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HOUSE BILL 120

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

INTRODUCED BY

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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; CREATING A PRIVATE RIGHT OF ACTION; MAKING AN APPROPRIATION.

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;

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1 B. "digital accessibility standards" means the
2 requirements set by the web content accessibility guidelines
3 2.1 level AA, or any successor standards, for web and mobile
4 accessibility adopted by the United States department of
5 justice pursuant to the provisions of the federal Americans
6 with Disabilities Act of 1990, as amended;

7 C. "director" means the director of the office of
8 accessibility;

9 D. "disability" means a physical or mental
10 impairment that substantially limits one or more of a person's
11 major life activities. A person is also considered to have a
12 disability if the person has a record of a disability or is
13 regarded as having a physical or mental disability;

14 E. "office" means the office of accessibility;

15 F. "physical accessibility standards" means the
16 standards for accessible design adopted by the United States
17 department of justice pursuant to the provisions of the federal
18 Americans with Disabilities Act of 1990, as amended, including
19 requirements for public buildings, pathways, accommodations and
20 facilities; and

21 G. "state agency" means a department, institution,
22 board, bureau, commission, district or committee of government
23 of the state.

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

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

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

8 (1) a written acknowledgment of the state
9 agency's commitment to accessibility for people with
10 disabilities;

11 (2) contact information that website visitors
12 can use to alert the state agency of accessibility issues on
13 the website;

14 (3) known accessibility limitations on the
15 website;

16 (4) measures taken by the state agency to
17 ensure accessibility;

18 (5) supported web browsers; and

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

21 C. Each state agency shall comply with the physical
22 accessibility standards.

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

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

2 B. The commission shall appoint a director who
3 shall oversee the office and supervise its staff. The director
4 may contract for services to assist the office in conducting
5 the duties of the office and may use the services of
6 volunteers.

7 C. The director shall:

8 (1) enforce the digital and physical
9 accessibility standards upon each state agency by working with
10 and providing technical assistance to state agencies to ensure
11 that each state agency website, mobile application and physical
12 facility is in compliance with the digital and physical
13 accessibility standards;

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

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

25 (4) assist state agencies in developing

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1 website accessibility statements and plans to achieve physical
2 accessibility;

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

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

7 SECTION 5. ~~[NEW MATERIAL]~~ REPORTING REQUIREMENTS.--

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

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

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

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

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

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

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1 (6) planned corrective action measures.

2 B. The report shall be made available to the public
3 on the websites of the legislature, the commission, the New
4 Mexico technology assistance program and the department of
5 information technology.

6 SECTION 6. [NEW MATERIAL] PRIVATE RIGHT OF ACTION
7 CREATED.--

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

18 B. The court may award the prevailing party
19 reasonable attorney fees and court costs.

20 SECTION 7. APPROPRIATION.--Two hundred thousand dollars
21 (\$200,000) is appropriated from the general fund to the
22 governor's commission on disability for expenditure in fiscal
23 year 2026 to operate the office of accessibility. Any
24 unexpended or unencumbered balance remaining at the end of
25 fiscal year 2026 shall revert to the general fund.

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