

By: Brown of Brazos

H.B. No. 2488

A BILL TO BE ENTITLED

AN ACT

relating to the sale of instructional materials and other merchandise to students of institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.949 to read as follows:

Sec. 51.949. INFORMATION RELATING TO INSTRUCTIONAL MATERIALS AND BOOKSTORE MERCHANDISE. (a) In this section:

(1) "Bookstore merchandise" means any goods or services offered for sale to a student at an institution of higher education that are related to the attendance of the student at that institution of higher education, including college or university apparel or collectibles.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(3) "Instructional materials" means any printed or computer-generated educational material, including textbooks, or any equipment or supplies that a student is required or recommended to use in connection with a course.

(4) "University-affiliated bookstore" means a store that sells instructional materials or bookstore merchandise, whether or not located on the campus of an institution of higher education, and is operated by or with the approval of the institution through ownership, a management agreement, a lease or

1 rental agreement, or otherwise.

2 (b) Each institution of higher education shall, not later
3 than the 45th day before the start of each semester, prepare a list
4 of each course to be offered at the institution. The list must
5 include:

6 (1) the name of the person teaching the course;

7 (2) a description of any instructional materials
8 required or recommended for students enrolled in the course; and

9 (3) the anticipated enrollment in the course.

10 (c) An institution of higher education, on request of any
11 person, shall furnish not later than one business day after the date
12 of the request:

13 (1) a list prepared under Subsection (b); and

14 (2) any information related to instructional
15 materials for the institution that the institution has provided to
16 a university-affiliated bookstore.

17 (d) An institution of higher education must provide to a
18 retailer or other provider of instructional materials or bookstore
19 merchandise the same opportunity as an operator of a
20 university-affiliated bookstore to:

21 (1) participate in any programs related to the
22 dissemination or provision of instructional materials or bookstore
23 merchandise for the institution, including providing information
24 at student orientation or participating in a program of
25 repurchasing instructional materials;

26 (2) receive mailing lists or address labels of
27 students; or

1 (3) advertise in any publication or other mass media
2 product of the institution.

3 (e) An institution of higher education may not charge a
4 provider of instructional materials or bookstore merchandise an
5 amount greater than the amount charged the operator of a
6 university-affiliated bookstore for an activity described in
7 Subsection (c) or (d).

8 (f) If an institution of higher education works in
9 conjunction with a university-affiliated bookstore to provide a
10 method for the extension of credit or the ability of a student to
11 charge or otherwise delay the payment of the costs of instructional
12 materials, including the extension of credit under Section
13 51.929(b), the institution shall provide any other person providing
14 instructional materials with equal access and opportunity to use
15 the same method of payment.

16 SECTION 2. (a) This Act applies only to a semester or term
17 that begins on or after the effective date of this Act.

18 (b) As soon as practicable on or after the effective date of
19 this Act, each institution of higher education shall:

20 (1) designate an officer or employee of the
21 institution to ensure the institution's compliance with Section
22 51.949, Education Code, as added by this Act; and

23 (2) provide to each known provider of instructional
24 materials or bookstore merchandise doing regular business with
25 students of the institution information relating to the method that
26 the institution will use to comply with Section 51.949, Education
27 Code, as added by this Act.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2005.