

1 **NEWSPAPER PUBLICATION REQUIREMENTS**

2 2010 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Johnny Anderson**

5 Senate Sponsor: Wayne L. Niederhauser

6

LONG TITLE

7 **General Description:**

8 This bill addresses the qualifications for a newspaper to be considered a newspaper of
9 general circulation.
10

11 **Highlighted Provisions:**

- 12 This bill:
- 13 ▶ addresses the qualifications for a newspaper to be considered a newspaper of
 - 14 general circulation for purposes of publishing legally required notices and similar
 - 15 publications; and
 - 16 ▶ makes technical changes.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23 **45-1-201**, as renumbered and amended by Laws of Utah 2009, Chapter 388

24

Be it enacted by the Legislature of the state of Utah:

25 Section 1. Section **45-1-201** is amended to read:

26 **45-1-201. Newspapers "of general circulation" -- Requirements.**



28 ~~[No newspaper shall be deemed a newspaper]~~

29 (1) A newspaper may not be considered as having general circulation for the purpose of
30 publishing any notice, advertisement or publication of any kind required by law, unless it has a
31 bona fide ~~[subscription list]~~ distribution of not less than 200 ~~[subscribers]~~ residents in this
32 state, and ~~[shall have]~~ has been published for ~~[not less than]~~ at least 18 months, and shall
33 either:

34 (a) have been admitted in the United States mails as second-class matter for 12 months;
35 ~~[provided, that nothing in this chapter shall invalidate]~~ or

36 (b) (i) have not less than 40% editorial content; and

37 (ii) be distributed for at least the previous 12 months to at least 55% of the residents for
38 which the notice is intended.

39 (2) Distribution required by Subsection (1)(b)(ii) shall be determined by an
40 independent audit.

41 (3) Nothing in this chapter invalidates the publication in a newspaper ~~[which has~~
42 ~~simply changed]~~ that:

43 (a) changes only its name or ownership[;]; or ~~[has simply moved]~~

44 (b) moves its place of publication from one part of the state to another, or suspended
45 publication ~~[on account of]~~ because of fire, flood, or unavoidable accident not to exceed 10
46 weeks~~[; provided further, that nothing in this chapter shall].~~

47 (4) This chapter does not apply to any county ~~[wherein no newspaper has been~~
48 ~~published the requisite length of time]~~ for which no newspaper satisfying this section exists.

Legislative Review Note
as of 2-22-10 4:43 PM

Office of Legislative Research and General Counsel

H.B. 429 - Newspaper Publication Requirements

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
