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HOUSE BILL 89

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Cynthia Borrego

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 any

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1 establishment that provides or offers its services, facilities,
2 accommodations or goods to the public, but does not include a
3 bona fide private club or other place or establishment that is
4 by its nature and use distinctly private;

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

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

10 E. "television program" means any recorded media
11 that has audio and visual components and is displayed on a
12 television receiver; and

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

- 16 (1) a television;
- 17 (2) a display screen;
- 18 (3) a digital set top box;
- 19 (4) a monitor; and
- 20 (5) any other technology capable of displaying
21 closed captioning for a television program.

22 SECTION 3. [NEW MATERIAL] CLOSED CAPTIONING IN PLACES OF
23 PUBLIC ACCOMMODATION.--A person that owns or manages a place of
24 public accommodation shall activate closed captioning on all
25 television receivers that are turned on and operating in public

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1 areas during regular hours, except when:

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

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

7 C. multiple television receivers are displaying the
8 same television program, in which case only one television
9 receiver is required to display closed captioning.

10 SECTION 4. [NEW MATERIAL] ENFORCEMENT--CIVIL PENALTIES.--

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

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

23 C. The attorney general shall investigate each
24 complaint that alleges a violation of the Closed Captioning
25 Act, and whenever the attorney general has reasonable belief

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1 that a place of public accommodation has violated the Closed
2 Captioning Act, the attorney general may bring an action in the
3 name of the state alleging violations of the Closed Captioning
4 Act. The action may be brought in the district court of the
5 county in which the place of public accommodation is located,
6 and the attorney general shall not be required to post bond
7 when seeking a temporary or permanent injunction in the action.

8 D. If the court finds that a place of public
9 accommodation has violated the Closed Captioning Act, the
10 attorney general, upon petition to the court, may recover, on
11 behalf of the state, a civil penalty not to exceed two hundred
12 fifty dollars (\$250) for the first violation and a penalty not
13 to exceed five hundred dollars (\$500) for each subsequent
14 violation.