

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2166

By: Pfeiffer of the House

and

**Coleman** of the Senate

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10                               COMMITTEE SUBSTITUTE

11           An Act relating to definitions and general  
12           provisions; amending 25 O.S. 2021, Section 106, which  
13           relates to newspapers; defining term; prescribing  
14           requirements; imposing duties upon periodical and  
15           nonperiodical newspapers; imposing restrictions based  
16           on geographical location; modifying certain  
17           publication provisions; modifying provisions related  
18           to excusable failure with respect to continuity of  
19           publication; and providing an effective date.

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22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23           SECTION 1.           AMENDATORY           25 O.S. 2021, Section 106, is  
24           amended to read as follows:

25           Section 106. No legal notice, advertisement, or publication of  
26           any kind required or provided for by the laws of this state to be  
27           published in a newspaper of general circulation shall have force or

1 effect unless published in a legal newspaper of the county in this  
2 state. Legal newspapers shall be either:

3 A. PERIODICAL PERMIT NEWSPAPER: A legal newspaper of the  
4 county is any newspaper of general circulation which, during a  
5 period of one hundred four (104) consecutive weeks immediately prior  
6 to the first publication of such notice, advertisement, or  
7 publication:

8 1. has maintained a paid general subscription circulation in  
9 the county; and

10 2. has been admitted to the United States mails as paid ~~second-~~  
11 class general periodical mail matter; and

12 3. has been continuously and uninterruptedly published in the  
13 county.

14 B. NONPERIODICAL PERMIT NEWSPAPER: A legal newspaper of the  
15 county is any newspaper of general circulation which, during a  
16 period of one hundred four (104) consecutive weeks immediately prior  
17 to the first publication of such notice, advertisement or  
18 publication:

19 1. Has published a printed issue at least once per week;

20 2. Continuously offers paid subscriptions to the general public  
21 and maintains a minimum of two hundred (200) paid print  
22 subscriptions to individual verified subscribers, and delivers such  
23 subscriptions by verified mail or carrier delivery to paid  
24 individual subscribers. The cost of a paid subscription shall

1 exceed a nominal fee including the cost of printing and  
2 distribution;

3 3. Has averaged a minimum of twenty-five percent (25%) news  
4 content over the preceding 12-month period, and news content shall  
5 be content generally found in local news publications, such as  
6 general local news relevant to the area the notice is intended to  
7 serve, reports of local events and persons, local government  
8 proceedings, feature stories, graphics, photographs, letters to the  
9 editor or editorial pages. No nonperiodical newspaper shall  
10 knowingly carry advertisements which are prohibited by state or  
11 federal law;

12 4. Has maintained a known office of publication in the county  
13 where the business of the publication can be transacted with the  
14 public, and where the public can personally interact or meet with  
15 local staff of the publication;

16 5. Has published in the newspaper an annual statement of  
17 ownership, management, and circulation in the issue dated nearest  
18 October 1 of each year, which shall contain the same information as  
19 the United States Postal Form 3526;

20 6. Has conducted an independent audit by a firm recognized by  
21 the newspaper industry to verify accuracy of circulation,  
22 subscriptions, and content, to confirm the newspaper has met the  
23 applicable requirements of this section. Such audit shall be  
24 conducted prior to attaining status as a legal newspaper, and

1 annually each year thereafter. Each audit shall be available at no  
2 charge to any person upon written request within five (5) business  
3 days of the request, or alternatively shall be made available  
4 continuously on the newspaper website, if the newspaper has a  
5 website;

6 7. Has declared the county of publication which the newspaper  
7 shall serve when attaining status as a legal newspaper, and such  
8 county of publication cannot be moved from one county to another  
9 county after such declaration without meeting the requirements of  
10 this section again in full for one hundred four (104) consecutive  
11 weeks;

12 8. Prior to attaining status as a newspaper qualified to carry  
13 legal notices, the nonperiodical newspaper shall petition the  
14 district court in the jurisdiction in which the newspaper seeks to  
15 be authorized as a legal newspaper and provide evidence the  
16 newspaper has met the requirements required to be designated as a  
17 legal newspaper of general circulation in the county. Prior to  
18 filing the petition, the nonperiodical newspaper shall publish a  
19 notice of intent pursuant to this section, in a newspaper of general  
20 circulation in the county, or an adjoining county if no newspaper  
21 exists in the county. The court shall review the petition and  
22 determine whether the applicant has fully met the qualifications and  
23 publication time requirements of Section 106 of Title 25 of the  
24 Oklahoma Statutes as applicable, and grant or deny authority for the

1 nonperiodical newspaper to accept legal notice as qualified legal  
2 newspaper of general circulation of the county. The court may  
3 revoke such authority if the newspaper is determined by the court to  
4 have failed to continue to meet the qualifications of Section 106 of  
5 Title 25 of the Oklahoma Statutes as applicable;

6 9. Publish on the front page the newspaper title, and publish  
7 an identification box in easily read type located in the first five  
8 pages in each issue, which shall include the title of the newspaper,  
9 known office of publication address including street number and  
10 name, city, zip code, county of publication, telephone contact  
11 information, email address for the publication, a statement of  
12 frequency, information on how to subscribe to the newspaper, the  
13 date of publication and volume and issue number of each publication.  
14 The date, volume, and issue number may be omitted from the  
15 identification box if such information appears on the front page of  
16 the newspaper. The identification box may contain any other  
17 material the publisher determines will inform the general public of  
18 the newspaper policies or deadlines.

