

LFC Requester:

Felix Chavez

## AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

### **SECTION I: GENERAL INFORMATION**

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

**Date Prepared:** February 11, 2025

*Check all that apply:*

**Bill Number:** HB49

Original ☐ Correction ☐  
Amendment ☐ Substitute ☒

**Sponsor:** HJC Substitution

**Agency Name and Code Number:** 305 – New Mexico  
Department of Justice

**Person Writing**

**Short 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
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

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

### **SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator's request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

### **BILL SUMMARY**

#### **Synopsis:**

The Closed Captioning Act ("Act") would require any person who owns or manages a place of public accommodation to activate closed captioning displayed on all television receivers when the receivers are operating during regular hours with certain exceptions.

Section 1. titles the Act.

Section 2. provides definitions related to the Act which generally inform the reader of what is considered a television receiver, a television program, and a public accommodation and/or area. A place of public accommodation means any governmental entity or establishment which provides or offers services, facilities, accommodations or goods to the public except for bona fide private clubs or other locations which are distinctly private.

Section 3. requires a person who owns or manages a place of public accommodation to provide closed captioning on all television receivers operating in public areas except when the television receiver is technologically incapable of displaying them, the program being displayed is exempt under federal law, or multiple receivers are displaying the same programming wherein only one receiver is required to display closed captioning.

Section 4. establishes civil penalties for violations beginning at \$1.00 for the first violation, \$50.00 for the second, and \$250 for any subsequent violation. It also establishes a private right of action for any person with an auditory disability wherein a public accommodation has violated the Act and not provided closed captioning.

### **FISCAL IMPLICATIONS**

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**

It is unclear how the civil penalties in Section 4(A) are implemented. The proposed Act

establishes a graduated penalty scheme for violations (with only a nominal penalty of \$1 for the first violation). However, no other the party or parties are identified as having the authority to issue or enforce the established penalties. If the intent is for the penalties to be available upon a successful civil action, Section 4(B) does not state that penalties are available. Section 4(B) indicates that an individual affected by a violation of the proposed Act could seek injunctive relief and, if successful, recover attorney fees and court costs. Consider amending to clarify the mechanism by which civil penalties are imposed and enforced.

## **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**