

By: Van de Putte

S.B. No. 1716

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 and make the list
5 available on the school website. The list must include:

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

8 (2) the anticipated enrollment in the course.

9 (c) An institution of higher education must provide to a
10 retailer or other provider of instructional materials or bookstore
11 merchandise the same opportunity as an operator of a
12 university-affiliated bookstore to:

13 (1) participate in any programs related to the
14 dissemination or provision of instructional materials or bookstore
15 merchandise for the institution, including providing information
16 at student orientation or participating in a program of
17 repurchasing instructional materials;

18 (d) An institution of higher education may not charge a
19 provider of instructional materials or bookstore merchandise an
20 amount greater than the amount charged the operator of a
21 university-affiliated bookstore for an activity described in
22 Subsection (c).

23 (e) If an institution of higher education works in
24 conjunction with a university-affiliated bookstore to provide a
25 method for the extension of credit or the ability of a student to
26 charge or otherwise delay the payment of the costs of instructional
27 materials, including the extension of credit under Section

1 51.929(b), the institution shall provide any other person providing
2 instructional materials with equal access and opportunity to use
3 the same method of payment.

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

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

8 (1) designate an officer or employee of the
9 institution to ensure the institution's compliance with Section
10 51.949, Education Code, as added by this Act; and

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