

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-324 of the Code of Virginia, relating to newspapers that may be*
3 *used for legal notices and publications.*

4 [S 970]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 8.01-324 of the Code of Virginia is amended and reenacted as follows:**

8 § 8.01-324. Newspapers which may be used for legal notices and publications.

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

11 1. Have a bona fide list of paying subscribers;

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

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

15 4. Be printed in the English language; and

16 5. Have a second-class mailing permit issued by the United States Postal Service.

17 B. However, a newspaper which does not have a second-class mailing permit may petition the circuit
18 court for the jurisdiction in which the newspaper is located for authority to publish ordinances,
19 resolutions, notices or advertisements. Prior to filing the petition, the newspaper shall publish a notice of
20 intention to file a petition pursuant to this section in a newspaper published or having general circulation
21 in the jurisdiction in which the petition will be filed. The court shall grant the authority for a period of
22 one year upon finding that the newspaper (i) meets the ~~other~~ requirements of ~~this section~~ subdivisions A
23 2, A 3, and A 4; (ii) has been continually published for at least one year, employs a full-time news staff,
24 reports local current events and governmental meetings, has an editorial page, accepts letters to the
25 editor and is, in general, a news forum for the community in which it is circulated; (iii) has a circulation
26 within the community to which the publication is directed and maintains permanent records of the fact
27 and substance of the publication; and (iv) has an audit of circulation certified by an independent auditing
28 firm or a business recognized in the newspaper industry as a circulation auditor. The authority shall be
29 continued for successive one-year periods upon the filing of an affidavit certifying that the newspaper
30 continues to meet the requirements of this subsection.

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

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