

As Introduced

**127th General Assembly
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H. B. No. 443

Representative Peterson

Cosponsors: Representatives Raussen, Evans, Brown, Fende

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A B I L L

To amend sections 7.12 and 5721.01 and to enact 1
sections 7.16, 125.181, 125.182, 125.183, and 2
5721.012 of the Revised Code to establish the 3
State-Sanctioned Public Notice web site, to permit 4
any notice required to be published by statute or 5
rule to be published on the web site, and to make 6
changes to the qualifications for newspapers 7
publishing public notices and the methods by which 8
newspapers publish notice. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 7.12 and 5721.01 be amended and 10
sections 7.16, 125.181, 125.182, 125.183, and 5721.012 of the 11
Revised Code be enacted to read as follows: 12

Sec. 7.12. Whenever any legal publication is required by law 13
to be made in a newspaper published in a municipal corporation, 14
county, or other political subdivision, the newspaper shall also 15
be a newspaper of general circulation in the municipal 16
corporation, county, or other political subdivision, without 17
further restriction or limitation upon a selection of the 18
newspaper to be used. If no newspaper is published in such 19

municipal corporation, county, or other political subdivision, 20
such legal publication shall be made in any newspaper of general 21
circulation therein. If there are less than two newspapers 22
published in any municipal corporation, county, or other political 23
subdivision in the manner defined by this section, then any legal 24
publication required by law to be made in a newspaper published in 25
a municipal corporation, county, or other political subdivision 26
may be made in any newspaper regularly issued at stated intervals 27
from a known office of publication located within the municipal 28
corporation, county, or other political subdivision. As used in 29
this section, a known office of publication is a public office 30
where the business of the newspaper is transacted during the usual 31
business hours, and such office shall be shown by the publication 32
itself. 33

In addition to all other requirements, a newspaper or 34
newspaper of general circulation, except those publications 35
performing the functions described in section 2701.09 of the 36
Revised Code for a period of one year immediately preceding any 37
such publication required to be made, shall be a publication 38
bearing a title or name, regularly issued as frequently as once a 39
week ~~for a definite price or consideration paid for by not less~~ 40
~~than fifty per cent of those to whom distribution is made, having~~ 41
~~a second class mailing privilege,~~ being not less than four pages, 42
published continuously during the immediately preceding one-year 43
period, and circulated generally in the political subdivision in 44
which it is published. Such publication must be of a type to which 45
the general public resorts for passing events of a political, 46
religious, commercial, and social nature, current happenings, 47
announcements, miscellaneous reading matter, advertisements, and 48
other notices, that has at least twenty-five per cent editorial, 49
nonadvertising content, exclusive of inserts, measured relative to 50
total publication space, and an audited circulation to at least 51
fifty per cent of the households in the newspaper's retail trade 52

zone as defined by the audit. 53

Any notice required to be published in a newspaper of general 54
circulation may appear on an insert placed in such a newspaper. A 55
responsible party who is required to publish such a notice shall 56
consider various advertising media to determine which media might 57
reach the intended public most broadly. The responsible party need 58
publish the notice in only one qualified medium to meet the 59
requirements of law. 60

Sec. 7.16. A notice required to be published by a provision 61
of a statute or rule may be published on the state-sanctioned 62
public notice web site. A responsible party who is required to 63
publish such a notice may submit a copy of the notice and a 64
request for publication to the state-sanctioned public notice web 65
site service provider, together with the fee charged. The 66
responsible party shall identify in the notice or request the 67
provision of the statute or rule that requires the notice to be 68
published. The responsible party may, but is not required to, 69
prepare the request on the form that can be downloaded from the 70
web site. The notice permitted under this section is cumulative 71
with other notice provisions under statute or rule. 72

Sec. 125.181. The state-sanctioned public notice web site 73
service provider shall publish on the state-sanctioned public 74
notice web site a notice that is submitted to the service provider 75
and that is required to be published by a provision of a statute 76
or rule. The service provider shall collect from the responsible 77
party submitting the notice a fee for posting the notice on the 78
state-sanctioned public notice web site. 79

The service provider shall set the fee, not to exceed ten 80
dollars. The fee initially set may not thereafter be increased 81
until two years have elapsed. The service provider shall publish 82

the amount of the fee on the web site. 83

Sec. 125.182. The office of information technology shall 84
select a web site service provider to establish, operate, and 85
maintain, and to fund the operation, establishment, and 86
maintenance of, the state-sanctioned public notice web site. The 87
provider shall have all the following qualifications: 88

(A) Possesses appropriate hardware infrastructure and 89
intellectual property for feasible processes deploying a 90
state-sanctioned and national web site with appropriate methods 91
for communicating with the courts of this state; 92

(B) Possesses sufficient minimal capital resources to 93
establish and ensure smooth and uninterrupted ongoing operation of 94
the state-sanctioned public notice web site; 95

(C) Provides a reasonable plan for implementing the 96
state-sanctioned public notice web site so that notices required 97
to be published by a statute or rule may be posted and published 98
on the state-sanctioned public notice web site with reasonable 99
ease; 100

