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SENATE BILL NO. 62—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

FEBRUARY 6, 2003

Referred to Committee on Human Resources and Facilities

SUMMARY—Requires publisher or manufacturer of instructional materials to provide electronic version of such materials for use by university or college students, staff or faculty with print access disabilities who are unable to use standard instructional materials. (BDR 34-114)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to the University and Community College System of Nevada; requiring a publisher or manufacturer of instructional materials to provide an electronic version of such materials upon written request of an institution for use by university or college students, staff or faculty with print access disabilities who are unable to use standard instructional materials; establishing procedures for making written requests for electronic versions of instructional materials from a publisher or manufacturer; authorizing the Board of Regents of the University of Nevada to establish centers to process such written requests; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** Chapter 396 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 11, inclusive, of this  
3 act.  
4     **Sec. 2.** *As used in sections 2 to 11, inclusive, of this act,*  
5 *unless the context otherwise requires, the words and terms defined*



\* S B 6 2 \*

1 *in sections 3 to 6, inclusive, of this act have the meanings ascribed*  
2 *to them in those sections.*

3 **Sec. 3.** *“Institution” means any university, state college or*  
4 *community college within the System.*

5 **Sec. 4.** *“Instructional material” means any published*  
6 *textbook and other published material that is used by students,*  
7 *staff or faculty of the System. The term does not include*  
8 *nontextual mathematics and science materials unless, as*  
9 *determined by the guidelines established pursuant to section 9 of*  
10 *this act, such materials are commercially available in a format*  
11 *that is compatible for use with equipment which is used by*  
12 *students, staff or faculty of the System with print access disabilities*  
13 *to convert material into a format that provides them with the*  
14 *ability to have increased independent access to the material. The*  
15 *term includes, without limitation, nonprinted instructional*  
16 *material.*

17 **Sec. 5.** *“Nonprinted instructional material” means*  
18 *instructional material that is in a format other than print. The*  
19 *term does not include a website or Internet link that is associated*  
20 *with instructional material. The term includes, without limitation,*  
21 *instructional material that requires electronic equipment other*  
22 *than a computer or computer peripheral for the material to be*  
23 *used as a learning resource, such as a software program,*  
24 *videodisc, videotape and audiotape.*

25 **Sec. 6.** *“Print access disability” means a condition in which*  
26 *a person’s independent reading of, reading comprehension of, or*  
27 *visual access to printed material is limited or reduced because of a*  
28 *sensory, neurological, cognitive, physical or psychiatric disability.*

29 **Sec. 7. 1.** *Except as otherwise provided in subsection 4 and*  
30 *section 8 of this act, within 20 business days after receiving a*  
31 *written request for an electronic version of instructional material*  
32 *from an institution pursuant to subsection 2, a person who*  
33 *publishes or manufactures the requested instructional material*  
34 *shall provide to the institution, at no additional cost, an electronic*  
35 *version of each requested instructional material that:*

36 *(a) Is either required by a member of the staff or member of*  
37 *the faculty of the System with a print access disability for use in*  
38 *postsecondary education, or is essential to the success of a student*  
39 *with a print access disability in a course of study offered by an*  
40 *institution of the System in which the student is enrolled, as*  
41 *determined by the instructor of the course in consultation with the*  
42 *person who signs the request pursuant to paragraph (b) of*  
43 *subsection 2, in accordance with the guidelines established*  
44 *pursuant to section 9 of this act; and*



1       ***(b) Was requested in the manner set forth in subsection 2, and***  
2 ***subsection 3 if applicable.***

3       ***2. For the purposes of subsection 1, a written request for an***  
4 ***electronic version of instructional material from an institution to a***  
5 ***publisher or manufacturer of instructional material is sufficient if***  
6 ***the written request:***

7       ***(a) Certifies that:***

8           ***(1) The institution has purchased the instructional material***  
9 ***for use by a student, member of the staff or member of the faculty***  
10 ***of the institution with a print access disability or that a student,***  
11 ***member of the staff or member of the faculty with a print access***  
12 ***disability attending or registered to attend the institution or***  
13 ***employed at the institution has purchased the instructional***  
14 ***material;***

