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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

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MADDEN, SEPTEMBER 10, 2018

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REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 10, 2018

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AN ACT

1 Amending Title 45 (Legal Notices) of the Pennsylvania  
2 Consolidated Statutes, providing for electronic publication  
3 of legal notices.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 45 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 4

9 ELECTRONIC LEGAL ADVERTISING

10 Sec.

11 401. Scope of chapter.

12 402. Definitions.

13 403. Electronic advertising.

14 404. Complaints and service accessibility failures.

15 405. Copies of legal notices.

16 406. Time for posting.

17 407. Responsible official.

18 408. Creation of proof of publication.

1 409. Proof of publication.

2 410. Construction.

3 § 401. Scope of chapter.

4 This chapter relates to electronic legal advertising.

5 § 402. Definitions.

6 The following words and phrases when used in this chapter  
7 shall have the meanings given to them in this section unless the  
8 context clearly indicates otherwise:

9 "Electronic publication" or "electronically publish." The  
10 public advertisement of a legal notice in HyperText Markup  
11 Language format (HTML) or an equivalent language format on an  
12 official government Internet website.

13 "Notice website." An Internet website that is maintained by  
14 a government unit, or by a third party under contract with the  
15 unit, that contains links to the legal notices electronically  
16 published by the government unit.

17 "Official Internet website" or "official website." The  
18 Internet location designated by a government unit as its primary  
19 source of information about the government unit on the Internet.

20 § 403. Electronic advertising.

21 Whenever a government unit is required by law to publish a  
22 legal notice in one or more newspapers of general circulation,  
23 the government unit or its representative may publish the notice  
24 on an official government notice website instead of in a  
25 newspaper of general circulation, if all of the following  
26 requirements are met:

27 (1) The government unit, or the host of the notice  
28 website, enters into a service-level agreement with an  
29 Internet service provider that guarantees the website is  
30 accessible to the public over the Internet at least 98% of

1 the time, 24 hours a day, 365 days a year.

2 (2) The government unit's official Internet website  
3 containing the notice website is registered with the Office  
4 of Information Technology of the Office of Administration,  
5 for posting on a State Internet website that lists Internet  
6 websites of government units.

7 (3) The government unit's official Internet website  
8 prominently displays a link to the notice web page, which is  
9 an index web page, containing a list of all current legal  
10 notices of the unit, with links to the full text of those  
11 notices, not just to summaries of those notices. The index  
12 web page must also contain a search function and other  
13 features that improve public accessibility to legal notices.

14 (4) Each web page on the official website with a link to  
15 the notice web page or index web page, as well as the notice  
16 website itself, contains an e-mail link to submit a complaint  
17 to the government unit if access to a legal notice fails.

18 § 404. Complaints and service accessibility failures.

19 A government unit shall review all complaints reported under  
20 section 403(4) (relating to electronic advertising) or otherwise  
21 to determine the cause of any service accessibility failure, and  
22 it shall document the findings and any action taken to resolve  
23 the failure. The government unit shall keep and make available  
24 for public inspection all records of complaints and service  
25 accessibility failures.

26 § 405. Copies of legal notices.

27 Whenever an individual is unable to access an electronic  
28 publication of a legal notice, the issuing government unit shall  
29 provide a copy of the notice to the individual free of charge.

30 § 406. Time for posting.

1 Notices shall remain available on a notice website at least  
2 until the last posting date required by law has expired or until  
3 the event described in a notice has taken place, whichever is  
4 later.

5 § 407. Responsible official.

6 A government unit shall designate an official to be  
7 responsible for electronic publication and shall post the name  
8 and contact information of the official on the government unit's  
9 notice website.

10 § 408. Creation of proof of publication.

11 The government unit shall implement and keep or have provided  
12 by the notice website contractor a proof of publication for each  
13 legal notice. The proof of publication shall state that the  
14 legal notice was posted from the initial date through either the  
15 last posting date required by law or the date when the event  
16 described in a notice takes place, whichever occurs later.

17 § 409. Proof of publication.

18 Proof of publication of an electronically published legal  
19 notice for the purpose of complying with public notice  
20 requirements shall be satisfied and deemed conclusive upon the  
21 provision of a copy of the proof of publication, certified by  
22 the official designated under section 407 (relating to  
23 responsible official), stating that the notice was posted from  
24 the initial date until the last posting date required by law.

25 § 410. Construction.

26 Nothing in this chapter shall be construed to negate or  
27 effect any requirement in law, regulation or rule requiring that  
28 a notice or other advertisement be published in a periodical  
29 designated by the rules of court of a county for the publication  
30 of legal notices.

1 Section 2. This act shall take effect in 60 days.