

ASSEMBLY BILL NO. 478—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 28, 2005

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to publication of legal notices. (BDR 19-756)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to legal notice; providing in skeleton form for a legal notice or advertisement to be published on a website on the Internet; requiring a website on the Internet to register with the Secretary of State before accepting legal notices for publication; requiring the Secretary of State to provide a list of the websites on the Internet registered to publish legal notices; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 238 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person may register with the Secretary of State to publish legal notices or advertisements on a website on the Internet.

2. Before a person accepts a legal notice or advertisement for publication on a website on the Internet, the person must submit an application for registration to the Secretary of State. The application for registration must provide:

(a) The full legal name of the person; and

(b) The address of the website on the Internet at which legal notices or advertisements will be published.



1 3. The Secretary of State shall maintain a list of those
2 persons who are registered pursuant to subsection 1 and make the
3 list available to the public.

4 4. The Secretary of State may amend any information
5 provided in the list if a person who is included in the list requests
6 the amendment.

7 5. The Secretary of State may adopt regulations to carry out
8 the provisions of this section, including, without limitation:

9 (a) Adopting a form for the application for registration; and

10 (b) Prescribing the content, maintenance and presentation of
11 the list.

12 Sec. 2. NRS 238.010 is hereby amended to read as follows:

13 238.010 Any notice or other written matter whatsoever,
14 required to be published ~~[in a newspaper]~~ by any law of this State ~~[]~~
15 or by the order of any court of record in this State, *on a website on*
16 *the Internet registered pursuant to section 1 of this act or in a*
17 *newspaper*, shall be deemed and held to be a legal notice or
18 advertisement within the meaning of NRS 238.010 to 238.080,
19 inclusive ~~[]~~, *and section 1 of this act.*

20 Sec. 3. NRS 238.020 is hereby amended to read as follows:

21 238.020 1. Every newspaper printed and published daily, ~~for~~
22 daily except Sundays and legal holidays ~~[] or which shall be printed~~
23 ~~and published~~ *or* on each of any 5 days in every week excepting
24 legal holidays and including or excluding Sundays ~~[]~~ shall be
25 considered and held to be and to have been a daily newspaper within
26 the meaning of NRS 238.010 to 238.080, inclusive ~~[]~~, *and section*
27 *1 of this act.*

28 2. Every newspaper printed and published at regular intervals
29 three times each week shall be considered and held to be a triweekly
30 newspaper within the meaning of NRS 238.010 to 238.080,
31 inclusive ~~[]~~, *and section 1 of this act.*

32 3. Every newspaper printed and published at regular intervals
33 twice each week shall be considered and held to be a semiweekly
34 newspaper within the meaning of NRS 238.010 to 238.080,
35 inclusive ~~[]~~, *and section 1 of this act.*

36 4. Every newspaper printed and published at regular intervals
37 once each week shall be considered and held to be a weekly
38 newspaper within the meaning of NRS 238.010 to 238.080,
39 inclusive ~~[]~~, *and section 1 of this act.*

40 5. Every newspaper printed and published at regular intervals,
41 two times each month, shall be considered a semimonthly
42 newspaper within the meaning of NRS 238.010 to 238.080,
43 inclusive ~~[]~~, *and section 1 of this act.*



1 **Sec. 4.** NRS 238.030 is hereby amended to read as follows:
2 238.030 1. Any and all legal notices or advertisements ~~{shall}~~
3 *must* be published only ~~{in}~~ :

4 (a) *On a website on the Internet registered pursuant to section*
5 *1 of this act; or*

6 (b) *In* a daily, a triweekly, a semiweekly, a semimonthly, or a
7 weekly newspaper of general circulation and printed in whole or in
8 part in the county in which the notice or advertisement is required to
9 be published, which newspaper if published:

10 ~~{(a)}~~ (1) Triweekly, semiweekly, semimonthly, or weekly,
11 ~~{shall}~~ *must* have been so published in the county, continuously and
12 uninterrupted, during the period of at least 104 consecutive weeks
13 next prior to the first issue thereof containing any such notice or
14 advertisement.

15 ~~{(b)}~~ (2) Daily, ~~{shall}~~ *must* have been so published in the
16 county, uninterrupted and continuously, during the period of at
17 least 1 year next prior to the first issue thereof containing any such
18 notice or advertisement.

