

LFC Requester:

Allegra Hernandez

**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****[AgencyAnalysis.nmlegis.gov](https://agencyanalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 2/11/2025*Check all that apply:***Bill Number:** HB 49Original ☐ Correction ☐Amendment ☐ Substitute ☒**Sponsor:** Cynthia Borrego and Patricia Roybal Caballero**Agency Name and Code Number:**New Mexico Commission for Deaf and Hard of Hearing 604**Short****Person Writing** Nathan Gomme**Title:** Closed Captioning Act**Phone:** (505) 796-5441 **Email** Nathan.gomme@cdhh.nm.gov**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**

#### **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 with some exceptions. If a television program or the television receiver is not technology able to display closed captioning in the event multiple television receivers are displaying the same program only one receiver is required to display closed captioning, or if the program being displayed is exempt from closed captioning requirements under federal law. The Closed Captioning Act enshrines via state law access to closed captioning in a public space to persons with hearing disabilities. In this substitute bill if a person knowingly and willfully violates these provisions of the Closed Captioning Act a violation could result in a civil penalty of one dollar (\$1.00) for the first penalty, fifty dollars (\$50.00) for the second violation and a penalty that does not exceed two hundred fifty dollars (\$250) for the third or subsequent violation through a private right of action.

#### **FISCAL IMPLICATIONS**

In this substitute there is no mention of a direct appropriations present. It removes the office of the New Mexico Attorney General obligations from the initial legislation thus removing the possible operational costs. If a violation should be found there will be a civil penalty via a private right of action.

**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 programming 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 provide 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 enshrines the language in New Mexico of the obligation to have closed captioning when able to and establishes penalties to be secured through a private right of action should a place knowingly and willingly not provide access to closed captioning which is a method of providing effective communication in the places where a television receiver is displaying television programming. Such programming can include news and reports on emergencies. 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**