(D) Demonstrates, and is capable of implementing, the 101
technology necessary for the state-sanctioned public notice web 102
site at no cost to the state; 103

(E) Employs personnel, in number and by qualification, who 104
are necessary to ensure smooth transmission of data to and the 105
posting and publication of notices on the state-sanctioned public 106
notice web site; 107

(F) Posts a bond in an amount to be determined by the office 108
of information technology that is sufficient to guarantee 109
operation of the state-sanctioned public notice web site as the 110
public interest requires. 111

The service provider shall bear the costs of establishing, 112

operating, and maintaining the state-sanctioned public notice web 113
site. The state neither has nor may assume liability for those 114
costs. 115

Sec. 125.183. In establishing, maintaining, and operating the 116
state-sanctioned public notice web site, the web site service 117
provider shall do all of the following: 118

(A) Use a domain name for the web site that will be easily 119
recognizable and remembered by and understandable to users of the 120
web site; 121

(B) Maintain the web site so that it is fully accessible to 122
and searchable by members of the public at all times; 123

(C) Not charge a fee to a person who accesses, searches, or 124
otherwise uses the web site; 125

(D) Ensure that notices displayed on the web site conform to 126
the requirements that would apply to the notices as if they were 127
being published in a newspaper or other publication, as directed 128
in the relevant provision of the statute or rule; 129

(E) Ensure that notices continue to be displayed on the web 130
site for not less than the length of time required by the relevant 131
provision of the statute or rule; 132

(F) Devise and display on the web site a form that may be 133
downloaded and used to request publication of a notice on the web 134
site; 135

(G) Charge responsible parties submitting notices for 136
publication on the web site only the fee fixed by the service 137
provider; 138

(H) Enable responsible parties to submit notices and requests 139
for their publication and to pay the fee charged therefor on-line; 140

(I) Maintain an archive of notices that no longer are 141

displayed on the web site; 142

(J) Enable notices, both those currently displayed and those 143
archived, to be accessed by key word, by party name, by case 144
number, by county, and by other useful identifiers; 145

(K) Maintain adequate systemic security and backup features, 146
and develop and maintain a contingency plan for coping with and 147
recovering from power outages, systemic failures, and other 148
unforeseeable difficulties; 149

(L) Maintain the web site in such a manner that it will not 150
infringe legally protected interests, so that vulnerability of the 151
web site to interruption because of litigation or the threat of 152
litigation is reduced; 153

(M) Submit a status report to the secretary of state twice 154
annually that demonstrates compliance with the statutory 155
requirements governing publication of notices; 156

(N) Submit to a quality review, if the director of the office 157
of information technology requests. 158

The service provider shall bear the expense of maintaining 159
the state-sanctioned public notice web site domain name. 160

In the course of a quality review, the director of the office 161
of information technology is entitled to, and the service provider 162
shall provide, full access to the hardware and software used by, 163
and the technical and informational operations of, the service 164
provider that relate to operation and maintenance of the 165
state-sanctioned public notice web site. 166

Sec. 5721.01. (A) As used in this chapter: 167

(1) "Delinquent lands" means all lands upon which delinquent 168
taxes, as defined in section 323.01 of the Revised Code, remain 169
unpaid at the time a settlement is made between the county 170
treasurer and auditor pursuant to division (C) of section 321.24 171

of the Revised Code. 172

(2) "Delinquent vacant lands" means all lands that have been 173
delinquent lands for at least two years and that are unimproved by 174
any dwelling. 175

(B) As used in sections 5719.04, 5721.03, and 5721.31 of the 176
Revised Code and in any other sections of the Revised Code to 177
which those sections are applicable, a newspaper or newspaper of 178
general circulation shall be a publication bearing a title or 179
name, regularly issued as frequently as once a week ~~for a definite~~ 180
~~price or consideration paid for by not less than fifty per cent of~~ 181
~~those to whom distribution is made, having a second class mailing~~ 182
~~privilege,~~ being not less than four pages, published continuously 183
during the immediately preceding one-year period, and circulated 184
generally in the political subdivision in which it is published. 185
Such publication shall be of a type to which the general public 186
resorts for passing events of a political, religious, commercial, 187
and social nature, current happenings, announcements, 188
miscellaneous reading matter, advertisements, and other notices, 189
that has at least twenty-five per cent editorial, nonadvertising 190
content, exclusive of inserts, measured relative to total 191
publication space, and an audited circulation to at least fifty 192
per cent of the households in the newspaper's retail trade zone as 193
defined by the audit. 194

Sec. 5721.012. Any notice required to be published in a 195
newspaper or newspaper of general circulation as defined in 196
section 5721.01 of the Revised Code may appear on an insert placed 197
in such a newspaper. A responsible party who is required to 198
publish such a notice shall consider various advertising media to 199
determine which media might reach the intended public most 200
broadly. The responsible party need publish the notice in only one 201
qualified medium to meet the requirements of law. 202

Section 2. That existing sections 7.12 and 5721.01 of the Revised Code are hereby repealed.

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