19 2. The mere change in the name of any newspaper ~~{}~~ *which*
20 *meets the requirements set forth in paragraph (b) of subsection 1*
21 or the removal of the principal business office or seat of publication
22 of any *such* newspaper from one place to another in the same
23 county ~~{shall}~~ *does* not break or affect the continuity in the
24 publication of any such newspaper if the same is in fact
25 continuously and uninterrupted printed and published within the
26 county as herein provided.

27 3. A *website on the Internet registered pursuant section 1 of*
28 *this act or a* newspaper ~~{shall}~~ *does* not lose its rights as a legal
29 publication if any of the following conditions maintain:

30 (a) If by reason of a strike or other good cause it should suspend
31 publication; but the period shall not exceed 30 days in any calendar
32 year.

33 (b) If by reason of generally recognized economic stress of a
34 serious nature over which the publisher has no control it ~~{shall be}~~ *is*
35 necessary to suspend publication for a period not to exceed 2 years.
36 The provisions of this paragraph ~~{shall}~~ apply only in the case of
37 publications that have been operating continuously for a period of 5
38 years prior to such suspension. Any legal notice which fails of
39 publication for the required number of insertions for such reason
40 ~~{shall}~~ *must* not be declared illegal if publication has been made in
41 one issue of the publication and is resumed within a reasonable
42 period.

43 4. If in any county in this State there ~~{shall not have been}~~ *is*
44 *not* published therein any newspaper or newspapers ~~{for}~~ *which*
45 *meet* the prescribed period ~~{}~~ *required pursuant to paragraph (b)*



1 *of subsection 1* at the time when any such notice or advertisement is
2 required to be published, then such notice or advertisement may be
3 published in any newspaper or newspapers having a general
4 circulation and printed and published in whole or in part in the
5 county.

6 5. The time limitations in *paragraph (b) of* subsection 1 do not
7 apply to a newly established newspaper printed and published in:

8 (a) An incorporated city if, at the time such newspaper is
9 established, there is no other newspaper printed and published in
10 such city.

11 (b) A county if, at the time such newspaper is established, there
12 is no other newspaper printed and published in such county.

13 **Sec. 5.** NRS 238.060 is hereby amended to read as follows:

14 238.060 Whenever any notice is required by law to be given by
15 publication, unless otherwise specified, such provision ~~{shall}~~ *must*
16 be satisfied by publishing the required notice at least once a week,
17 consecutively, for not less than the full period of time so required
18 ~~{in}~~ :

19 1. *On a website on the Internet registered pursuant to section*
20 *1 of this act; or*

21 2. *In* a qualified, legal and competent newspaper.

22 **Sec. 6.** NRS 238.070 is hereby amended to read as follows:

23 238.070 1. All advertising ordered or required by the State of
24 Nevada or by the respective counties of the State must be paid for
25 by the State or the county ordering or requiring the advertising at a
26 rate that does not exceed:

27 (a) The published open display rate for advertising, if the
28 advertisement is placed *on a website on the Internet registered*
29 *pursuant to section 1 of this act or* in a daily or weekly newspaper
30 with a circulation of 15,000 or less; or

31 (b) The published rate for advertising by a nonprofit or
32 charitable organization, if the advertisement is placed in a daily or
33 weekly newspaper with a circulation of more than 15,000.

34 2. ~~{The type-size for}~~ *If* advertising ordered or required by the
35 State of Nevada or a county *is published in a newspaper, the type*
36 *size for such advertising* must be no smaller than that used by the
37 newspaper in the columns of classified advertisements.

38 3. ~~{Nothing contained in this section prohibits}~~ *This section*
39 *does not prohibit* boards of county commissioners from entering
40 into annual contracts for the entire official printing and advertising
41 of their respective counties when a saving of public money will be
42 effected thereby.

43 **Sec. 7.** NRS 238.080 is hereby amended to read as follows:

44 238.080 Any and every legal notice or advertisement published
45 in a newspaper *or on a website on the Internet* in violation of any



- 1 of the provisions of NRS 238.010 to 238.080, inclusive, *and section*
- 2 *1 of this act* shall be absolutely void.



