

By: Vo

H.B. No. 1099

A BILL TO BE ENTITLED

AN ACT

relating to measures to increase the affordability of textbooks used for courses at public institutions of higher education.

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

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

SUBCHAPTER I. TEXTBOOKS

Sec. 51.451. DEFINITIONS. In this subchapter:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Custom textbook" means a textbook that is compiled by a textbook publisher at the direction of a faculty member or other person in charge of selecting course materials at an institution of higher education and that may include items such as selections from original instructor materials, previously copyrighted publisher materials, copyrighted third-party works, or elements unique to a specific institution.

(3) "Faculty member" has the meaning assigned by Section 51.917.

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

(5) "Supplemental material," with respect to a textbook, means instructional material developed to accompany the textbook, including printed materials, computer disks, website

1 access, and electronically distributed materials, other than
2 instructional material that is part of an integrated textbook.

3 (6) "Textbook" means a book published primarily for
4 instruction in connection with a particular course or courses
5 offered to postsecondary students by an institution of higher
6 education. The term includes any edition of a textbook or set of
7 textbooks and any item considered supplemental specifically to the
8 textbook, regardless of whether the textbook and supplemental item
9 are sold together or separately.

10 (7) "Textbook bundle" means a textbook offered for
11 sale, at a single price, in combination with other instructional
12 material such as additional printed material, a computer disk,
13 website access, or electronically distributed material. The term
14 does not include a textbook that is combined with other
15 instructional material, all of which is:

16 (A) required to be offered for sale with or as
17 part of the textbook, according to a third-party contractual
18 agreement; or

19 (B) interrelated with the content of the textbook
20 to such a degree that any separation of the material from the
21 textbook would render the textbook unusable for its intended
22 purpose.

23 (8) "University-affiliated bookstore" means a
24 bookstore that:

25 (A) sells textbooks for courses offered to
26 postsecondary students by an institution of higher education,
27 regardless of whether the bookstore is located on the campus of the

1 institution; and

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

5 Sec. 51.452. TEXTBOOK PUBLISHERS: AVAILABILITY OF
6 INFORMATION CONCERNING TEXTBOOK PRICES, REVISIONS, AND COPYRIGHTS.

7 (a) When a textbook publisher provides information regarding a
8 textbook or supplemental material to a faculty member or other
9 person in charge of selecting course materials at an institution of
10 higher education, the publisher shall also provide to the faculty
11 member or other person written information that includes:

12 (1) the price at which the publisher will make the
13 textbook or supplemental material, and any textbook bundles
14 containing the textbook or supplemental material, available to a
15 university-affiliated bookstore or other bookstore that generally
16 serves the students of the institution and, if applicable, to the
17 faculty member, students, and the public;

18 (2) the history of any substantial revisions to the
19 textbook or supplemental material, including the addition of new
20 chapters, new material covering additional time periods, new
21 themes, or new subject matter;

22 (3) the copyright dates of the current and three
23 preceding editions of the textbook and the length of time the
24 publisher expects the current edition to remain on the market;

25 (4) information as to whether the textbook or
26 supplemental material is available in other formats, such as a
27 paperback or unbound version; and

1 (5) the price at which the publisher will make the
2 textbook or supplemental material in any alternative format
3 available to a bookstore described by Subdivision (1) and, if
4 applicable, to the faculty member, students, and the public.

5 (b) A textbook publisher shall make the information
6 required by Subsection (a) available to the faculty member or other
7 person:

8 (1) when the faculty member or other person orders or
9 requests a copy of the textbook or supplemental material; and

10 (2) when the publisher provides a promotional or desk
11 copy of the textbook or material to the faculty member or other
12 person.

13 (c) A textbook publisher shall comply with this section with
14 respect to a custom textbook or a special edition of a textbook only
15 to the extent reasonably practicable.

16 Sec. 51.453. TEXTBOOK BUNDLES. A textbook publisher that
17 offers a textbook bundle for sale directly to students enrolled at
18 an institution of higher education or to faculty members of that
19 institution or, for resale purposes, to a university-affiliated
20 bookstore or other bookstore that generally serves students and
21 faculty members of the institution shall also offer for sale to the
22 faculty members, students, or bookstore, as applicable, each
23 individual item of instructional material as a separate, unbundled
24 item that is separately priced.

25 SECTION 2. Subchapter I, Chapter 51, Education Code, as
26 added by this Act, applies beginning with the 2010 fall semester.

27 SECTION 3. This Act takes effect September 1, 2009.