19 C. All periodical permit and nonperiodical permit newspapers as  
20 defined in subsections A and B of this section also shall:

21 1. Register and maintain registration of the ownership of the  
22 newspaper with the Oklahoma Secretary of State;

23 2. Publish all legal notices on the newspaper website in a  
24 timely manner, if the newspaper maintains a website, in front of any

1 paywall or paid access so the public may freely access the notices  
2 published. Notices posted on the publication website shall, at  
3 minimum, be maintained for public viewing for the time period the  
4 notice is required to be run in the printed newspaper;

5 3. When notice by publication in a newspaper is required by  
6 law, order of court, or other means, the newspaper publishing the  
7 notice shall in a timely manner, at no additional cost to the person  
8 of official desiring the publication, cause the notice to be placed  
9 on the statewide website established and maintained as a joint  
10 venture of a majority of Oklahoma newspapers qualified as legal  
11 newspapers under the laws of this state;

12 4. Shall publish a promotional ad in each issue in which public  
13 notices appear promoting notices in the local newspaper, on the  
14 local newspaper website, if any, and on the statewide website  
15 described in paragraph 3;

16 5. Archive printed issues containing legal notices for a  
17 minimum of three (3) years;

18 6. Shall be independent of government and shall not be owned,  
19 controlled, funded, or subsidized by any political party, state  
20 agency, political subdivision, fraternal or religious organization,  
21 or other party which is not independent of government.

22 D. A legal newspaper of the county is qualified to be a legal  
23 newspaper in only one county in which the periodical permit  
24 newspaper original entry periodicals mail permit was applied for and

1 held, or in the county in which the nonperiodical permit newspaper  
2 declared when beginning as a nonperiodical permit newspaper under  
3 subsection B of this section. Each legal newspaper must annually  
4 declare in the published statement of ownership, management and  
5 circulation on October 1 if they are publishing as a periodical  
6 permit or nonperiodical permit newspaper for the succeeding year, as  
7 defined in this section, and shall continue to be authorized under  
8 that declaration for a period of one year, and cannot change such  
9 declaration until October 1 each year.

10 E. If there is no legal newspaper in a county, then all legal  
11 notices, advertisements, or publications of any kind required or  
12 provided for by the laws of this state shall be published in a legal  
13 newspaper in an adjoining county of this state, which newspaper has  
14 general circulation in the county or political subdivision in which  
15 such notice is required. If there is no legal newspaper in a  
16 county, a newspaper can be established by meeting the provisions of  
17 this section after a period of fifty-two (52) consecutive and  
18 uninterrupted weeks in a twelve (12) month period.

19 F. Nothing in this section shall invalidate the publication of  
20 such legal notices, advertisements, or publications in a newspaper  
21 which has moved its place of publication from one location in the  
22 county to another location in the same county without breaking the  
23 continuity of its regular issues for the requisite length of time,  
24 or the name of which may have been changed when said change of

1 location was made as permitted by United States postal laws and  
2 regulations or the laws of the State of Oklahoma.

3 G. Failure to issue or publish said newspaper for a period of  
4 ~~fourteen (14) days~~ twenty-one (21) consecutive days, beginning the  
5 day after the last publication, due to fire, accident, natural  
6 disaster, national health emergency declared by the state or federal  
7 government or other unforeseen cause, or by reason of the pendency  
8 of mortgage foreclosure, attachment, execution, or other legal  
9 proceedings against the ~~type~~ equipment, presses, or other personal  
10 property used by the newspaper, shall not be deemed a failure to  
11 maintain continuous and consecutive publication as required by the  
12 provisions of this section, nor shall said failure invalidate the  
13 publication of a notice otherwise valid. Failure to issue or  
14 publish a newspaper qualified to publish legal notices,  
15 advertisements, or publications of any kind, for a period totaling  
16 not more than fourteen (14) consecutive days during a calendar year  
17 shall not be deemed a failure to maintain continuous and consecutive  
18 publication as required by the provisions of this section, nor shall  
19 said failure invalidate the publication of a notice otherwise valid.

20 H. A newspaper is permitted to publish fifty (50) of the  
21 preceding fifty-two (52) weeks over the immediately previous twelve  
22 (12) month period, and failure to issue or publish a newspaper under  
23 this publication schedule ~~for a period totaling not more than~~  
24 ~~fourteen (14) consecutive days during a calendar year~~ shall not be



1 deemed a failure to maintain continuous and consecutive publication  
2 as required by the provisions of this section, nor shall said  
3 failure invalidate the publication of a notice otherwise valid.

4 SECTION 2. This act shall become effective November 1, 2025.  
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6 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT OVERSIGHT, dated  
7 03/10/2025 - DO PASS, As Amended and Coauthored.  
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