15           ***(2) The student, member of the staff or member of the***  
16 ***faculty for whom the instructional material was purchased has a***  
17 ***print access disability which prevents the student, member of the***  
18 ***staff or member of the faculty from using standard printed***  
19 ***instructional materials; and***

20           ***(3) The instructional material is for use by the student with***  
21 ***a print access disability in connection with a course of study in***  
22 ***which the student is enrolled at the institution or for use by the***  
23 ***member of the staff or member of the faculty with a print access***  
24 ***disability in connection with postsecondary education;***

25       ***(b) Is signed by the person at the institution who is responsible***  
26 ***for coordinating services for students, members of the staff or***  
27 ***members of the faculty with print access disabilities or by the***  
28 ***person at the institution who is responsible for monitoring***  
29 ***compliance with the Americans with Disabilities Act of 1990, 42***  
30 ***U.S.C. §§ 12101 et seq.; and***

31       ***(c) Is submitted by the appropriate center in the manner set***  
32 ***forth in section 8 of this act, if the Board of Regents has***  
33 ***established such a center for the institution.***

34       ***3. In addition to the requirements set forth in subsection 2, a***  
35 ***publisher or manufacturer may require that a written request for***  
36 ***an electronic version of instructional material include a statement***  
37 ***signed by the person described in paragraph (b) of subsection 2 in***  
38 ***which the person verifies that:***

39           ***(a) The student, member of the staff or member of the faculty***  
40 ***for whom the electronic version of instructional material is being***  
41 ***requested has been properly counseled in the use of the material***  
42 ***in a manner to avoid violating any copyright laws; and***

43           ***(b) The institution has on file a form signed by the student,***  
44 ***member of the staff or member of the faculty for whom the***



1 *electronic version is being requested in which the student, member*  
2 *of the staff or member of the faculty:*

3 (1) *Agrees to use the electronic version of the instructional*  
4 *material solely for his own educational or instructional purposes;*  
5 *and*

6 (2) *Agrees not to copy or otherwise duplicate the electronic*  
7 *version of the instructional material for use by another person.*

8 4. *A publisher or manufacturer is required to provide an*  
9 *electronic version of nonprinted instructional material pursuant to*  
10 *this section only when, as determined by the guidelines established*  
11 *pursuant to section 9 of this act, technology is available to convert*  
12 *the nonprinted instructional material into a format that:*

13 (a) *Will satisfy the requirements of paragraph (b) of*  
14 *subsection 5; and*

15 (b) *Is compatible for use with equipment which is used by*  
16 *students, staff or faculty of the System with print access disabilities*  
17 *to convert material into a format that provides them with the*  
18 *ability to have increased independent access to the material.*

19 5. *An electronic version of instructional material provided*  
20 *pursuant to this section must:*

21 (a) *Be in an electronic format that is acceptable under the*  
22 *guidelines established pursuant to section 9 of this act, including,*  
23 *without limitation, a computer file;*

24 (b) *To the extent available through the use of technology as*  
25 *determined by the guidelines established pursuant to section 9 of*  
26 *this act:*

27 (1) *Directly match the requested printed instructional*  
28 *material; and*

29 (2) *Include all of the requested printed instructional*  
30 *material, including, without limitation, the text of the material,*  
31 *sidebars, tables of contents, page numbering, tables, graphs,*  
32 *charts, chapter headings and subheadings, footnotes, indexes,*  
33 *glossaries, imbedded images, table numbers and graphic numbers;*

34 (c) *Be compatible for use with equipment which is used by*  
35 *students, staff or faculty of the System with print access disabilities*  
36 *to convert material into a format that provides them with the*  
37 *ability to have increased independent access to the material,*  
38 *including, without limitation, software commonly used for Braille*  
39 *translation, large print and text reading and recognition systems,*  
40 *and speech synthesis; and*

41 (d) *Include such corrections and revisions as may be necessary*  
42 *to ensure that the electronic version is current with the requested*  
43 *instructional material.*

44 6. *If an institution allows a student, member of its staff or*  
45 *member of its faculty to have direct use of an electronic version of*



