

HOUSE BILL 120

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO DISABILITIES; ENACTING THE ACCESSIBILITY ACT TO REQUIRE EACH STATE AGENCY'S WEBSITE, MOBILE APPLICATION AND PHYSICAL FACILITIES TO COMPLY WITH DIGITAL AND PHYSICAL ACCESSIBILITY STANDARDS; CREATING THE OFFICE OF ACCESSIBILITY TO IMPLEMENT AND ADMINISTER THE ACCESSIBILITY ACT; CREATING REPORTING REQUIREMENTS FOR THE OFFICE OF ACCESSIBILITY HGEIC → ; ~~CREATING A PRIVATE RIGHT OF ACTION~~ ← HGEIC ; MAKING AN APPROPRIATION.

.228833.3AIC February 11, 2025 (9:04am)

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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 "Accessibility Act".

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

A. "commission" means the governor's commission on disability;

B. "digital accessibility standards" means the requirements set by the web content accessibility guidelines 2.1 level AA, or any successor standards, for web and mobile accessibility adopted by the United States department of justice pursuant to the provisions of the federal Americans with Disabilities Act of 1990, as amended;

HGEIC→~~C. "director" means the director of the office of accessibility;~~←HGEIC

HGEIC→~~D.~~←HGEIC HGEIC→~~C.~~←HGEIC "disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities. A person is also considered to have a disability if the person has a record of a disability or is regarded as having a physical or mental disability;

HGEIC→~~E.~~←HGEIC HGEIC→~~D.~~←HGEIC "office" means the office of accessibility;

HGEIC→~~F.~~←HGEIC HGEIC→~~E.~~←HGEIC "physical accessibility standards" means the standards for accessible

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design adopted by the United States department of justice pursuant to the provisions of the federal Americans with Disabilities Act of 1990, as amended, including requirements for public buildings, pathways, accommodations and facilities; and

HGEIC→G.←HGEIC HGEIC→F.←HGEIC "state agency" means a department, institution, board, bureau, commission, district or committee of government of the state.

SECTION 3. [NEW MATERIAL] STATE AGENCY ACCESSIBILITY REQUIREMENTS.--

A. By April 1, 2026, each state agency website and mobile application shall comply with the digital accessibility standards.

B. After April 1, 2026, each state agency shall conspicuously post a website accessibility statement, or a link to a website accessibility statement, on the front page of the state agency's website. The statement shall include:

- (1) a written acknowledgment of the state agency's commitment to accessibility for people with disabilities;
- (2) contact information that website visitors can use to alert the state agency of accessibility issues on the website;
- (3) known accessibility limitations on the website;
- (4) measures taken by the state agency to

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ensure accessibility;

(5) supported web browsers; and

(6) any other accessibility information that the state agency determines to be noteworthy.

C. Each state agency shall comply with the physical accessibility standards HGEIC→to ensure that each service, program or activity conducted by the state agency, when viewed in its entirety, is readily available to, and usable by, individuals with disabilities←HGEIC .

HGEIC→D. A state agency shall not be required to take any action if the state agency can demonstrate that the action would result in:

(1) a fundamental alteration in the nature of the services, programs or activities conducted by the state agency; or

(2) an undue financial or administrative burden.←HGEIC

SECTION 4. [NEW MATERIAL] OFFICE OF ACCESSIBILITY--  
CREATED.--

A. The "office of accessibility" is created within the commission.

B. The commission shall appoint a HGEIC→director←HGEIC HGEIC→chief accessibility officer←HGEIC who shall oversee the office and supervise its staff. The HGEIC→director←HGEIC HGEIC→chief accessibility officer←HGEIC

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may contract for services to assist the office in conducting the duties of the office and may use the services of volunteers.

C. The HGEIC→**director**←HGEIC HGEIC→**chief accessibility officer**←HGEIC shall:

(1) HGEIC→~~enforce the~~←HGEIC HGEIC→**facilitate compliance with**←HGEIC digital and physical accessibility standards HGEIC→~~upon~~←HGEIC HGEIC→**for**←HGEIC each state agency by working with and providing technical assistance to state agencies to ensure that each state agency website, mobile application and physical facility is in compliance with the digital and physical accessibility standards;

(2) create a standard form or process that each state agency can use to determine whether the state agency's website, mobile application and physical facilities are in compliance with the digital and physical accessibility standards;

(3) provide information and training to state agencies and employees on the digital and physical accessibility standards, including procurement procedures for information technology, equipment and physical facilities and best practices for implementing and maintaining websites in compliance with the digital accessibility standards;

(4) assist state agencies in developing website accessibility statements and plans to achieve physical accessibility;

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(5) support state agencies in the evaluation of physical accessibility barriers; and

(6) promulgate rules necessary to implement and administer the Accessibility Act.

**SECTION 5. [NEW MATERIAL] REPORTING REQUIREMENTS.--**

A. By April 1, 2026, and every two years thereafter, the office shall submit a written report to the governor that documents the compliance of websites, mobile applications and physical facilities operated by state agencies. The report shall include:

(1) assessments on each state agency website's and mobile application's compliance with the digital accessibility standards;

(2) evaluations of the procedures that each state agency has followed when procuring information technology services and equipment;

(3) when necessary, recommendations for ways to improve the digital accessibility of each state agency website and mobile application;

(4) the actions taken to make physical facilities more physically accessible;

(5) the progress of addressing barriers to digital and physical accessibility; and

(6) planned corrective action measures.

B. The report shall be made available to the public on the websites of the legislature, the commission, the New

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Mexico technology assistance program and the department of information technology.

HGEIC→~~SECTION 6. [NEW MATERIAL] PRIVATE RIGHT OF ACTION CREATED.--~~

~~A. An individual with a disability who is unable to access the digital content, services or platforms or physical facilities of a state agency due to noncompliance with the digital or physical accessibility standards pursuant to the provisions of the Accessibility Act shall have the right to file a civil action in a court of competent jurisdiction. The individual may seek injunctive relief, compelling the state agency to bring the state agency's website, mobile application or physical facilities into compliance with the digital or physical accessibility standards.~~

~~B. The court may award the prevailing party reasonable attorney fees and court costs.~~←HGEIC

SECTION HGEIC→7.←HGEIC HGEIC→6.←HGEIC APPROPRIATION.--

Two hundred thousand dollars (\$200,000) is appropriated from the general fund to the governor's commission on disability for expenditure in fiscal year 2026 to operate the office of accessibility. Any unexpended or unencumbered balance remaining at the end of fiscal year 2026 shall revert to the general fund.