

SECOND REGULAR SESSION

# SENATE BILL NO. 730

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3801S.011

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2 repealed and four new sections enacted in lieu thereof, to be known as sections  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

493.025. Except where otherwise provided in this chapter, [when the  
2 publication of a law, proclamation, nominations to office, proposed constitutional  
3 amendments or other questions to be submitted to the people, order or notice  
4 shall be published in any newspaper for the state, or for any public officer on  
5 account of, or in the name of the state, or for any county, or for any public officer  
6 on account of, or in the name of any county, or any legal advertisement, legal  
7 notice, order of court or public notice of any kind is allowed or required by law,  
8 **a] for all public advertisements, notices, orders of publication, and legal**  
9 **publications required by law or directed by the court to be published**  
10 **in a newspaper, newspaper of general circulation, or daily newspaper,**  
11 **including but not limited to notices pertaining to any amendments to**  
12 **the Missouri Constitution and to the revised statutes of the state of**  
13 **Missouri, legal publications affecting all sales of real estate under a**  
14 **power of sale contained in any mortgage or deed of trust, including**  
15 **notices required by sections 443.310 and 443.320, the newspaper**  
16 **publishing the notice shall also place the notice on a website**  
17 **established and maintained by at least a majority of the newspapers**  
18 **whose principal place of business is in Missouri, at no additional cost**

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

19 **to the state, to any political subdivision or to any person or entity**  
20 **thereof who shall be responsible for directing the notice be**  
21 **published. The newspaper publishing such notice shall charge and receive not**  
22 **more than its regular local classified advertising rate. The regular local classified**  
23 **advertising rate is that rate shown by the newspaper's rate schedule as offered**  
24 **to the public, including any volume discounts or repeat discounts, and**  
25 **shall have been in effect for at least thirty days preceding publication of the**  
26 **particular notice to which it is applied. When any such notice is required to**  
27 **be published more than once, the newspaper may not charge for the**  
28 **second and successive insertions of the notice at a rate greater than**  
29 **eighty-five percent of the newspaper's regular local classified**  
30 **advertising rate.**

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

493.050. All public advertisements and orders of publication required by  
2 law to be made and all legal publications affecting the title to real estate, **and all**  
3 **such public notices as described in section 493.025,** shall be published in  
4 some daily, triweekly, semiweekly or weekly newspaper of general circulation in  
5 the county where located and which shall have been admitted to the post office  
6 as periodicals class matter in the city of publication; shall have been published  
7 regularly and consecutively for a period of three years, except that a newspaper  
8 of general circulation may be deemed to be the successor to a defunct newspaper  
9 of general circulation, and subject to all of the rights and privileges of said prior  
10 newspaper under this statute, if the successor newspaper shall begin publication  
11 no later than thirty consecutive days after the termination of publication of the  
12 prior newspaper; shall have a list of bona fide subscribers voluntarily engaged as  
13 such, who have paid or agreed to pay a stated price for a subscription for a  
14 definite period of time; provided, that when a public notice, required by law to be  
15 published once a week for a given number of weeks, shall be published in a daily,  
16 triweekly, semiweekly or weekly newspaper, the notice shall appear once a week,

17 on the same day of each week, and further provided, that every affidavit to proof  
18 of publication shall state that the newspaper in which such notice was published  
19 has complied with the provisions of this section; provided further, that the  
20 duration of consecutive publication provided for in this section shall not affect  
21 newspapers which have become legal publications prior to September 6, 1937;  
22 provided, however, that when any newspaper shall be forced to suspend  
23 publication in any time of war, due to the owner or publisher being inducted into  
24 the Armed Forces of the United States, the newspaper may be reinstated within  
25 one year after actual hostilities have ceased, with all the benefits provided  
26 pursuant to the provisions of this section, upon the filing with the secretary of  
27 state of notice of intention of such owner or publisher, the owner's surviving  
28 spouse or legal heirs, to republish such newspaper, setting forth the name of the  
29 publication, its volume and number, its frequency of publication, and its  
30 readmission to the post office where it was previously entered as periodicals class  
31 mail matter, and when it shall have a list of bona fide subscribers voluntarily  
32 engaged as such who have paid or agreed to pay a stated price for subscription  
33 for a definite period of time. **The newspaper publishing the notice shall**  
34 **also, at no additional cost to the state, to any political subdivision, or**  
35 **to any person or entity thereof responsible for the ordering of the**  
36 **publication, place the notice on a website established and maintained**  
37 **by at least a majority of the newspapers whose principal place of**  
38 **business is in Missouri. The newspaper publishing such notice shall**  
39 **charge and receive not more than its regular local classified**  
40 **advertising rate as defined in section 493.025. The regular local**  
41 **classified advertising rate is that rate shown by the newspaper's rate**  
42 **schedule, including any volume discounts or repeat discounts, as**  
43 **offered to the public, and shall have been in effect for at least thirty**  
44 **days preceding publication of the particular notice to which it is**  
45 **applied. When any such notice is required to be published more than**  
46 **once, the newspaper may not charge for the second and successive**  
47 **insertions of the notice at a rate greater than eighty-five percent of the**  
48 **newspaper's regular local classified advertising rate. All laws or parts of**  
49 laws in conflict with this section except sections 493.070 to 493.120, are hereby  
50 repealed.

493.055. All public advertisements and orders of publication required by  
2 law to be made, including but not limited to amendments to the Missouri

3 Constitution **and to the revised statutes of the state of Missouri**, legal  
4 publications affecting all sales of real estate under a power of sale contained in  
5 any mortgage or deed of trust, and other legal publications affecting the title to  
6 real estate, shall be published in a newspaper of general circulation, qualified  
7 under the provisions of section 493.050, **and all such public notices shall be**  
8 **posted on a website as required in sections 493.025 and 493.050 and**  
9 **charged at the rate including any discounts as described in sections**  
10 **493.025 and 493.050** and persons responsible for orders of publication described  
11 in sections 443.310 and 443.320 shall be subject to the prohibitions in sections  
12 493.130 and 493.140.

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Bill

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