

The House Committee on Higher Education offers the following substitute to HB 712:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapters 3 and 4 of Title 20 of the Official Code of Georgia Annotated, relating
2 respectively to postsecondary education and vocational, technical, and adult education, so
3 as to provide that each publisher of a textbook shall provide for use by students having a
4 print access disability an electronic format accessible to Braille translation, text to speech,
5 and screen-reading software of such textbook as is available; to provide for exceptions; to
6 define terms; to provide for construction; to provide for counseling on avoiding violation of
7 copyright laws and agreements not to duplicate; to provide for civil liability; to provide for
8 related matters; to provide for an effective date; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary
13 education, is amended by inserting a new Code section to be designated Code Section
14 20-3-87 to read as follows:

15 "20-3-87.

16 (a) As used in this Code section, the term:

17 (1) 'Person' means a corporation, partnership, company, or other business organization
18 or business entity but does not include an institution or employee of the Board of Regents
19 of the University System of Georgia.

20 (2) 'Print access disability' means any condition in which an individual's independent
21 reading of, reading comprehension of, or visual access to printed material is limited or
22 reduced due to a sensory, neurological, cognitive, physical, psychiatric, or other disability
23 recognized by state or federal law. The term is applicable to but not limited to individuals
24 who are blind, have low vision, or have reading disorders or physical disabilities.

1 (3) 'Publisher' means the person or entity which prints and issues a textbook that is
 2 generally available for purchase by the public and the person or entity which offers for
 3 sale material available for purchase primarily by students.

4 (4) 'Textbook' means a book which is recommended or required by an instructor of a
 5 course of study offered for credit toward a degree by a unit of the university system that
 6 is printed or reproduced and commercially available for purchase primarily by students.

7 (b) The publisher of a textbook shall provide for use by students having a print access
 8 disability an electronic format accessible to Braille translation, text to speech, and
 9 screen-reading software of such textbook as is available unless such availability creates an
 10 undue hardship as defined in the Americans with Disabilities Act of 1990, 42 U.S.C.
 11 Section 12111.

12 (c) This Code section shall not be construed to authorize infringement on copyright or
 13 other intellectual property rights for any textbook. A publisher may require a written
 14 request for an electronic format textbook that includes a statement signed by an individual
 15 at the institution of the university system who is responsible for monitoring compliance
 16 with the Americans with Disabilities Act of 1990 in which such individual verifies that the
 17 student for whom the electronic format textbook is being requested has been properly
 18 counseled in the use of the electronic format textbook in a manner to avoid violating any
 19 copyright laws and that the institution has on file a form signed by the student in which he
 20 or she agrees to use the electronic format textbook solely for his or her own educational
 21 purposes and agrees not to copy or otherwise duplicate the electronic format textbook for
 22 use by another individual.

23 (d) A person who violates subsection (b) of this Code section may be held liable for actual
 24 damages to the individual whose rights were violated."

25 **SECTION 2.**

26 Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to vocational,
 27 technical, and adult education, is amended by inserting a new Code section to be designated
 28 Code Section 20-4-37 to read as follows:

29 "20-4-37.

30 (a) As used in this Code section, the term:

31 (1) 'Person' means a corporation, partnership, company, or other business organization
 32 or business entity but does not include an institution or employee of the Department of
 33 Adult and Technical Education.

34 (2) 'Print access disability' means any condition in which an individual's independent
 35 reading of, reading comprehension of, or visual access to printed material is limited or
 36 reduced due to a sensory, neurological, cognitive, physical, psychiatric, or other disability

1 recognized by state or federal law. The term is applicable to but not limited to
2 individuals who are blind, have low vision, or have reading disorders or physical
3 disabilities.

4 (3) 'Publisher' means the person or entity which prints and issues a textbook that is
5 generally available for purchase by the public and the person or entity which offers for
6 sale material available for purchase primarily by students.

7 (4) 'Textbook' means a book which is recommended or required by an instructor of a
8 course of study offered for credit by a technical college under the control and
9 management of the Department of Technical and Adult Education that is printed or
10 reproduced and commercially available for purchase primarily by students.

11 (b) The publisher of a textbook shall provide for use by students having a print access
12 disability an electronic format accessible to Braille translation, text to speech, and
13 screen-reading software of such textbook as is available unless such availability creates an
14 undue hardship as defined in the Americans with Disabilities Act of 1990, 42 U.S.C.
15 Section 12111.

16 (c) This Code section shall not be construed to authorize infringement on copyright or
17 other intellectual property rights for any textbook. A publisher may require a written
18 request for an electronic format textbook that includes a statement signed by an individual
19 at the institution under the control of the department who is responsible for monitoring
20 compliance with the Americans with Disabilities Act of 1990 in which such individual
21 verifies that the student for whom the electronic format textbook is being requested has
22 been properly counseled in the use of the electronic format textbook in a manner to avoid
23 violating any copyright laws and that the institution has on file a form signed by the student
24 in which he or she agrees to use the electronic format textbook solely for his or her own
25 educational purposes and agrees not to copy or otherwise duplicate the electronic format
26 textbook for use by another individual.

27 (d) A person who violates subsection (b) of this Code section may be held liable for actual
28 damages to the individual whose rights were violated."

29 **SECTION 3.**

30 This Act shall become effective July 1, 2005.

31 **SECTION 4.**

32 All laws and parts of laws in conflict with this Act are repealed.