

28 **45-1-101. Legal notice publication requirements.**

29 (1) As used in this section:

30 (a) "Average advertisement rate" means:

31 (i) in determining a rate for publication on the public legal notice website ~~§~~ or in a
 31a newspaper ~~§~~ [whose primary place of business is located] that primarily distributes
 31a1 publications ~~§~~ in a county of the third, fourth, fifth, or
 31b sixth class ~~§~~ , a

32 newspaper's gross advertising revenue for the preceding calendar quarter divided by the gross
 33 column-inch space used in the newspaper for advertising for the previous calendar quarter[-];

34 or

35 (ii) in determining a rate for publication in a newspaper ~~§~~ ~~§~~ [whose primary place of
 35a business is located] that primarily distributes publications ~~§~~ in a county of the first or second
 35b class ~~§~~ , a newspaper's average rate for

36 all qualifying advertising segments for the preceding calendar quarter for an advertisement:

37 (A) published in the same section of the newspaper as the legal notice; and

38 (B) of the same column-inch space as the legal notice.

39 (b) "Column-inch space" means a unit of space that is one standard column wide by
 40 one inch high.

41 (c) "Gross advertising revenue" means the total revenue obtained by a newspaper from
 42 all of its qualifying advertising segments.

43 (d) (i) "Legal notice" means:

44 (A) a communication required to be made public by a state statute or state agency rule;

45 or

46 (B) a notice required for judicial proceedings or by judicial decision.

47 (ii) "Legal notice" does not include:

48 (A) a public notice published by a public body in accordance with the provisions of
 49 Sections [52-4-202](#) and [63F-1-701](#); or

50 (B) a notice of delinquency in the payment of property taxes described in Section
 51 [59-2-1332.5](#).

52 (e) "Local district" is as defined in Section [17B-1-102](#).

53 (f) "Public legal notice website" means the website described in Subsection (2)(b) for
 54 the purpose of publishing a legal notice online.

55 (g) (i) "Qualifying advertising segment" means, except as provided in Subsection
 56 (1)(g)(ii), a category of print advertising sold by a newspaper, including classified advertising,
 57 line advertising, and display advertising.

58 (ii) "Qualifying advertising segment" does not include legal notice advertising.

59 (h) "Special service district" is as defined in Section [17D-1-102](#).

60 (2) Except as provided in Subsections (8) and (9), notwithstanding any other legal
61 notice provision established by law, a person required by law to publish legal notice shall
62 publish the notice:

63 (a) (i) as required by the statute establishing the legal notice requirement; [~~and~~] or

64 (ii) by serving legal notice, by certified mail or in person, directly on all parties for
65 whom the statute establishing the legal notice requirement requires legal notice, if:

66 ~~§~~→ (A) **the direct service of legal notice does not replace publication in a**
66a **newspaper** ~~§~~→ [~~whose primary place of business is located~~] **that primarily distributes**
66a1 **publications** ←~~§~~ **in a county of the third, fourth, fifth, or**
66b **sixth class ;** ←~~§~~

66c ~~§~~→ [~~(A)~~] (B) ←~~§~~ the statute clearly identifies the parties;

67 ~~§~~→ [~~(B)~~] (C) ←~~§~~ the person can prove that the person has identified all parties for whom
67a notice is

68 required; and

69 ~~§~~→ [~~(C)~~] (D) ←~~§~~ the person keeps a record of the service for at least two years; and

70 (b) on a public legal notice website established by the combined efforts of Utah's
71 newspapers that collectively distribute newspapers to the majority of newspaper subscribers in
72 the state.

73 (3) The public legal notice website shall:

74 (a) be available for viewing and searching by the general public, free of charge; and

75 (b) accept legal notice posting from any newspaper in the state.

76 (4) A person that publishes legal notice as required under Subsection (2) is not relieved
77 from complying with an otherwise applicable requirement under Title 52, Chapter 4, Open and
78 Public Meetings Act.

79 (5) If legal notice is required by law [~~to be published~~] and one option for complying
80 with the requirement is publication in a newspaper, or if a local district or a special service
81 district publishes legal notice in a newspaper, the newspaper:

82 (a) may not charge more for publication than the newspaper's average advertisement
83 rate; and

84 (b) shall publish the legal notice on the public legal notice website at no additional
85 cost.

86 (6) If legal notice is not required by law [~~to be published~~], if legal notice is required by
87 law and the person providing legal notice, in accordance with the requirements of law, chooses
88 not to publish the legal notice in a newspaper, or if a local district or a special service district
89 with an annual operating budget of less than \$250,000 chooses to publish a legal notice on the