

1 HOUSE BILL 288

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO DISABILITY ACCOMMODATIONS; ENACTING THE CLOSED  
12 CAPTIONING ACT; REQUIRING PLACES OF PUBLIC ACCOMMODATION THAT  
13 DISPLAY TELEVISION PROGRAMMING TO PROVIDE CLOSED CAPTIONING;  
14 REQUIRING THE ATTORNEY GENERAL TO ENFORCE THE CLOSED CAPTIONING  
15 ACT; PROVIDING PENALTIES.

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

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

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

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

25 B. "place of public accommodation" means any place

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1 that is open to the public where commerce is carried out and  
2 includes:

3 (1) an inn, hotel, motel or other place of  
4 lodging, except for an establishment located within a building  
5 that contains fewer than five rooms for rent and that is  
6 actually occupied by the proprietor of such establishment as  
7 the proprietor's residence;

8 (2) a restaurant, bar or other establishment  
9 serving food or drink;

10 (3) a motion picture house, theater, concert  
11 hall, stadium or other place of exhibition or entertainment;

12 (4) an auditorium, convention center, lecture  
13 hall or other place of public gathering;

14 (5) a bakery, grocery store, clothing store,  
15 hardware store, shopping center or other sales or rental  
16 establishment;

17 (6) a department store, laundromat, dry  
18 cleaner, bank, barber shop, beauty shop, travel service, shoe  
19 repair service, funeral parlor, gas station, office of an  
20 accountant or lawyer, pharmacy, insurance office, professional  
21 office of a health care provider, hospital or any other retail  
22 or service establishment;

23 (7) a terminal, depot or other station used  
24 for public transportation;

25 (8) a museum, library, gallery or other place

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1 of public display or collection;

2 (9) a park, zoo, amusement park or other place  
3 of recreation;

4 (10) a nursery, elementary, secondary,  
5 undergraduate, postgraduate or private school;

6 (11) a senior citizen center, homeless  
7 shelter, food bank, adoption agency or other social service  
8 center establishment; and

9 (12) a gymnasium, health spa, bowling alley,  
10 golf course or other place of exercise or recreation;

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

13 D. "regular hours" means the hours of the day in  
14 which a place of public accommodation is generally open to  
15 members of the general public;

16 E. "television program" means any recorded media  
17 that has audio and visual components and is displayed on a  
18 television receiver; and

19 F. "television receiver" means a device that is  
20 capable of displaying a television program. "Television  
21 receiver" includes:

22 (1) a television;

23 (2) a display screen;

24 (3) a digital set top box;

25 (4) a monitor; and

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1 (5) any other technology capable of displaying  
2 closed captioning for a television program.

3 SECTION 3. [NEW MATERIAL] CLOSED CAPTIONING IN PLACES OF  
4 PUBLIC ACCOMMODATION.--A person that owns or manages a place of  
5 public accommodation shall activate closed captioning on all  
6 television receivers that are turned on and operating in public  
7 areas during regular hours, except when:

8 A. the television program or television receiver  
9 available in the public area is not technologically able to  
10 display closed captioning;

11 B. the television program being displayed is exempt  
12 from closed captioning requirements under federal law; and

13 C. multiple television receivers are displaying the  
14 same television program, in which case only one television  
15 receiver is required to display closed captioning.

16 SECTION 4. [NEW MATERIAL] ENFORCEMENT.--

17 A. The attorney general shall enforce the  
18 provisions of the Closed Captioning Act and shall adopt rules  
19 in accordance with the Closed Captioning Act to provide for the  
20 protection of people with hearing disabilities.

21 B. The attorney general shall establish a complaint  
22 process whereby an aggrieved member of the public may file a  
23 complaint against a place of public accommodation that violates  
24 the provisions of the Closed Captioning Act. All complaints  
25 shall be considered public records pursuant to the Inspection

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1 of Public Records Act, with the exception of the complainant's  
2 name, address or protected personal identifier information as  
3 defined in the Inspection of Public Records Act.

4 C. If the attorney general finds that a place of  
5 public accommodation has violated the provisions of the Closed  
6 Captioning Act, the attorney general shall notify the place of  
7 public accommodation that it is in violation of that act. If  
8 the place of public accommodation fails to demonstrate  
9 compliance with the provisions of the Closed Captioning Act  
10 within thirty days of receiving notice of the violation, it  
11 shall be assessed a civil penalty not to exceed two hundred  
12 fifty dollars (\$250). For any subsequent violations of the  
13 Closed Captioning Act, the place of public accommodation shall  
14 be assessed a civil penalty not to exceed five hundred dollars  
15 (\$500).