



HOUSE BILL 156: Legal Notices/Require Internet Publication

2015-2016 General Assembly

Committee:	House Judiciary III	Date:	March 24, 2015
Introduced by:	Reps. Avila, Malone, Davis, Harrison	Prepared by:	Bill Patterson
Analysis of:	PCS to First Edition H156-CSTG-3		Committee Counsel

SUMMARY: *The PCS for House Bill 156:*

- 1) limits the amount that newspapers can charge a government entity for the second or subsequent publication of a legal notice that is required to be published more than once and the government entity does not recoup the cost of publication from a private party;*
- 2) requires each legal notice to be placed on the newspaper's Web site on the same day it appears in the printed newspaper, or if that is not possible, requires the notice to be placed on a Web site established and maintained by the NC Press Association, and requires that access be provided at no charge to such notices;*
- 3) requires newspapers to provide to anyone requesting it notification by electronic mail the first time that each legal notice is published in the newspaper and placed on the newspaper's or Press Association's Web site;*
- 4) provides that if there is an error in placing a government entity's notice on a newspaper's or NC Press Association's Web site, the requirement of proper legal notice will be deemed met if the government entity places the notice on its own Web site; and*
- 5) provides that if a government entity has attempted to have its notice published in a newspaper of general circulation in accordance with law and has also placed the notice on its own Web site, the notice will be deemed to comply with the requirement of proper legal notice even if publication by a newspaper of general circulation is not timely completed.*

The PCS made technical and conforming changes to the bill.

[As introduced, this bill was identical to S129, as introduced by Sens. Sanderson, Apodaca, Hise, which is currently in Rules and Operations of the Senate.]

CURRENT LAW: G.S. 1-596 regulates the charges for legal advertising required by law to be published in newspapers in North Carolina. G.S. 1-597 sets forth requirements applicable to legal notices required to be published in newspapers of general circulation.

BILL ANALYSIS: **Section 1** of the PCS amends G.S. 1-596 to provide that if a government notice is required to be published more than once, and if the cost of publishing the notice must be paid by the government entity without recoupment from a private party, then the rate charged for the second and successive publications of the notice can be no more than 85% of the rate charge for the first publication.

Section 2 amends G.S. 1-597 to:

- make the current statutory text subsection (a) and strike dated language making the statute retroactive to 1940



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- add new subsection (b) to require that a newspaper must place each legal notice on the newspaper's Web site on the same day as it is appears in the newspaper, with a hyperlink on the front page of the Web site providing access to the notices without charge, and must provide a search function on its Web site to facilitate searches of legal notices
- add new subsection (c) to provide that if it is not possible for a newspaper to place a legal notice on the newspaper's Web site for any reason, the newspaper must place the notice on the Internet Web site established and maintained by North Carolina Press Association for such notices, which must have a hyperlink on its front page providing free access to the legal notices
- add new subsection (d) to require newspapers to provide, at no charge to anyone who requests it, notification by electronic mail the first time that each legal notice is printed in the newspaper and placed on the newspaper's or NC Press Association's Web site
- add new subsection (e) to provide that an error in placing a government legal notice on the Web site of a newspaper or of the NC Press Association will be deemed harmless error not affecting the validity of the notice if the government entity places the notice on its own Web site
- add new subsection (f) to provide that if required publication of a government entity's notice in a newspaper of general circulation is not timely completed, the notice will nonetheless be deemed to comply with the publication requirement if the government entity attempted to publish the notice in a newspaper of general circulation and also published the notice on its own Web site

Section 3 provides that the validation of any publication, advertisement, or notice pursuant to a previous enactment of G.S. 1-597 remains in effect and is not affected by changes to G.S. 1-597 made by this act.

EFFECTIVE DATE: This act is effective October 1, 2015, and applies to notices that must be published on or after that date, except that it does not apply to notices permitted to be published on a government Internet Web site in lieu of newspaper publication pursuant to an ordinance enacted before that date.