

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 49

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO DISABILITY ACCOMMODATIONS; ENACTING THE CLOSED
CAPTIONING ACT; REQUIRING PLACES OF PUBLIC ACCOMMODATION THAT
DISPLAY TELEVISION PROGRAMMING TO PROVIDE CLOSED CAPTIONING;
PROVIDING A PRIVATE RIGHT OF ACTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Closed Captioning Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Closed Captioning Act:

A. "closed captioning" means a transcript or
written dialogue of the audio portion of a television program
that is displayed on the screen of a television receiver;

B. "place of public accommodation" means any
governmental entity or any establishment that provides or

1 offers its services, facilities, accommodations or goods to the
2 public, but does not include a bona fide private club or other
3 place or establishment that is by its nature and use distinctly
4 private;

5 C. "public area" means any part of a place of
6 public accommodation that is open to the general public;

7 D. "regular hours" means the hours of the day in
8 which a place of public accommodation is generally open to
9 members of the general public;

10 E. "television program" means any recorded media
11 that has audio and visual components and is displayed on a
12 television receiver; and

13 F. "television receiver" means a device that is
14 capable of displaying a television program. "Television
15 receiver" includes:

- 16 (1) a television;
17 (2) a display screen;
18 (3) a digital set top box;
19 (4) a monitor; and
20 (5) any other technology capable of displaying
21 closed captioning for a television program.

22 SECTION 3. [NEW MATERIAL] CLOSED CAPTIONING IN PLACES OF
23 PUBLIC ACCOMMODATION.--A person that owns or manages a place of
24 public accommodation shall activate closed captioning on all
25 television receivers that are turned on and operating in public

.230511.3

1 areas during regular hours, except when:

2 A. the television program or television receiver
3 available in the public area is not technologically able to
4 display closed captioning;

5 B. the television program being displayed is exempt
6 from closed captioning requirements under federal law; or

7 C. multiple television receivers are displaying the
8 same television program, in which case only one television
9 receiver is required to display closed captioning.

10 SECTION 4. [NEW MATERIAL] ENFORCEMENT--PRIVATE RIGHT OF
11 ACTION.--

12 A. A person found to have knowingly and willfully
13 violated the provisions of the Closed Captioning Act shall be
14 subject to a civil penalty not to exceed:

15 (1) one dollar (\$1.00) for the first
16 violation;

17 (2) fifty dollars (\$50.00) for the second
18 violation; and

19 (3) two hundred fifty dollars (\$250) for a
20 third or subsequent violation.

21 B. Any individual with an auditory disability who
22 is unable to access closed captioning for a television program
23 due to violations of the Closed Captioning Act shall have the
24 right to file a civil action in a court of competent
25 jurisdiction. The individual may seek injunctive relief to

.230511.3

1 compel a place of public accommodation to comply with the
2 Closed Captioning Act. The court may award the prevailing
3 party reasonable attorney fees and court costs.

underscoring material = new
~~[bracketed material] = delete~~