

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

POLICY COMMITTEE
RECOMMENDATION

FOR

HOUSE BILL NO. 2166

By: Pfeiffer

POLICY COMMITTEE RECOMMENDATION

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; modifying certain publication provisions; modifying provisions related to excusable failure with respect to continuity of 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:

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

6 1. has maintained a paid general subscription circulation in
7 the county; and

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

10 3. has been continuously and uninterruptedly published in the
11 county.

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

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

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

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

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

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

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

1 days of the request, or alternatively shall be made available
2 continuously on the newspaper website, if the newspaper has a
3 website;

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

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

1 revoke such authority if the newspaper is determined by the court to
2 have failed to continue to meet the qualifications of Section 106 of
3 Title 25 of the Oklahoma Statutes as applicable;

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

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

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

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

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 of 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;

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 year, and cannot change such
7 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 (12) 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 (12) month period, and failure to issue or publish a newspaper under
21 this publication schedule ~~for a period totaling not more than~~
22 ~~fourteen (14) consecutive days during a calendar year~~ shall not be
23 deemed a failure to maintain continuous and consecutive publication
24

1 as required by the provisions of this section, nor shall said
2 failure invalidate the publication of a notice otherwise valid.

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

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