

FIRST REGULAR SESSION

SENATE BILL NO. 325

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

1547S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 493.025, 493.027, 493.050, and 493.055, RSMo, and to enact in lieu thereof four new sections relating to publication of notice.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 493.025, 493.027, 493.050, and
2 493.055, RSMo, are repealed and four new sections enacted in
3 lieu thereof, to be known as sections 493.025, 493.027, 493.050,
4 and 493.055, to read as follows:

493.025. Except where otherwise provided in this
2 chapter, [when the publication of a law, proclamation,
3 nominations to office, proposed constitutional amendments or
4 other questions to be submitted to the people, order or
5 notice shall be published in any newspaper for the state, or
6 for any public officer on account of, or in the name of the
7 state, or for any county, or for any public officer on
8 account of, or in the name of any county, or any legal
9 advertisement, legal notice, order of court or public notice
10 of any kind is allowed or required by law, a] **for all public
11 advertisements, notices, orders of publication, and legal
12 publications required by law or directed by the court to be
13 published in a newspaper, newspaper of general circulation,
14 or daily newspaper, including but not limited to notices
15 pertaining to any amendments to the Missouri Constitution
16 and to the revised statutes of the state of Missouri, legal
17 publications affecting all sales of real estate under a**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 power of sale contained in any mortgage or deed of trust,
19 including notices required by sections 443.310 and 443.320,
20 the newspaper publishing the notice shall also place the
21 notice on a website established and maintained by at least a
22 majority of the newspapers whose principal place of business
23 is in Missouri, at no additional cost to the state, to any
24 political subdivision or to any person or entity thereof who
25 shall be responsible for directing the notice be published.
26 **The** newspaper publishing such notice shall charge and
27 receive not more than its regular local classified
28 advertising rate. The regular local classified advertising
29 rate is that rate shown by the newspaper's rate schedule as
30 offered to the public, **including any volume discounts or**
31 **repeat discounts**, and shall have been in effect for at least
32 thirty days preceding publication of the particular notice
33 to which it is applied. **When any such notice is required to**
34 **be published more than once, the newspaper may not charge**
35 **for the second and successive insertions of the notice at a**
36 **rate greater than eighty-five percent of the newspaper's**
37 **regular local classified advertising rate.**

493.027. In any first classification county, or in any
2 city not within a county, a board consisting of the judges
3 of the circuit court of such county, or a majority of them,
4 if they deem it in the public interest, may qualify any
5 newspaper of general circulation, and as further qualified
6 in section 493.050, for the publication of public notices
7 and advertisements, and may review and approve rates which
8 may be charged for public notices and advertisements. **Such**
9 **rates may not exceed those rates and any discounts allowed**
10 **pursuant to section 493.025.**

493.050. All public advertisements and orders of
2 publication required by law to be made and all legal

3 publications affecting the title to real estate, **and all**
4 **such public notices as described in section 493.025**, shall
5 be published in some daily, triweekly, semiweekly or weekly
6 newspaper of general circulation in the county where located
7 and which shall have been admitted to the post office as
8 periodicals class matter in the city of publication; shall
9 have been published regularly and consecutively for a period
10 of three years, except that a newspaper of general
11 circulation may be deemed to be the successor to a defunct
12 newspaper of general circulation, and subject to all of the
13 rights and privileges of said prior newspaper under this
14 statute, if the successor newspaper shall begin publication
15 no later than thirty consecutive days after the termination
16 of publication of the prior newspaper; shall have a list of
17 bona fide subscribers voluntarily engaged as such, who have
18 paid or agreed to pay a stated price for a subscription for
19 a definite period of time; provided, that when a public
20 notice, required by law to be published once a week for a
21 given number of weeks, shall be published in a daily,
22 triweekly, semiweekly or weekly newspaper, the notice shall
23 appear once a week, on the same day of each week, and
24 further provided, that every affidavit to proof of
25 publication shall state that the newspaper in which such
26 notice was published has complied with the provisions of
27 this section; provided further, that the duration of
28 consecutive publication provided for in this section shall
29 not affect newspapers which have become legal publications
30 prior to September 6, 1937; provided, however, that when any
31 newspaper shall be forced to suspend publication in any time
32 of war, due to the owner or publisher being inducted into
33 the Armed Forces of the United States, the newspaper may be
34 reinstated within one year after actual hostilities have

35 ceased, with all the benefits provided pursuant to the
36 provisions of this section, upon the filing with the
37 secretary of state of notice of intention of such owner or
38 publisher, the owner's surviving spouse or legal heirs, to
39 republish such newspaper, setting forth the name of the
40 publication, its volume and number, its frequency of
41 publication, and its readmission to the post office where it
42 was previously entered as periodicals class mail matter, and
43 when it shall have a list of bona fide subscribers
44 voluntarily engaged as such who have paid or agreed to pay a
45 stated price for subscription for a definite period of
46 time. **The newspaper publishing the notice shall also, at no**
47 **additional cost to the state, to any political subdivision,**
48 **or to any person or entity thereof responsible for the**
49 **ordering of the publication, place the notice on a website**
50 **established and maintained by at least a majority of the**
51 **newspapers whose principal place of business is in**
52 **Missouri. The newspaper publishing such notice shall charge**
53 **and receive not more than its regular local classified**
54 **advertising rate as defined in section 493.025. The regular**
55 **local classified advertising rate is that rate shown by the**
56 **newspaper's rate schedule, including any volume discounts or**
57 **repeat discounts, as offered to the public, and shall have**
58 **been in effect for at least thirty days preceding**
59 **publication of the particular notice to which it is**
60 **applied. When any such notice is required to be published**
61 **more than once, the newspaper may not charge for the second**
62 **and successive insertions of the notice at a rate greater**
63 **than eighty-five percent of the newspaper's regular local**
64 **classified advertising rate. All laws or parts of laws in**
65 **conflict with this section except sections 493.070 to**
66 **493.120, are hereby repealed.**

493.055. All public advertisements and orders of
2 publication required by law to be made, including but not
3 limited to amendments to the Missouri Constitution **and to**
4 **the revised statutes of the state of Missouri**, legal
5 publications affecting all sales of real estate under a
6 power of sale contained in any mortgage or deed of trust,
7 and other legal publications affecting the title to real
8 estate, shall be published in a newspaper of general
9 circulation, qualified under the provisions of section
10 493.050, **and all such public notices shall be posted on a**
11 **website as required in sections 493.025 and 493.050 and**
12 **charged at the rate including any discounts as described in**
13 **sections 493.025 and 493.050** and persons responsible for
14 orders of publication described in sections 443.310 and
15 443.320 shall be subject to the prohibitions in sections
16 493.130 and 493.140.

✓