

LFC Requester:

Allegra Hernandez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/22/2025

Check all that apply:

Bill Number: HB 49

Original Correction

Amendment Substitute

Sponsor: Cynthia Borrego

**Agency Name
and Code**

New Mexico Commission for Deaf
and Hard of Hearing 604

Short

Number:

Title: Closed Captioning Act

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HB 49 enacts a statewide Closed Captioning Act which will require places of Public Accommodations that display television programming to provide closed captioning, the act also requires the Attorney General's office to enforce and adopt rules in accordance with the Closed Captioning Act to provide protection of people with hearing disabilities. A complain process shall be established to provide a complaint process whereby a violation could result if found a civil penalty that does not exceed two hundred fifty dollars (\$250) for the initial violation if there is no compliance and a penalty of five hundred dollars (\$500) for each subsequent violation.

FISCAL IMPLICATIONS

There is no mention of a direct appropriations present in HB 49, there will be an operational cost for the Office of the Attorney General also known as the NM Department of Justice. This bill does not specifically state what that presumed additional operational cost will be but with the enforcement of said act and establishment of an investigative procedure for said enforcement will likely require assignment of an FTE or team of staff after the adoption of rules in accordance to this act. There will also likely be travel and assessments done of the location in person throughout the state. If a violation should be found there will be a civil penalty which may result in possible revenue generated for the state. There would also need to be considerations for costs associated with both educating the public of the new complaint process and how to contact the Attorney General's office and there will also need to be some education to the locations of this new act from the state. It is unclear how much any of this education and development of the investigative procedure for enforcement will cost from the bill.

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES Since the Television Decoder Circuitry Act of 1990 all television receivers with screens of at least 13 inches or greater can display closed captions since the act's deadline July of 1993, these same requirements have been amended to include digital televisions to have the same capability since 2002 and Spanish language programming since 2010. In 2012 rules were adopted to establish captioning access in programing via the internet. The Twenty-First Century and Video Accessibility Act of 2010 requires set box remotes to have the ability to turn on the output signal of closed captioning and included a rule that broadcasters must provided captioning on televisions redistributed via the web and for HDTV decoding boxes. In short, the hardware has been capable of providing captioning to be shown for the last 31+ years. This bill enables a local enforcement mechanism to be in place to address complaints of not providing access to closed captioning which is a method of providing effective communication in the places where a television receiver is displaying television programing. Such programing can include news

and reports on emergencies. This language enshrines the right of a person with a hearing loss to have said access to programming and a method to address locations who refused to turn on closed captioning on devices which are capable of doing so. Expected results include a mechanism for complaints, assessment of potential violations, and if need remediation and penalties. Outside of an overall refusal to turn captioning on there is no known barrier to the action of turning on closed captioning and there should be no unintended burdens placed on a place of public accommodations to turn the captioning on.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS