

HOUSE BILL NO. 2210

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HURLBERT.

4516H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 407, RSMo, by adding thereto two new sections relating to electronic literary product licenses, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto two new sections, to be
2 known as sections 407.1670 and 407.1675, to read as follows:

407.1670. For purposes of section 407.1675, the following terms mean:

2 **(1) "Electronic literary product":**

3 **(a) A text document that has been converted into or published in a digital format**
4 **that is read on a computer, tablet, smart phone, or other electronic device; or**

5 **(b) An audio recording of a text document, read out loud in a format that is**
6 **listened to on a computer, tablet, smart phone, or other electronic device;**

7 **(2) "Public library", any library established under sections 182.010 to 182.723;**

8 **(3) "Publisher", a person or entity in the business of manufacturing,**
9 **promulgating, and selling books, audio books, journals, magazines, newspapers, or**
10 **other literary products, including products in a digital format, that consist of text,**
11 **imagery, audio recordings, or any combination of text, imagery, and audio recordings;**

12 **(4) "Unfair, abusive, or deceptive trade practice", any practice that violates the**
13 **provisions of section 407.020.**

407.1675. 1. A publisher who offers to license an electronic literary product to
2 **the public shall also offer to license the electronic literary product to public libraries and**
3 **shall do so on reasonably similar terms as those offered to the public, including, but not**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

4 **limited to, price, license duration, and license availability, to enable public libraries to**
5 **provide library users with access to the electronic literary product.**

6 **2. Notwithstanding subsection 1 of this section, the terms of a license for an**
7 **electronic literary product may include:**

8 **(1) A reasonable limitation on the number of users a public library may**
9 **simultaneously allow to access an electronic literary product;**

10 **(2) A reasonable limitation on the number of days a public library may allow a**
11 **user to access an electronic literary product;**

12 **(3) A requirement for the use of technological protection measures that would**
13 **reasonably prevent a user from maintaining access to an electronic literary product**
14 **beyond the access period specified in the license; and**

15 **(4) A requirement for the use of technological protection measures that would**
16 **reasonably prevent other users from obtaining unauthorized access to the electronic**
17 **literary product.**

18 **3. The terms of a license shall not include a limitation on the number of**
19 **electronic literary product licenses a public library may purchase on the same date the**
20 **electronic literary product license is made available to the public or on any later date.**

21 **4. A violation of this section shall constitute an unfair, abusive, or deceptive trade**
22 **practice and is subject to enforcement in accordance with sections 407.005 to 407.145.**

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