
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1757 Session of
2009

INTRODUCED BY CREIGHTON, JUNE 22, 2009

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 22, 2009

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. Short title 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.

19 409. Proof of publication.

1 410. Other notice and advertising requirements.

2 § 401. Short title of chapter.

3 This chapter shall be known and may be cited as the
4 Electronic Legal Advertising Act.

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 governmental unit, or by a third party under contract with the
15 unit, that contains links to the legal notices electronically
16 published by the governmental unit.

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

21 § 403. Electronic advertising.

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

28 (1) The governmental unit, or the host of the notice
29 website, shall enter into a service-level agreement with an
30 Internet service provider that guarantees the site is

1 accessible to the public over the Internet at least 98% of
2 the time, 24 hours a day, 365 days a year.

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

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

15 (4) Each webpage on the official website with a link to
16 the notice webpage or index webpage, as well as the notice
17 website itself, shall contain an e-mail link to submit a
18 complaint to the governmental unit if access to any legal
19 notice fails.

20 § 404. Complaints and service accessibility failures.

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

28 § 405. Copies of legal notices.

29 Whenever an individual is unable to access an electronic
30 publication of a legal notice, the issuing governmental unit

1 shall provide a copy of the notice to the individual free of
2 charge.

3 § 406. Time for posting.

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

8 § 407. Responsible official.

9 A governmental unit shall designate an official to be
10 responsible for electronic publication and shall post the name
11 and contact information of the official on the notice website.

12 § 408. Creation of proof of publication.

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

19 § 409. Proof of publication.

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

27 § 410. Other notice and advertising requirements.

28 Nothing in this chapter shall negate or effect any
29 requirement in law, regulation or rule requiring that a notice
30 or other advertisement be published in a periodical designated

1 by the rules of court of a county for the publication of legal
2 notices.

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