

Senate Bill 540

By: Senators Staton of the 18th, Rogers of the 21st, Heath of the 31st and Douglas of the 17th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 7 of Chapter 13 of Title 9 of the Official Code of Georgia  
2 Annotated, relating to advertisement of legal notices, so as to provide that, on and after  
3 January 1, 2009, in order to be a legal organ, a newspaper shall agree to participate in and  
4 participate in a joint legal organ Internet website that contains all legal notices in a searchable  
5 format; to provide for the requirements of such website; to provide for the posting of certain  
6 other notices; to provide that notices that are required by law to be published but are not  
7 required by law to be published in a legal organ may be published on such website and such  
8 publication shall be sufficient under law; to provide for related matters; to provide an  
9 effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 1 of Article 7 of Chapter 13 of Title 9 of the Official Code of Georgia Annotated,  
13 relating to advertisement of legal notices, is amended by revising subsection (a) of Code  
14 Section 9-13-142, relating to requirements for official organ of publication, as follows:

15 "(a) No journal or newspaper published in this state shall be declared, made, or maintained  
16 as the official organ of any county for the publication of sheriff's sales, citations of probate  
17 court judges, or any other advertising commonly known in terms of 'official or legal  
18 advertising' and required by law to be published in such county official newspaper unless  
19 the newspaper shall meet and maintain the following qualifications:

- 20 (1) 'Newspaper' as used in this Code section means a printed product of multiple pages  
21 containing not greater than 75 percent advertising content in no more than one-half of its  
22 issues during the previous 12 months, excluding separate advertising supplements  
23 inserted into but separately identifiable from any regular issue or issues of the newspaper;  
24 (2) The newspaper shall be published within the county and continuously at least weekly  
25 for a period of two years or is the direct successor of such a newspaper. Failure to

1 publish for not more than two weeks in any calendar year shall not disqualify a  
2 newspaper otherwise qualified;

3 (3) For a period of two years prior to designation and thereafter, the newspaper shall  
4 have and maintain at least 75 percent paid circulation as established by an independent  
5 audit. Paid circulation shall not include newspapers that are distributed free or in  
6 connection with a service or promotion at no additional charge to the ultimate recipient.  
7 For circulation to be considered paid, the recipient of the newspaper or such recipient's  
8 employer or household must pay reasonable and adequate consideration for the  
9 newspaper. No rules of circulation of audit companies, the United States Postal Service,  
10 or accounting principles may be considered in determining paid circulation if they are  
11 inconsistent with the provisions of this subsection;

12 (4) Based on the published results of the 1990 United States decennial census or any  
13 future such census, the newspaper shall have and maintain at least the following paid  
14 circulation within the county for which it is designated as the legal organ newspaper:

15 (A) Five hundred copies per issue in counties having a population of less than 20,000;

16 (B) Seven hundred fifty copies per issue in counties having a population of at least  
17 20,000 but less than 100,000; or

18 (C) One thousand five hundred copies per issue in counties having a population of  
19 100,000 or greater; ~~and~~

20 (5) For purposes of this Code section, paid circulation shall include home or mail  
21 delivery subscription sales, counter, vendor and newsrack sales, and sales to independent  
22 newspaper contract carriers for resale. Paid circulation shall not include multiple copies  
23 purchased by one entity unless the multiple copies are purchased for and distributed to  
24 the purchaser's officers, employees, or agents, or within the purchaser's household; and

25 (6) On and after January 1, 2009, the newspaper shall agree to participate in and shall  
26 participate with all other legal organs in this state in a joint Internet website which shall:

27 (A) Be approved by the Superior Court Clerks Cooperative Authority;

28 (B) Contain all legal notices published in the legal organs of this state and be posted  
29 at no additional charge and in a manner that such notices may be searched by any  
30 person accessing such website by county, subject, name, and such other categories as  
31 may be useful in locating information on such website;

32 (C) Contain all notices posted on the website for a period of at least two years from  
33 the date of first posting;

34 (D) Allow any person to access such website and search such website free of charge;  
35 and

36 (E) Allow the direct posting to the website of public notices that are required by law  
37 to be published but are not required by law to be published in a legal organ."

