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HOUSE BILL 49

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

INTRODUCED BY

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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
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

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

3 (1) an inn, a hotel, a 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, a bar or other establishment
9 serving food or drink;

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

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

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

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

25 (7) a terminal, a depot or other station used

1 for public transportation;

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

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

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

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

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

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

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

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

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

24 (1) a television;

25 (2) a display screen;

- 1 (3) a digital set top box;
- 2 (4) a monitor; and
- 3 (5) other technology capable of displaying
- 4 closed captioning for a television program.

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

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

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

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

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

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

23 B. The attorney general shall establish a complaint
24 process whereby an aggrieved member of the public may file a
25 complaint against a place of public accommodation that violates

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1 the provisions of the Closed Captioning Act. All complaints
2 shall be considered public records pursuant to the Inspection
3 of Public Records Act, with the exception of the complainant's
4 name, address or protected personal identifier information as
5 defined in the Inspection of Public Records Act.

6 C. If the attorney general finds that a place of
7 public accommodation has violated the provisions of the Closed
8 Captioning Act, the attorney general shall notify the place of
9 public accommodation that it is in violation of that act. If
10 the place of public accommodation fails to demonstrate
11 compliance with the provisions of the Closed Captioning Act
12 within thirty days of receiving notice of the violation, it
13 shall be assessed a civil penalty not to exceed two hundred
14 fifty dollars (\$250). For subsequent violations of the Closed
15 Captioning Act, the place of public accommodation shall be
16 assessed a civil penalty not to exceed five hundred dollars
17 (\$500).