

SENATE No. 2428

The Commonwealth of Massachusetts

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

SENATE, July 13, 2016

The committee on Rules to whom was referred the House Bill relative to electronic publication of certain legal notices (House, No. 1566),- reported, that the matter be placed in the Orders of the Day with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2428

For the committee,
Mark C. Montigny

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(2015-2016)**

1 SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by adding the following clause:-

3 Sixtieth, “Statewide website” shall mean a website established and maintained as a
4 repository for legal notices and operated as a cooperative effort of a majority of Massachusetts
5 newspapers that distribute newspapers to subscribers residing in the commonwealth.

6 SECTION 2. Chapter 4 of the General Laws, as so appearing, is hereby amended by
7 adding the following section:-

8 Section 13. (a) If a person; a corporation; a state agency, including its political
9 subdivisions; a state authority, including its political subdivisions; a municipality, including its
10 political subdivisions; or other legal entity is required by a statute, ordinance, by-law or judicial
11 order to publish a legal notice in a newspaper or newspaper of general circulation, the person,
12 corporation, agency, authority, municipality or other legal entity shall publish said notice in a
13 newspaper which shall ensure that the legal notice appears in (i) a newspaper’s print publication;
14 (ii) on the newspaper’s website; and (iii) on a statewide website that may be maintained as a
15 repository for such notices; provided, however, that if a newspaper does not maintain its own

16 website, publication on a statewide website and reference to the statewide website in the print
17 publication notice shall satisfy the requirement of publication on the newspaper's website.

18 (b) When publishing legal notices on a newspaper's website or a statewide website, the
19 operator of the website shall:

20 (i) ensure access by the public to the website at all times, other than during website
21 maintenance or due to causes beyond the operator's control;

22 (ii) make the full text of legal notices available in a searchable format for the period
23 of time that the legal notice is required to be posted;

24 (iii) ensure that the website substantially complies with the accessibility standards of
25 section 508 of the federal Rehabilitation Act of 1973, as amended at 29 U.S.C. 794d;

26 (iv) provide access to view legal notices on the website, and to perform searches for
27 legal notices on such websites, for no fee; provided, that operators of newspaper websites may
28 charge a fee for enhanced search and customized content delivery features;

29 (v) maintain an archive of legal notices that are no longer displayed on the website
30 for at least 90 days; and

31 (vi) charge no additional fee for publication on a website in excess of the fee for
32 publishing the legal notice in the print newspaper.

33 (c) An error in a legal notice published on a newspaper's website or the statewide
34 website that is the result of (i) an error of the website operator; or (ii) a temporary website outage
35 or service interruption that prevents the publication or display of a legal notice on the website
36 shall not constitute a defect in publication of the legal notice; provided, however, that the legal

37 notice appears correctly in the newspaper's print publication and satisfies all other legal notice
38 requirements.

39 SECTION 3. This act shall take effect 180 days after passage.