1 *instructional material obtained pursuant to this section, the*  
2 *institution must take such reasonable precautions as are necessary*  
3 *to ensure that the student, member of the staff or member of the*  
4 *faculty does not copy or distribute the electronic version in*  
5 *violation of federal copyright laws, including, without limitation,*  
6 *copy-protecting the disc, file or other medium that contains the*  
7 *electronic version.*

8 **Sec. 8.** *The Board of Regents may establish one or more*  
9 *centers to process requests for electronic versions of instructional*  
10 *materials pursuant to sections 2 to 11, inclusive, of this act. If the*  
11 *Board of Regents establishes such a center or centers:*

12 1. *Each institution designated within the jurisdiction of a*  
13 *center must submit each request for an electronic version of*  
14 *instructional material to that center, which shall transmit the*  
15 *request to the publisher or manufacturer of the instructional*  
16 *material;*

17 2. *Each center shall make every effort to coordinate written*  
18 *requests with the other centers, if more than one center is*  
19 *established;*

20 3. *A publisher or manufacturer is required to honor only*  
21 *those written requests for electronic versions of instructional*  
22 *materials that have been transmitted to the publisher or*  
23 *manufacturer by the appropriate center; and*

24 4. *If a publisher or manufacturer has provided an electronic*  
25 *version of instructional material to a center pursuant to a written*  
26 *request transmitted by the center on behalf of an institution or the*  
27 *other centers, all subsequent requests for the electronic version by*  
28 *an institution or other center must be satisfied by the center to*  
29 *which the electronic version was provided.*

30 **Sec. 9.** *The Board of Regents shall establish guidelines to*  
31 *carry out sections 2 to 11, inclusive, of this act. The guidelines*  
32 *must include, without limitation:*

33 1. *The designation of instructional materials that are*  
34 *required by a member of the staff or member of the faculty of the*  
35 *System with a print access disability for use in postsecondary*  
36 *education or are essential to the success of a student with a print*  
37 *access disability in a course of study offered by an institution of*  
38 *the System in which the student is enrolled;*

39 2. *A determination of the availability and adequacy of*  
40 *instructional materials and technology for the purposes of sections*  
41 *2 to 11, inclusive, of this act;*

42 3. *Procedures and standards for the distribution of electronic*  
43 *versions of instructional materials obtained pursuant to sections 2*  
44 *to 11, inclusive, of this act; and*



1       4. *Any other guidelines deemed necessary or appropriate by*  
2 *the Board of Regents to carry out sections 2 to 11, inclusive, of*  
3 *this act.*

4       **Sec. 10.** *1. Nothing in sections 2 to 11, inclusive, of this act*  
5 *must be construed to prohibit an institution from assisting a*  
6 *student, member of its staff or member of its faculty with a print*  
7 *access disability through the use of an electronic version of*  
8 *printed instructional material obtained pursuant to sections 2 to*  
9 *11, inclusive, of this act solely to transcribe or translate, or*  
10 *arrange for the transcription or translation of, the printed*  
11 *instructional materials into formats that provide persons with print*  
12 *access disabilities the ability to have increased independent access*  
13 *to printed instructional materials. If such a transcription or*  
14 *translation is made, the institution may share the transcribed or*  
15 *translated copy with other students, members of the staff or*  
16 *members of the faculty with print access disabilities for whom the*  
17 *institution is authorized to request instructional materials*  
18 *pursuant to section 7 of this act.*

19       2. *Nothing in sections 2 to 11, inclusive, of this act shall be*  
20 *deemed to authorize any use of instructional materials that would*  
21 *constitute an infringement of federal copyright laws.*

22       **Sec. 11.** *1. A person who violates a provision of sections 2*  
23 *to 10, inclusive, of this act is liable to the person whose rights are*  
24 *affected for actual damages, to be recovered by a civil action.*

25       2. *In an action brought pursuant to this section, the court*  
26 *may:*

27       (a) *Grant any equitable relief it considers appropriate,*  
28 *including, without limitation, temporary, preliminary or*  
29 *permanent injunctive relief, against the defendant; and*

30       (b) *Award costs and reasonable attorney's fees to the*  
31 *prevailing party.*

32       **Sec. 12.** *This act becomes effective upon passage and approval*  
33 *for the purpose of adopting guidelines and on October 1, 2003, for*  
34 *all other purposes.*

