

HOUSE No. 1566

The Commonwealth of Massachusetts

PRESENTED BY:

Jeffrey N. Roy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to electronic publication of certain legal notices.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---------------------------|-----------------------|
| <i>Jeffrey N. Roy</i> | <i>10th Norfolk</i> |
| <i>Kenneth I. Gordon</i> | <i>21st Middlesex</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> |
| <i>Claire D. Cronin</i> | <i>11th Plymouth</i> |
| <i>Diana DiZoglio</i> | <i>14th Essex</i> |
| <i>Keiko M. Orrall</i> | <i>12th Bristol</i> |

HOUSE No. 1566

By Mr. Roy of Franklin, a petition (accompanied by bill, House, No. 1566) of Jeffrey N. Roy and others relative to the electronic publication of certain legal notices. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to electronic publication of certain legal notices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 66 of the General Laws is amended by adding Paragraphs 2
2 through 6 of this act as a new Section 6A.

3 SECTION 2. This act shall be known and may be cited as the "Electronic Publication of
4 Legal Notices Act."

5 SECTION 3. Whenever anyone is required by law to publish a legal notice in a
6 "newspaper" or "newspaper of general circulation", the newspaper shall, in addition to print
7 publication, publish the required notice on the newspaper's own website and on the statewide
8 website established and maintained as a joint venture of the majority of Massachusetts
9 newspapers as a repository for such notices. In publishing legal notices online, newspapers shall
10 meet the following requirements:

11 a. The site must be accessible to the public over the Internet at all times, other than during
12 maintenance or acts of God outside the operator's control; and

13 b. The government entity's official Internet web site shall prominently display a link to
14 the newspapers' statewide notice website; and

15 c. The newspapers' statewide notice site shall provide the full text of notices and shall be
16 fully searchable by members of the public; and

17 d. The newspapers' statewide notice website shall be designed to comply with the
18 accessibility standards of section 508 of the "Rehabilitation Act of 1973," as amended (29 U.S.C.
19 s.794d); and

20 e. Notices shall remain available on the newspapers' statewide website at least until
21 the last posting date required by law has expired or until the event described in a notice has taken
22 place, whichever is later; and

23 f. No person shall be charged a fee to access public notices on a newspaper's
24 website or on the newspapers' statewide website or to view notices or advertisements or to
25 perform searches of such websites, provided that newspapers may charge a fee for enhanced
26 search and customized content delivery features; and

27 g. No fee shall be charged to a state agency or political subdivision for publishing a
28 notice or advertisement on the web site in excess of the fee for publishing the notice or
29 advertisement in the print newspaper; and

30 h. The newspapers' statewide website shall maintain an archive of notices and
31 advertisements that no longer are displayed on the web site; and

32 i. Newspapers shall enable notices and advertisements, both those currently
33 displayed and those archived, to be accessed by key word, by party name, by case number, by
34 municipality, zip code and by other useful identifiers; and

35 j. Newspapers shall maintain adequate systemic security and backup features, and
36 develop and maintain a contingency plan for coping with and recovering from power outages,
37 systemic failures, and other unforeseeable difficulties; and

38 k. A newspaper of general circulation shall include on its web site a link to the
39 newspapers' statewide public notice web site.