

1 HB268  
2 126513-5  
3 By Representative Hill  
4 RFD: Judiciary  
5 First Read: 22-MAR-11

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8 SYNOPSIS: Under existing law, legal notices required  
9 by any law, mortgage, or other contract are  
10 generally required to be published in a newspaper.

11 This bill would require newspapers accepting  
12 legal notices, in addition to publishing the legal  
13 notice in print, to publish the legal notice on an  
14 Internet website if the newspaper maintains an  
15 Internet website, as well as on a statewide website  
16 maintained by an entity having the access and  
17 ability to upload notices from newspapers in this  
18 state.

19 This bill would provide that the publication  
20 on the Internet websites would be at no charge to  
21 the government or the party requesting the  
22 publication of the legal notice.

23 This bill would protect the validity of  
24 legal notices if the failure for the notice to be  
25 posted on the website is attributed to the fault of  
26 the newspaper, Internet provider, or the statewide  
27 website.

1                   This bill would also provide for the mailing  
2                   of newspapers under publication-class rather than  
3                   second-class mail for the purpose of publishing a  
4                   newspaper for legal notice purposes.

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6                                   A BILL  
7                                   TO BE ENTITLED  
8                                   AN ACT

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10                   Relating to the publication of legal notices; to  
11                   amend Sections 6-8-60, 6-8-62, and 6-8-64, Code of Alabama  
12                   1975, to authorize the electronic publication of legal  
13                   notices; to require newspapers maintaining Internet websites  
14                   to publish legal notices on the website in addition to  
15                   publication in print in a newspaper; to require the  
16                   publication of legal notices on a statewide Internet website;  
17                   to specify that legal notices shall remain valid if the  
18                   failure to post on the Internet was attributed to the fault of  
19                   the newspaper, Internet provider, or entity hosting the  
20                   statewide website; to prohibit newspapers from charging  
21                   additional fees for the electronic publication of legal  
22                   notices; and to further provide for the mailing of newspapers  
23                   for publication purposes.

24                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25                   Section 1. Sections 6-8-60, 6-8-62, and 6-8-64, Code  
26                   of Alabama 1975, are amended to read as follows:

27                   "§6-8-60.

1           "(a) The party in interest or at whose instance the  
2 publication of notice is to be given by advertisement in a  
3 newspaper may designate the newspaper in which such  
4 advertisement shall be made. If the officer charged with the  
5 duty of making the advertisement disregards such designation  
6 and makes advertisement in some other paper, he or she must  
7 pay the cost thereof and shall not be entitled to  
8 reimbursement; ~~but all.~~

9           "(b) All publications required by any law, mortgage  
10 or other contract to be published in a newspaper must be  
11 published in any newspaper printed in the English language  
12 which has a general circulation in the county, regardless of  
13 where the paper is printed, if the principal editorial office  
14 of the newspaper is located within the county and which  
15 newspaper shall have been mailed under the ~~second~~ publication  
16 class mailing privilege of the United States Postal Service  
17 from the post office where it is published for at least 51  
18 weeks a year. The newspaper shall, without additional charge,  
19 also upload legal notice publications to a statewide website  
20 established and maintained by an entity having the capacity to  
21 receive notices from a majority of newspapers in this state.  
22 Any newspaper which also publishes a website in its own name  
23 shall also post legal notice publications on an Internet  
24 website published by the newspaper without additional charge.

25           "§6-8-62.

26           "(a) When the notice is required to be given for a  
27 specified number of weeks, it must be given by consecutive

1 weekly insertions for the number of weeks so specified. When  
2 the notice is of a proceeding to be had or of an act to be  
3 done on a specified day:

4 "(1) If the publication is for one week, the  
5 insertion must be not less than six days before such day;

6 "(2) If for two weeks, the first insertion must be  
7 at least 12 days before such day;

8 "(3) If for three weeks, the first insertion must be  
9 at least 18 days before such day;

10 "(4) If for four weeks, the first insertion must be  
11 at least 24 days before such day;

12 "(5) If for five weeks, the first insertion must be  
13 at least 30 days before such day;

14 "(6) If for six weeks, the first insertion must be  
15 at least 36 days before such day; and

16 "(7) So on at the same rate of increase, the time to  
17 be computed as provided in Section 1-1-4.

18 "(b) When the time is specified in days, two weeks'  
19 notice is equal to 15 days' notice; three weeks to 20 days;  
20 four weeks to 30 days; and six weeks to 40 days.

21 "(c) A newspaper publishing a notice shall also  
22 place the notice on an Internet website operated by the  
23 newspaper, if the newspaper publishes a website, and on the  
24 statewide website established and maintained by an entity  
25 having the access and ability to upload legal notices from the  
26 majority of newspapers in this state as a repository for the  
27 notices. Posting on the Internet shall begin on the first day

1 of insertion and run continuously until the expiration of the  
2 specified time. All Internet notices required pursuant to this  
3 section to be placed on the Internet shall remain valid for  
4 all purposes when any error in the posting on the Internet is  
5 the fault of the newspaper, an Internet provider, or the  
6 statewide website.

7 "§6-8-64.

8 "(a) No newspaper may charge more than its then  
9 current published commercial classified rates for legal  
10 notices. When any matter or material is required to be  
11 published in tabular form, the rate to be charged and paid  
12 shall not exceed the nationally published rate. A newspaper  
13 publishing a legal notice shall place the notice on its own  
14 website, if it publishes a website, and the statewide website  
15 at no additional cost to the government or to the party in  
16 interest who requested the publication of the legal notice.

17 "(b) The rates established in this section shall  
18 apply to any and all legal notices, advertisements,  
19 publications, statements, or other matter of whatever kind or  
20 character required by the Constitution of Alabama, by general,  
21 local, or special law or by rules or orders of courts to be  
22 published in newspapers in this state, whether the agency  
23 required to cause the publication to be made is an individual,  
24 officer, municipality, county, the state, governmental  
25 subdivision, or any other legal entity; provided, that rates  
26 established in this section shall not apply when a local law

1       prescribes a different rate, in which event said local law  
2       shall be applicable."

3               Section 2. This act shall become effective on the  
4       first day of the third month following its passage and  
5       approval by the Governor, or its otherwise becoming law.