

2020 -- S 2773

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS

Introduced By: Senators McKenney, Gallo, Conley, Cano, and Valverde

Date Introduced: March 12, 2020

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 6 of the General Laws entitled "COMMERCIAL LAW - GENERAL
2 REGULATORY PROVISIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 58

4 ELECTRONIC BOOK LICENSES TO LIBRARIES

5 **6-58-1. Definitions.**

6 Whenever used in this chapter, unless the context requires otherwise:

7 (1) "Digital audiobook" means a published work that has been converted into a voice
8 recording (narrated) and released in a digital audio file that is listened to on a computer, tablet,
9 smart phone, or electronic device;

10 (2) "Electronic book" means a text document that has been converted into or published in
11 a digital format that is read on a computer, tablet, smart phone, or electronic device; and

12 (3) "Publisher" means one whose business is the manufacture, promulgation, and/or sale
13 of books, audiobooks, journals, magazines, newspapers, or other literary productions including
14 those in digital form consisting of text, narration, imagery or all three (3).

15 **6-58-2. Reasonable terms.**

16 Any publisher who offers to license electronic books and digital audiobooks to the public
17 shall offer to license such books to libraries in the state on reasonable terms that would permit the
18 libraries to provide their users with access to such electronic books.

19 (1) Such reasonable terms shall include:

1 (i) A limitation on the number of users to whom the libraries may simultaneously provide
2 access to the electronic books;

3 (ii) A limitation on the number of days the libraries may provide a user with access to the
4 electronic books; and

5 (iii) The use of technological protection measures that would prevent a user from:

6 (A) Maintaining access to the electronic books beyond the access period set forth in the
7 license; and

8 (B) Providing other users with access to the electronic books.

9 (2) Such reasonable terms shall not include a limitation on the number of licenses for
10 electronic books that libraries may purchase on the same date available to the public.

11 **6-58-3. Unfair and deceptive trade practice.**

12 A violation of this chapter shall be deemed an unfair and deceptive trade practice within
13 the meaning of chapter 13.1 of this title, and any remedy provided pursuant to chapter 13.1 of this
14 title shall be available for the enforcement of this chapter.

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS

1 This act would create the electronic book licenses to libraries act which requires a publisher
2 who offers to license electronic books and digital audiobooks to the public shall offer to license
3 such books to libraries in the state on reasonable terms which would permit the libraries to provide
4 their users with access to such electronic books. Any violation of the chapter shall be deemed an
5 unfair and deceptive trade practice.

6 This act would take effect upon passage.

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