

A BILL TO BE ENTITLED

AN ACT

relating to the sale by textbook publishers of bundled instructional material for use by students at public institutions of higher education; providing a penalty.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9701 to read as follows:

Sec. 51.9701. TEXTBOOK BUNDLES. (a) In this section:

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

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

(3) "Textbook" means a printed book published primarily for the instruction of postsecondary students.

(4) "Textbook bundle" means a textbook offered for sale in combination with other instructional material, such as:

(A) additional printed material;

(B) a computer disk;

(C) website access; or

(D) electronically distributed material.

(5) "University-affiliated bookstore" means a store that:

(A) sells instructional material, regardless of whether the store is located on the campus of an institution of

1 higher education; 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 (b) A publisher that offers a textbook bundle for sale
6 directly to students enrolled at an institution of higher education
7 or to a university-affiliated bookstore for resale shall:

8 (1) also offer for sale to the students or bookstore,
9 as applicable, each individual item of instructional material as a
10 separate, unbundled item; and

11 (2) price the individual items in the textbook bundle
12 so that the total cost of purchasing all of the items included in
13 the textbook bundle individually would be the same, or as
14 reasonably close to the same as practicable, as the price of the
15 textbook bundle.

16 (c) The coordinating board shall adopt rules under which the
17 coordinating board may impose a reasonable administrative penalty
18 against a publisher that knowingly violates this section. The
19 rules must provide for the coordinating board to hold a hearing to
20 determine whether a penalty is to be imposed and the amount of any
21 penalty. The coordinating board shall base the amount of any
22 penalty on:

23 (1) the seriousness of the violation;

24 (2) any history of a previous violation;

25 (3) the amount necessary to deter a future violation;

26 (4) any effort to correct the violation; and

27 (5) any other matter justice requires.

1 (d) The attorney general may bring an action to collect an
2 administrative penalty that is not paid as directed by the
3 coordinating board.

4 SECTION 2. The changes in law made by this Act apply only to
5 instructional material offered for sale on or after September 1,
6 2010.

7 SECTION 3. This Act takes effect January 1, 2010.