



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1505

Introduced 1/31/2023, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

715 ILCS 5/2.2 new	
715 ILCS 5/3.1	from Ch. 100, par. 3.1
715 ILCS 5/5	from Ch. 100, par. 5
715 ILCS 5/2.1 rep.	
715 ILCS 10/1	from Ch. 100, par. 10
715 ILCS 10/2	from Ch. 100, par. 10.1

Amends the Notice By Publication Act. Provides that, whenever a municipality, township, or road district with a population of 1,000,000 or less is required to provide notice by publication in a newspaper by law, order of court, or contract, the municipality, township, or road district may publish the notice on an official municipal, township, or road district website instead of in a newspaper if the notice published on the official municipal, township, or road district website is also published electronically on a searchable online database website and that website provides independent certification of the publication. Provides conditions concerning the availability and format of the searchable online database website. Repeals a Section concerning the placement of published notices on a statewide website and makes corresponding changes throughout the Act and in the Newspaper Legal Notice Act. Effective immediately.

LRB103 25460 LNS 51809 b

1 AN ACT concerning notices.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Notice By Publication Act is amended by
5 changing Sections 3.1 and 5 and by adding Section 2.2 as
6 follows:

7 (715 ILCS 5/2.2 new)

8 Sec. 2.2. Municipal electronic publication.

9 (a) Whenever a municipality, township, or road district is
10 required to provide notice by publication in a newspaper by
11 law, order of court, or contract, the municipality, township,
12 or road district may publish the notice on an official
13 municipal, township, or road district website instead of in a
14 newspaper if the notice published on the official municipal,
15 township, or road district website is also published
16 electronically on a searchable online database website and
17 that website provides independent certification of the
18 publication.

19 (b) The municipality, township, or road district or the
20 host of the website may enter into a service-level agreement
21 with an Internet service provider that guarantees the site is
22 accessible to the public over the Internet at least 98% of the
23 time, 24 hours a day, 365 days a year.

1 (c) The official municipal, township, or road district
2 website shall display a link to the searchable online database
3 website, which shall contain a list of all current legal
4 notices of the municipality, township, or road district, with
5 links to or the full text of those notices. The website shall
6 contain a search function or other features that improve
7 public accessibility to the notices.

8 (d) Whenever an individual is unable to access an
9 electronic publication of a notice, the issuing municipality,
10 township, or road district shall provide a copy of the notice
11 to the individual free of charge at the principal office of the
12 municipality, township, or road district.

13 (e) Notices shall remain available on the website at least
14 until the last posting date required by law has expired or
15 until the event described in a notice has taken place,
16 whichever is later.

17 (f) Independent certification of the electronic
18 publication shall include a certificate stating the title of
19 the notice, the exact day, date, and time of the notice's
20 publication, the website address of the searchable online
21 database where the notice and archived notices may be accessed
22 by the public, and other information as may be available.

23 (g) For purposes of this Section, a searchable online
24 database website may be operated or managed by a statewide
25 organization of municipalities as authorized by Section 1-8-1
26 of the Illinois Municipal Code or townships as authorized by

1 Section 85-15 of the Township Code at no additional cost to the
2 municipality, township, or road district to publish notices
3 thereon.

4 (h) This Section does not apply to a municipality with a
5 population greater than 1,000,000.

6 (715 ILCS 5/3.1) (from Ch. 100, par. 3.1)

7 Sec. 3.1. When any notice is required by law, or order of
8 court, to be published in any newspaper, publication of such
9 notice shall include the printing of such notice in the total
10 circulation of each edition on the date of publication of the
11 newspaper in which the notice is published, ~~and the newspaper~~
12 ~~publishing the notice shall, at no additional cost to~~
13 ~~government, cause the notice to be placed on the statewide~~
14 ~~website established and maintained as a joint venture of the~~
15 ~~majority of Illinois newspapers as a repository for such~~
16 ~~notices. All notices required for publication by this Act~~
17 ~~shall remain legal and valid for all purposes when any error~~
18 ~~that occurs pursuant to the requirements of this Section for~~
19 ~~placement of the notice on the statewide website is the fault~~
20 ~~of the printer.~~

21 (Source: P.A. 100-72, eff. 1-1-18.)

22 (715 ILCS 5/5) (from Ch. 100, par. 5)

23 Sec. 5. When any notice is required by law or contract to
24 be published only in a newspaper (unless otherwise expressly

1 provided in the contract), it shall be intended to be in a
2 secular newspaper of general circulation, published in the
3 city, town or county, or some newspaper specially authorized
4 by law to publish legal notices, in the city, town, or county.
5 If there is no newspaper published in the county in which the
6 city or town is located, notice shall be given in a secular
7 newspaper, as defined in this Act, that is published in an
8 adjoining county having general circulation within the city or
9 town. Unless otherwise expressly provided in the contract, the
10 term "newspaper" means a newspaper

11 (a) which consists of not less than 4 pages of printed
12 matter and contains at least 100 square inches of printed
13 matter per page; and

14 (b) which is printed through the use of one of the
15 conventional and generally recognized printing processes such
16 as letterpress, lithography or gravure; and

17 (c) which annually averages at least 25% news content per
18 issue; or which annually averages at least 1,000 column inches
19 of news content per issue, the term "news content" meaning for
20 the purposes of this Act any printed matter other than
21 advertising; and

