

- 30 (a) "Average advertisement rate" means:
- 31 (i) in determining a rate for publication on the public legal notice website or in a
- 32 newspaper that primarily distributes publications in a county of the third, fourth, fifth, or sixth
- 33 class, a newspaper's gross advertising revenue for the preceding calendar quarter divided by the
- 34 gross column-inch space used in the newspaper for advertising for the previous calendar
- 35 quarter[-]; or
- 36 (ii) in determining a rate for publication in a newspaper that primarily distributes
- 37 publications in a county of the first or second class, a newspaper's average rate for all
- 38 qualifying advertising segments for the preceding calendar quarter for an advertisement:
- 39 (A) published in the same section of the newspaper as the legal notice; and
- 40 (B) of the same column-inch space as the legal notice.
- 41 (b) "Column-inch space" means a unit of space that is one standard column wide by
- 42 one inch high.
- 43 (c) "Gross advertising revenue" means the total revenue obtained by a newspaper from
- 44 all of its qualifying advertising segments.
- 45 (d) (i) "Legal notice" means:
- 46 (A) a communication required to be made public by a state statute or state agency rule;
- 47 or
- 48 (B) a notice required for judicial proceedings or by judicial decision.
- 49 (ii) "Legal notice" does not include:
- 50 (A) a public notice published by a public body in accordance with the provisions of
- 51 Sections [52-4-202](#) and [63F-1-701](#); or
- 52 (B) a notice of delinquency in the payment of property taxes described in Section
- 53 [59-2-1332.5](#).
- 54 (e) "Local district" is as defined in Section [17B-1-102](#).
- 55 (f) "Public legal notice website" means the website described in Subsection (2)(b) for
- 56 the purpose of publishing a legal notice online.
- 57 (g) (i) "Qualifying advertising segment" means, except as provided in Subsection

58 (1)(g)(ii), a category of print advertising sold by a newspaper, including classified advertising,
59 line advertising, and display advertising.

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

61 (h) "Special service district" is as defined in Section 17D-1-102.

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

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

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

68 (A) the direct service of legal notice does not replace publication in a newspaper that
69 primarily distributes publications in a county of the third, fourth, fifth, or sixth class;

70 (B) the statute clearly identifies the parties;

71 (C) the person can prove that the person has identified all parties for whom notice is
72 required; and

73 (D) the person keeps a record of the service for at least two years; and

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

77 (3) The public legal notice website shall:

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

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

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

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

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

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

90 (6) If legal notice is not required by law [~~to be published~~], if legal notice is required by
91 law and the person providing legal notice, in accordance with the requirements of law, chooses
92 not to publish the legal notice in a newspaper, or if a local district or a special service district
93 with an annual operating budget of less than \$250,000 chooses to publish a legal notice on the
94 public notice website without publishing the complete notice in the newspaper, a newspaper:

95 (a) may not charge more than an amount equal to 15% of the newspaper's average
96 advertisement rate for publishing five column lines in the newspaper to publish legal notice on
97 the public legal notice website;

98 (b) may not require that the legal notice be published in the newspaper; and

99 (c) at the request of the person publishing on the legal notice website, shall publish in
100 the newspaper up to five column lines, at no additional charge, that briefly describe the legal
101 notice and provide the web address where the full public legal notice can be found.

102 (7) If a newspaper offers to publish the type of legal notice described in Subsection (5),
103 it may not refuse to publish the type of legal notice described in Subsection (6).

104 (8) Notwithstanding the requirements of a statute that requires the publication of legal
105 notice, if legal notice is required by law to be published by a local district or a special service
106 district with an annual operating budget of \$250,000 or more, the local district or special
107 service district shall satisfy its legal notice publishing requirements by:

108 (a) mailing a written notice, postage prepaid:

109 (i) to each voter in the local district or special service district; and

110 (ii) that contains the information required by the statute that requires the publication of
111 legal notice; or

112 (b) publishing the legal notice in a newspaper and on the legal public notice website as
113 described in Subsection (5).

114 (9) Notwithstanding the requirements of a statute that requires the publication of legal
115 notice, if legal notice is required by law to be published by a local district or a special service
116 district with an annual operating budget of less than \$250,000, the local district or special
117 service district shall satisfy its legal notice publishing requirements by:

118 (a) mailing a written notice, postage prepaid:

119 (i) to each voter in the local district or special service district; and

120 (ii) that contains the information required by the statute that requires the publication of
121 legal notice; or

122 (b) publishing the legal notice in a newspaper and on the public legal notice website as
123 described in Subsection (5); or

124 (c) publishing the legal notice on the public legal notice website as described in
125 Subsection (6).