

Senate Bill 317

By: Senator Shafer of the 48th

A BILL TO BE ENTITLED
AN ACT

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

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 The General Assembly finds that:

13 (1) Many students in the public universities, colleges, and technical colleges of the state
14 who have a print access disability would welcome increased availability of electronic
15 format textbooks;

16 (2) Requiring textbook publishers to provide an electronic format accessible to Braille
17 translation, text to speech, and screen-reading software of textbooks, with exceptions for
18 undue hardship, would increase the access to secondary education for students who have
19 a print access disability at no cost to the state. Since many textbooks already include a
20 CD-ROM version without additional cost, the cost of textbooks for students may remain
21 the same;

22 (3) Emerging technologies make electronic format textbooks user friendly, and most
23 disabled students would be able to use electronic format textbooks. Electronic format
24 textbooks would make readers for disabled students less necessary; and

1 (4) Protection of publishers' copyright and intellectual property rights is possible through
2 technology and law. One method is requiring students to agree to use the electronic
3 format textbook solely for personal and noncommercial use.

4 SECTION 2.

5 Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary
6 education, is amended by inserting a new Code section to be designated Code Section
7 20-3-87 to read as follows:

8 "20-3-87.

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

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

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

18 (3) 'Publisher' means:

19 (A) The person or entity which prints and issues a textbook that is generally available
20 for purchase by the public; and

21 (B) The person who offers for sale material available for purchase primarily by
22 students.

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

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

32 (c) This Code section shall not be construed to authorize infringement on copyright or
33 other intellectual property rights for any textbook. A publisher may require a written
34 request for an electronic format textbook that includes a statement signed by an individual
35 at the institution of the university system who is responsible for monitoring compliance
36 with the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq., in

1 which such individual verifies that the student for whom the electronic format textbook is
 2 being requested has been properly counseled in the use of the electronic format textbook
 3 in a manner to avoid violating any copyright laws and that the institution has on file a form
 4 signed by the student in which he or she agrees to use the electronic format textbook solely
 5 for his or her own educational purposes and agrees not to copy or otherwise duplicate the
 6 electronic format textbook for use by another individual.

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

9 SECTION 3.

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

13 "20-4-37.

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

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

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

24 (3) 'Publisher' means:

25 (A) The person which prints and issues a textbook that is generally available for
 26 purchase by the public; and

27 (B) The person which offers for sale material available for purchase primarily by
 28 students.

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

33 (b) The publisher of a textbook shall provide for use by students having a print access
 34 disability an electronic format accessible to Braille translation, text to speech, and
 35 screen-reading software of such textbook as is available unless such availability creates an

1 undue hardship as defined in the Americans with Disabilities Act of 1990, 42 U.S.C.
2 Section 12111.

3 (c) This Code section shall not be construed to authorize infringement on copyright or
4 other intellectual property rights for any textbook. A publisher may require a written
5 request for an electronic format textbook that includes a statement signed by an individual
6 at the institution under the control of the department who is responsible for monitoring
7 compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et
8 seq., in which such individual verifies that the student for whom the electronic format
9 textbook is being requested has been properly counseled in the use of the electronic format
10 textbook in a manner to avoid violating any copyright laws and that the institution has on
11 file a form signed by the student in which he or she agrees to use the electronic format
12 textbook solely for his or her own educational purposes and agrees not to copy or otherwise
13 duplicate the electronic format textbook for use by another individual.

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

16 **SECTION 4.**

17 This Act shall become effective July 1, 2006.

18 **SECTION 5.**

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