22 (d) which publishes miscellaneous reading matter, legal or
23 other announcements and notices, and news and information
24 concerning current happenings and passing events of a
25 political, social, religious, commercial, financial or legal
26 nature, and advertisements or bulletins; and

1 (e) which has been continuously published at regular
2 intervals of at least once each week with a minimum of 50
3 issues per year, for at least one year prior to the first
4 publication of the notice; or which is a successor to a
5 newspaper as herein defined with no interruption of
6 publication of more than 30 days; or which is a merged or
7 consolidated newspaper formed by the merger or consolidation
8 of two or more newspapers, one of which has been continuously
9 published at regular intervals of at least once each week with
10 a minimum of 50 issues per year, for at least one year prior to
11 the first publication of the notice. A newspaper shall be
12 considered as continuously or regularly published although its
13 publication has been suspended, where such suspension was
14 caused by fire or an Act of God or by a labor dispute or by its
15 owner, publisher, managing editor or other essential employee
16 entering the active military service of the United States, if
17 the newspaper was continuously or regularly published for at
18 least one year prior to its suspension and if its publication
19 is resumed at any time not later than 12 months after such fire
20 or Act of God, or if its publication is resumed at any time
21 within 12 months after the termination of the labor dispute,
22 or if its publication is resumed at any time within 12 months
23 after the termination of the war in connection with which such
24 persons entered such military service; and

25 (f) (blank). ~~which has the capability of placing notices~~
26 ~~required pursuant to this Act on a daily or weekly basis on the~~

1 ~~statewide website as required by Section 2.1.~~

2 (Source: P.A. 96-59, eff. 7-23-09; 96-1144, eff. 12-31-12.)

3 (715 ILCS 5/2.1 rep.)

4 Section 10. The Notice By Publication Act is amended by
5 repealing Section 2.1.

6 Section 15. The Newspaper Legal Notice Act is amended by
7 changing Sections 1 and 2 as follows:

8 (715 ILCS 10/1) (from Ch. 100, par. 10)

9 Sec. 1. Whenever it is required by law that any legal
10 notice or publication shall be published only in a newspaper
11 in this State, it shall be held to mean a newspaper

12 (a) which consists of not less than 4 pages of printed
13 matter and contains at least 100 square inches of printed
14 matter per page; and

15 (b) which is printed through the use of one of the
16 conventional and generally recognized printing processes such
17 as letterpress, lithography or gravure; and

18 (c) which annually averages at least 25% news content per
19 issue; or which annually averages at least 1,000 column inches
20 of news content per issue, the term "news content" meaning for
21 the purposes of this Act any printed matter other than
22 advertising; and

23 (d) which publishes miscellaneous reading matter, legal or

1 other announcements and notices, and news and information
2 concerning current happenings and passing events of a
3 political, social, religious, commercial, financial or legal
4 nature, and advertisements or bulletins; and

5 (e) which has been continuously published at regular
6 intervals of at least once each week with a minimum of 50
7 issues per year, for at least one year prior to the first
8 publication of the notice; or which is a successor to a
9 newspaper as herein defined with no interruption of
10 publication of more than 30 days; or which is a merged or
11 consolidated newspaper formed by the merger or consolidation
12 of two or more newspapers, one of which has been continuously
13 published at regular intervals of at least once each week with
14 a minimum of 50 issues per year for at least one year prior to
15 the first publication of the notice. A newspaper shall be
16 considered as continuously or regularly published although its
17 publication has been suspended, where such suspension was
18 caused by fire or an Act of God or by a labor dispute or by its
19 owner, publisher, managing editor or other essential employee
20 entering the active military service of the United States, if
21 the newspaper was continuously or regularly published for at
22 least one year prior to its suspension and if its publication
23 is resumed at any time not later than 12 months after such fire
24 or Act of God, or if its publication is resumed at any time
25 within 12 months after the termination of the labor dispute,
26 or if its publication is resumed at any time within 12 months

1 after the termination of the war in connection with which such
2 persons entered such military service; and

3 (f) (blank). ~~which has the capability of placing, at no~~
4 ~~additional cost to government, notices required pursuant to~~
5 ~~this Act on a daily or weekly basis on the statewide website~~
6 ~~established and maintained as a joint venture by the majority~~
7 ~~of Illinois newspapers as a repository for such notices.~~

8 (Source: P.A. 96-59, eff. 7-23-09; 96-1144, eff. 12-31-12.)

9 (715 ILCS 10/2) (from Ch. 100, par. 10.1)

10 Sec. 2. When any legal notice is required by law to be
11 published in any newspaper, such notice shall include the
12 printing of such notice in the total circulation of each
13 edition on the date of publication of the newspaper in which
14 the notice is published; ~~and the newspaper publishing the~~
15 ~~notice shall, at no additional cost to government, cause the~~
16 ~~notice to be placed on the statewide website established and~~
17 ~~maintained as a joint venture of the majority of Illinois~~
18 ~~newspapers as a repository for such notices. All notices~~
19 ~~required for publication by this Act shall remain legal and~~
20 ~~valid for all purposes when any error that occurs pursuant to~~
21 ~~the requirements of this Section in the requirement for~~
22 ~~placement of the notice on the statewide website is the fault~~
23 ~~of the printer.~~

24 (Source: P.A. 100-72, eff. 1-1-18.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.