

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2166

By: Pfeiffer

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5  
6 AS INTRODUCED

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

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

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

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

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

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

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

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

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

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

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

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

22 3. Has averaged a minimum of twenty-five percent (25%) news  
23 content over the preceding 12-month period, and news content shall  
24 be content generally found in local news publications, such as

1 general local news relevant to the area the notice is intended to  
2 serve, reports of local events and persons, local government  
3 proceedings, feature stories, graphics, photographs, letters to the  
4 editor or editorial pages. No non-periodical newspaper shall  
5 knowingly carry advertisements which are prohibited by state or  
6 federal law;

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

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

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

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

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

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

14       C. All periodical permit and non-periodical permit newspapers  
15 as defined in subsections A and B of this section also shall:

16       1. Register and maintain registration of the ownership of the  
17 newspaper with the Oklahoma Secretary of State;

18       2. Publish all legal notices on the newspaper website in a  
19 timely manner, if the newspaper maintains a website, in front of any  
20 paywall or paid access so the public may freely access the notices  
21 published. Notices posted on the publication website shall, at  
22 minimum, be maintained for public viewing for the time period the  
23 notice is required to be run in the printed newspaper;  
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1       3. When notice by publication in a newspaper is required by  
2 law, order of court, or other means, the newspaper publishing the  
3 notice shall in a timely manner, at no additional cost to the person  
4 of official desiring the publication, cause the notice to be placed  
5 on the statewide website established and maintained as a joint  
6 venture of a majority of Oklahoma newspapers qualified as legal  
7 newspapers under the laws of this state;

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

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

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

18       D. A legal newspaper of the county is qualified to be a legal  
19 newspaper in only one county in which the periodical permit  
20 newspaper original entry periodicals mail permit was applied for and  
21 held, or in the county in which the non-periodical permit newspaper  
22 declared when beginning as a non-periodical permit newspaper under  
23 subsection B of this section. Each legal newspaper must annually  
24 declare in the published statement of ownership, management and

1 circulation on October 1 if they are publishing as a periodical  
2 permit or non-periodical permit newspaper for the succeeding year,  
3 as defined in this section, and shall continue to be authorized  
4 under that declaration for a period of one year, and cannot change  
5 such declaration until October 1 each year.

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

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

23 G. Failure to issue or publish said newspaper for a period of  
24 ~~fourteen (14) days~~ twenty-one (21) consecutive days, beginning the

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

16 H. A newspaper is permitted to publish fifty (50) of the  
17 preceding fifty-two (52) weeks over the immediately previous twelve  
18 (12) month period, and failure to issue or publish a newspaper under  
19 this publication schedule ~~for a period totaling not more than~~  
20 ~~fourteen (14) consecutive days during a calendar year~~ shall not be  
21 deemed a failure to maintain continuous and consecutive publication  
22 as required by the provisions of this section, nor shall said  
23 failure invalidate the publication of a notice otherwise valid.

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

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