman Senate Committee

*Bernard V. Kelly*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Harriet E. E. [unclear]*  
.....  
Clerk of the Senate

*Donald J. [unclear]*  
.....  
Clerk of the House of Delegates

*[unclear]*  
.....  
President of the Senate

*[unclear]*  
.....  
Speaker House of Delegates

The within is approved.. this the *13<sup>th</sup>*.....  
day of *March*..... 1890

*Wm. Gaston Caperton*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/2/90

Time 10:26 am

*gc*

RECEIVED

1890 MAR 13 PM 4:32

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE