

By: Van de Putte

S.B. No. 1716

A BILL TO BE ENTITLED

AN ACT

relating to the sale of instructional materials 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 FOR BOOKSTORES RELATING TO INSTRUCTIONAL MATERIALS. (a) In this section:

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

(2) "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.

(3) "University-affiliated bookstore" means a store that sells instructional materials, regardless of whether the store is located on the campus of an institution of higher education, and that is operated by or with the approval of the institution through ownership, a management agreement, a lease or rental agreement, or otherwise.

(b) Each institution of higher education shall provide on request to a retailer or other provider of instructional materials any list of required or recommended instructional materials for a semester or other academic term at the same time the institution

1 provides the list to the operator of a university-affiliated  
2 bookstore.

3 (c) To the extent that space for an activity described by  
4 this subsection is available, an institution of higher education  
5 shall provide to a retailer or other provider of instructional  
6 materials the same opportunity as an operator of a  
7 university-affiliated bookstore to participate in any programs  
8 related to the dissemination or provision of instructional  
9 materials for students of the institution, including providing  
10 information at student orientation or participating in a program of  
11 repurchasing instructional materials.

12 (d) An institution of higher education may not charge  
13 another provider of instructional materials an amount greater than  
14 the amount charged the operator of a university-affiliated  
15 bookstore for an activity described in Subsection (c).

16 (e) If an institution of higher education works in  
17 conjunction with a university-affiliated bookstore to provide a  
18 method for the extension of credit or the ability of a student to  
19 charge or otherwise delay the payment of the costs of instructional  
20 materials, including the extension of credit under Section  
21 51.929(b), the institution shall provide any other person providing  
22 instructional materials to students of the institution with equal  
23 access and opportunity to use or develop the same or similar method  
24 of payment at a reasonable cost to that person.

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

27 (b) This Act does not affect the terms of a contract entered

1 into before the effective date of this Act.

2 (c) As soon as practicable on or after the effective date of  
3 this Act, each institution of higher education shall designate an  
4 officer or employee of the institution to ensure the institution's  
5 compliance with Section 51.949, Education Code, as added by this  
6 Act.

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