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SENATE BILL NO. 557

Offered January 14, 2004

Prefiled January 14, 2004

BILL to amend and reenact § 8.01-324 of the Code of Virginia, relating to newspapers used for legal notices.

Patron—Devolites

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-324 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-324. Newspapers that may be used for legal notices and publications.

A. Whenever any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such newspaper, in addition to any qualifications otherwise required by law, shall:

1. Have a bona fide list of paying subscribers;

2. Have been published and circulated at least once a week for ~~twenty-four~~ 24 consecutive weeks without interruption for the dissemination of news of a general or legal character;

3. Have a general circulation in the area in which the notice is required to be published;

4. *Be published in the Commonwealth. However, the requirements of this subdivision 4 shall not apply to general circulation areas in which there is no newspaper that is published in the Commonwealth. A newspaper shall be deemed published in the Commonwealth if it maintains its principal office in the Commonwealth for the purposes of gathering news, soliciting advertisements and determining the newspaper's form and content and it is printed in the Commonwealth;*

5. Be printed in the English language; and

§ 6. Have a second-class mailing permit issued by the United States Postal Service.

B. However, a newspaper ~~which~~ *that* does not have a second-class mailing permit may petition the circuit court for the jurisdiction in which the newspaper is located for authority to publish ordinances, resolutions, notices or advertisements. Prior to filing the petition, the newspaper shall publish a notice of intention to file a petition pursuant to this section in a newspaper published or having general circulation in the jurisdiction in which the petition will be filed. The court shall grant the authority for a period of one year upon finding that the newspaper (i) meets the other requirements of this section; (ii) has been continually published for at least one year, employs a full-time news staff, reports local current events and governmental meetings, has an editorial page, accepts letters to the editor and is, in general, a news forum for the community in which it is circulated; (iii) has a circulation within the community to which the publication is directed and maintains permanent records of the fact and substance of the publication; and (iv) has an audit of circulation certified by an independent auditing firm or a business recognized in the newspaper industry as a circulation auditor. The authority shall be continued for successive one-year periods upon the filing of an affidavit certifying that the newspaper continues to meet the requirements of this subsection.

C. If a county with a population of less than 15,000 had regularly advertised its ordinances, resolutions, notices in a newspaper published in the county which had a general circulation in the county, a bona fide list of paying subscribers, a second class mailing permit and the newspaper continued to be published in the county and continued to have a general circulation in the county but failed to maintain its bona fide list of paying subscribers and its second class mailing permit, any advertisement of ordinances, resolutions, notices in the newspaper by the county shall be deemed to have been in compliance with this section.

INTRODUCED

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