

1 SB218
2 126513-5
3 By Senator Ward
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

9
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.