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April 17, 2025

ENGROSSED HOUSE

BILL NO. 2166

By: Pfeiffer of the House

and

Coleman of the Senate

An Act relating to definitions and general provisions; amending 25 O.S. 2021, Section 106, which relates to newspapers; defining term; prescribing requirements; imposing duties upon periodical and nonperiodical newspapers; imposing restrictions based on geographical location; providing publication provisions; relating to the continuity of publication and the failure to maintain continuous and consecutive publication; and providing an effective date.

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

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

Section 106. No legal notice, advertisement, or publication of any kind required or provided for by the laws of this state to be published in a newspaper of general circulation shall have force or effect unless published in a legal newspaper of the county in this state. Legal newspapers shall be either:

A. PERIODICAL PERMIT NEWSPAPER: A legal newspaper of the county is any newspaper of general circulation which, during a

1 period of one hundred four (104) consecutive weeks immediately prior
2 to the first publication of such notice, advertisement, or
3 publication:

4 1. has maintained a paid general subscription circulation in
5 the county; and

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

8 3. has been continuously and uninterruptedly published in the
9 county.

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

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

16 2. Continuously offers paid subscriptions to the general public
17 and maintains a minimum of two hundred (200) paid print
18 subscriptions to individual verified subscribers, and delivers such
19 subscriptions by verified mail or carrier delivery to paid
20 individual subscribers. The cost of a paid subscription shall
21 exceed a nominal fee including the cost of printing and
22 distribution;

23 3. Has averaged a minimum of twenty-five percent (25%) news
24 content over the preceding twelve-month period, and news content

1 shall be content generally found in local news publications, such as
2 general local news relevant to the area the notice is intended to
3 serve, reports of local events and persons, local government
4 proceedings, feature stories, graphics, photographs, letters to the
5 editor or editorial pages. No nonperiodical newspaper shall
6 knowingly carry advertisements which are prohibited by state or
7 federal law;

8 4. Has maintained a known office of publication in the county
9 where the business of the publication can be transacted with the
10 public and where the public can personally interact or meet with
11 local staff of the publication;

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

16 6. Has conducted an independent audit by a firm recognized by
17 the newspaper industry to verify accuracy of circulation,
18 subscriptions, and content, to confirm the newspaper has met the
19 applicable requirements of this section. Such audit shall be
20 conducted prior to attaining status as a legal newspaper, and
21 annually each year thereafter. Each audit shall be available at no
22 charge to any person upon written request within five (5) business
23 days of the request, or alternatively shall be made available
24

1 continuously on the newspaper website, if the newspaper has a
2 website;

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

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

1 have failed to continue to meet the qualifications of Section 106 of
2 Title 25 of the Oklahoma Statutes as applicable;

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

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

18 1. Register and maintain registration of the ownership of the
19 newspaper with the Oklahoma Secretary of State;

20 2. Publish all legal notices on the newspaper website in a
21 timely manner, if the newspaper maintains a website, in front of any
22 paywall or paid access so the public may freely access the notices
23 published. Notices posted on the publication website shall, at
24

1 minimum, be maintained for public viewing for the time period the
2 notice is required to be run in the printed newspaper;

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

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

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

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

20 D. A legal newspaper of the county is qualified to be a legal
21 newspaper in only one county in which the periodical permit
22 newspaper original entry periodicals mail permit was applied for and
23 held, or in the county in which the nonperiodical permit newspaper
24 declared when beginning as a nonperiodical permit newspaper under

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

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

17 F. Nothing in this section shall invalidate the publication of
18 such legal notices, advertisements, or publications in a newspaper
19 which has moved its place of publication from one location in the
20 county to another location in the same county without breaking the
21 continuity of its regular issues for the requisite length of time,
22 or the name of which may have been changed when said change of
23 location was made as permitted by United States postal laws and
24 regulations or the laws of the State of Oklahoma.

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

18 H. A newspaper is permitted to publish fifty (50) of the
19 preceding fifty-two (52) weeks over the immediately previous twelve-
20 month period, and failure to issue or publish a newspaper under this
21 publication schedule shall not be deemed a failure to maintain
22 continuous and consecutive publication as required by the provisions
23 of this section, nor shall said failure invalidate the publication
24 of a notice otherwise valid.

1 SECTION 2. This act shall become effective November 1, 2025.

2 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND INSURANCE
3 April 17, 2025 - DO PASS
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