

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1842 Session of
2005

INTRODUCED BY E. Z. TAYLOR, BAKER, ROSS, CRAHALLA, HERMAN,
ARMSTRONG, BALDWIN, BELFANTI, BUNT, CALTAGIRONE, CORNELL,
DALLY, DeWEESE, FABRIZIO, GEIST, GILLESPIE, GINGRICH,
GOODMAN, HARHART, HERSHEY, JAMES, LEDERER, MAJOR, MANN,
McILHATTAN, PHILLIPS, PICKETT, RUBLEY, SATHER, STABACK,
THOMAS, TIGUE AND YOUNGBLOOD, JULY 2, 2005

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JULY 2, 2005

AN ACT

1 Prohibiting certain practices by certain textbook publishers and
2 textbook retailers.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Fairness in
7 Textbook Distribution Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Bundled." A package that includes with the textbook
13 supplemental materials, including workbooks, whether or not
14 reusable, compact disks, CD-ROMs, web access codes or other
15 supplementary materials.

16 "Custom bundle." A tailored collection of individual course

1 materials identified by an individual faculty member for an
2 individual course, which is offered as a packaged bundle to meet
3 the specific needs of that particular course.

4 "Custom publishing" and "course pack" Any collection of
5 course materials from various courses which may include specific
6 selections of content from a single publisher, selected by
7 individual faculty and compiled into a single book created on
8 behalf of faculty for specific needs of a course, and may be
9 date sensitive or produced to achieve cost savings for students.

10 "Institution of higher education." A public or private
11 college or university located within this Commonwealth,
12 including, but not limited to, State-owned and State-related
13 colleges and universities, member institutions of the State
14 System of Higher Education, community colleges, junior colleges
15 and licensed private or proprietary business and trade schools.

16 "Publisher." An individual, firm, partnership, corporation
17 or other entity that publishes or manufactures instructional
18 material used by students attending an institution of higher
19 education.

20 "Supplemental materials." Ancillary educational materials
21 that are intended for single use and are used in addition to or
22 to complement information found in the primary textbook. The
23 term may include web access codes, workbooks, compact disks, CD-
24 ROMs, cassette tapes and other digital media.

25 "Textbook retailer." A public or private college or
26 university located within this Commonwealth, including, but not
27 limited to, State-owned and State-related colleges and
28 universities, member institutions of the State System of Higher
29 Education, community colleges, junior colleges and licensed
30 private or proprietary business and trade schools, an

1 individual, firm, partnership, corporation, both for profit and
2 nonprofit, or any other entity that purchases textbooks for the
3 purpose of resale to students to use as instructional material
4 by students attending an institution of higher education. These
5 entities include both physical retail outlets and outlets found
6 exclusively on the Internet.

7 "Textbooks." Books, supplements of the current edition and
8 manuals, whether bound or in looseleaf form, intended for use as
9 the principal source of study material for a given class or
10 group of students, a copy of which is expected to be available
11 for the individual use of each pupil in such class or group.

12 "Unbundled." Only the textbook without any additional
13 supplemental materials.

14 Section 3. Unlawful practices by textbook publishers and
15 textbook retailers.

16 (a) Publishers.--It shall be unlawful for a publisher
17 engaging in the business of selling textbooks to a textbook
18 retailer for the purposes of resale by the textbook retailer to
19 students attending institutions of higher education to do any of
20 the following:

21 (1) Offer for sale bundled textbooks without offering
22 for sale the same edition of the textbook unbundled.

23 (2) Fail to disclose to the textbook retailer or faculty
24 members, whichever the case may be, that unbundled textbooks
25 are available in the same edition as the bundled textbook.

26 (3) Fail to disclose to the textbook retailer or faculty
27 members, whichever the case may be, the price difference
28 between bundled and unbundled textbooks.

29 (4) Fail to disclose to the textbook retailer or faculty
30 members, whichever the case may be, how the newest edition of

1 a textbook differs substantively from the previous edition of
2 the same textbook.

3 (5) Fail to disclose to the textbook retailer or faculty
4 members, whichever the case may be, the length of time it
5 intends to produce the current edition.

6 (b) Retailers.--It shall be unlawful for textbook retailers
7 to offer for sale bundled textbooks without offering for sale
8 the same edition of the textbook unbundled.

9 (c) Exceptions.--Custom published books, custom course
10 packets and custom bundles shall not fall under the regulations
11 of this section.

12 Section 4. Violation of Unfair Trade Practices and Consumer
13 Protection Law.

14 A violation of section 3 shall be deemed a violation of the
15 act of December 17, 1968 (P.L.1224, No.387), known as the Unfair
16 Trade Practices and Consumer Protection Law.

17 Section 5. Effective date.

18 This act shall take effect in 60 days.