

By: Vo

H.B. No. 1096

A BILL TO BE ENTITLED

AN ACT

relating to the provision of notice regarding the availability of higher education textbooks through multiple retailers.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9705 to read as follows:

Sec. 51.9705. NOTICE REGARDING AVAILABILITY OF TEXTBOOKS THROUGH MULTIPLE RETAILERS. (a) In this section:

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

(2) "University-affiliated bookstore" means a bookstore that:

(A) sells textbooks for courses offered by an institution of higher education, regardless of whether the bookstore is located on the campus of the institution; and

(B) is operated by or with the approval of the institution through ownership, a management agreement, a lease or rental agreement, or otherwise.

(b) The Texas Higher Education Coordinating Board shall prescribe procedures by which each institution of higher education shall provide to each student enrolled at the institution written notice regarding the availability of required or recommended textbooks through retailers other than university-affiliated bookstores. The procedures must require the institution to provide

1 the notice to students:

2 (1) during the first three weeks of each semester or
3 the first week of a summer term, as applicable; and

4 (2) in a hard copy format in a manner that ensures that
5 the notice is reasonably likely to come to the attention of each
6 student.

7 (c) The notice must:

8 (1) be written in at least 10-point type; and

9 (2) state that a student is not under any obligation to
10 purchase a textbook from a university-affiliated bookstore and that
11 the same textbook may be available from an independent retailer,
12 including an online retailer, at a lower price than the price
13 charged for that textbook by a university-affiliated bookstore.

14 (d) The coordinating board shall adopt rules to administer
15 this section.

16 SECTION 2. (a) The change in law made by this Act applies
17 beginning with the 2009 fall semester.

18 (b) The Texas Higher Education Coordinating Board shall
19 adopt rules under Section 51.9705, Education Code, as added by this
20 Act, as soon as practicable after this Act takes effect. For that
21 purpose, the board may adopt the initial rules in the manner
22 provided by law for adoption of emergency rules.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2009.