

HOUSE BILL 49

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

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be

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cited as the "Closed Captioning Act".

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

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

B. "place of public accommodation" means a place that is open to the public where commerce is carried out and includes:

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

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

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

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

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

(6) a department store, a laundromat, a dry

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cleaner, a bank, a barber shop, a beauty shop, a travel service, a shoe repair service, a funeral parlor, a gas station, an office of an accountant or lawyer, a pharmacy, an insurance office, a professional office of a health care provider, a hospital or any other retail or service establishment;

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

(8) a museum, a library, a gallery or other place of public display or collection;

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

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

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

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

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

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

E. "television program" means any recorded media

that has audio and visual components and is displayed on a television receiver; and

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

- (1) a television;
- (2) a display screen;
- (3) a digital set top box;
- (4) a monitor; and
- (5) other technology capable of displaying

closed captioning for a television program.

SECTION 3. [NEW MATERIAL] CLOSED CAPTIONING IN PLACES OF PUBLIC ACCOMMODATION.--A HCEDC→~~person~~←HCEDC

HCEDC→~~business~~←HCEDC that HCEDC→~~owns or manages~~←HCEDC

HCEDC→~~is~~←HCEDC a place of public accommodation shall activate closed captioning on all television receivers that are turned on and operating in public areas during regular hours, except when:

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

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

HCEDC→~~and~~←HCEDC HCEDC→~~or~~←HCEDC

C. multiple television receivers are displaying the

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same television program, in which case only one television receiver is required to display closed captioning.

SECTION 4. [NEW MATERIAL] ENFORCEMENT.--

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

B. The attorney general shall establish a complaint process whereby an aggrieved member of the public may file a complaint against a place of public accommodation that violates the provisions of the Closed Captioning Act. All complaints shall be considered public records pursuant to the Inspection of Public Records Act, with the exception of the complainant's name, address or protected personal identifier information as defined in the Inspection of Public Records Act.

C. If the attorney general finds that a place of public accommodation has violated the provisions of the Closed Captioning Act, the attorney general shall notify the place of public accommodation that it is in violation of that act. If the place of public accommodation fails to demonstrate compliance with the provisions of the Closed Captioning Act within thirty days of receiving notice of the violation, it shall be assessed a civil penalty not to exceed two hundred fifty dollars (\$250). For subsequent violations of the Closed Captioning Act, the place of public accommodation shall be

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assessed a civil penalty not to exceed five hundred dollars (\$500).

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