

Senate Bill 189

By: Senators Williams of the 25th, Anderson of the 24th, Davenport of the 17th, Rhett of the 33rd and Esteves of the 35th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to  
2 general provisions related to the Department of Community Affairs, so as to provide for the  
3 department to develop and maintain a publicly accessible data base of legal notices that are  
4 otherwise required by law to be published in a newspaper; to provide that such data base  
5 shall be an additional, mandatory, manner of posting legal notices; to make such data base  
6 contingent upon appropriation; to provide requirements for such data base; to authorize fees;  
7 to provide that posting on such data base shall serve as an alternative to other publication  
8 requirements in certain circumstances; to provide a definition; to authorize rules and  
9 regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to general  
13 provisions related to the Department of Community Affairs, is amended by adding a new  
14 Code section to read as follows:

S. B. 189

15 "50-8-19.

16 (a) Subject to appropriation by the General Assembly, the department shall develop and  
17 operate a publicly accessible online data base of legal notices required by law to be  
18 published in either a legal organ or other newspaper of general circulation.

19 (b) Posting legal notices on such data base shall be mandatory and in addition to any other  
20 required public notice. Except as provided for in this subsection, posting of such legal  
21 notices on such data base shall not be in lieu of publication requirements otherwise  
22 provided by law. No posting on the data base provided for in this subsection shall operate  
23 to serve as any form of notice required by Code Section 28-1-14.

24 (c) The data base provided for in subsection (a) of this Code section shall:

25 (1) Be designed to allow for legal notices to be uploaded using commonly accessible  
26 electronic file formats;

27 (2) Allow for the online payment of reasonable publication fees that shall not exceed  
28 \$25.00 per legal notice;

29 (3) Post in a secure and unalterable format an uploaded legal notice within 24 hours of  
30 the uploading of such notice;

31 (4) Allow the public to search for and view posted legal notices in an internet based  
32 format that is also easily accessible and readable from mobile devices;

33 (5) Allow for the establishment of accounts that can receive notifications of the posting  
34 of certain legal notices designated by the account holder; provided, however, that the  
35 department may charge additional fees for such service; and

36 (6) Provide a mechanism for users to obtain certified copies of posted legal notices.

37 (d) Notwithstanding any other law to the contrary, in the event that the legal organ of a  
38 county does not maintain an office within such county to administer the publication of legal  
39 notices, when a person is otherwise required by law to publish a legal notice in such  
40 county's legal organ, posting such public notice on the data base provided for in this  
41 subsection shall serve as lawful publication of such notice and may serve in lieu of

42 publication in the legal organ and shall satisfy any and all legal requirements of adequate  
43 notice to the public; provided, however, that such posting on the data base occurs no later  
44 than the publication date otherwise provided by law.

45 (e) In the event that an error is made in the text or publication date of a legal notice  
46 required to be published in a legal organ or other newspaper of general circulation, and a  
47 correct version of such notice is posted on the data base provided for in this subsection  
48 within the time provided by law, posting on such data base shall satisfy any and all legal  
49 requirements of adequate notice to the public.

50 (f)(1) For the purpose of this paragraph, the term 'archival notice' means any notice  
51 posted on the data base provided for in this subsection for a period of over one year.

52 (2) The department is authorized to establish and collect reasonable fees related the  
53 search and retrieval of archival notices.

54 (g) The department is authorized to adopt rules and regulations related to this Code section  
55 and the data base required herein."

56 **SECTION 2.**

57 All laws and parts of laws in conflict with this Act are repealed.