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FISCAL IMPACT REPORT

SPONSOR House Judiciary Committee **LAST UPDATED** 2/14/2025
ORIGINAL DATE 2/10/2025
BILL CS/House Bill
SHORT TITLE Closed Captioning Act **NUMBER** 49/HJCS
ANALYST Hernandez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From

New Mexico Attorney General (NMAG)

Governor's Commission on Disability

Commission for Deaf and Hard-of-Hearing Persons (CDHH)

Department of Cultural Affairs (DCA)

Agency Analysis was Solicited but Not Received From

Developmental Disabilities Council (NMDDC)

SUMMARY

Synopsis of HJC Substitute for House Bill 49

The House Judiciary Committee substitute for House Bill 49 (HB49) creates the Closed Captioning Act for the purpose of requiring places of public accommodation, defined as a place that is open to the public and where commerce is carried out, such as hotels, restaurants, theaters, or department stores, to provide closed captioning on televisions. This bill requires a person that owns or manages a place of public accommodation to activate closed captioning on all television receivers that are turned on and operating in public areas during regular hours with some exceptions. HB49 allows for civil penalties for individuals who knowingly and willfully violate the provisions of the Closed Captioning Act. The civil penalties are \$1 for the first violation, \$50 for the second violation, and \$250 for the third violation. All revenue from civil penalties would go to the general fund. Additionally, any individual who is unable to access closed captioning due to a violation of the bill has the right to file a civil action in a court.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

HB49 opens the potential for the state of New Mexico to face a lawsuit if a government building does not use closed captions. However, the costs are likely indeterminate but minimal.

SIGNIFICANT ISSUES

HB49 creates a right of private action, which allows individuals to sue a person who owns a business that is not in compliance with the Closed Captioning Act. If an individual is found to have knowingly and willfully violated the Close Captioning Act, they will be subject to a civil penalty that shall not exceed \$1 for the first violation, \$50 for the second violation, and \$250 for the third violation.

TECHNICAL ISSUES

The Department of Cultural Affairs stated that the “definition of closed captioning in Section 2 does not specify which language(s) are required.”

AEH/hj/SL2/hg/rl/hg/sgs/rl/hg