



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4505

Introduced 1/31/2024, by Rep. Travis Weaver

SYNOPSIS AS INTRODUCED:

715 ILCS 5/3.1	from Ch. 100, par. 3.1
715 ILCS 5/5	from Ch. 100, par. 5
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 and the Newspaper Legal Notice Act. Provides, in both of the Acts, that the term "newspaper" also includes any digital publication that (1) is posted on a public-facing website, web application, or digital application, including, but not limited to, a social network, ad network, or search engine, that has 3,000 or more unique monthly United States visitors or users with at least 50% of those visitors from the geographic area for which the notice is required to be published during the immediately preceding 12 months; (2) regularly gathers, prepares, collects, photographs, records, writes, edits, reports, investigates, or publishes news or information that concerns local, national, or international events or other matter of public interest for dissemination to the public; and (3) is paid for by subscribers to the digital publication.

LRB103 36140 LNS 66231 b

1 AN ACT concerning civil law.

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 as follows:

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

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

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

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

12 Unless otherwise expressly provided in the contract, the
13 term "newspaper" means a newspaper

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

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

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

25 (4) ~~(d)~~ which publishes miscellaneous reading matter,
26 legal or other announcements and notices, and news and

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

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

1 termination of the labor dispute, or if its publication is
2 resumed at any time within 12 months after the termination
3 of the war in connection with which such persons entered
4 such military service; and

5 (6) ~~(f)~~ which has the capability of placing notices
6 required pursuant to this Act on a daily or weekly basis on
7 the statewide website as required by Section 2.1.

8 "Newspaper" also includes any digital publication that:

9 (1) is posted on a public-facing website, web
10 application, or digital application, including, but not
11 limited to, a social network, ad network, or search
12 engine, that has 3,000 or more unique monthly United
13 States visitors or users with at least 50% of those
14 visitors from the geographic area for which the notice is
15 required to be published during the immediately preceding
16 12 months;

17 (2) regularly gathers, prepares, collects,
18 photographs, records, writes, edits, reports,
19 investigates, or publishes news or information that
20 concerns local, national, or international events or other
21 matter of public interest for dissemination to the public;
22 and

23 (3) is paid for by subscribers to the digital
24 publication.

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

1 Section 10. The Newspaper Legal Notice Act is amended by
2 adding Sections 1 and 2 as follows:

3 (715 ILCS 10/1) (from Ch. 100, par. 10)

4 Sec. 1. Whenever it is required by law that any legal
5 notice or publication shall be published in a newspaper in
6 this State, it shall be held to mean a newspaper

7 (1) ~~(a)~~ which consists of not less than 4 pages of
8 printed matter and contains at least 100 square inches of
9 printed matter per page; and

10 (2) ~~(b)~~ which is printed through the use of one of the
11 conventional and generally recognized printing processes
12 such as letterpress, lithography or gravure; and

13 (3) ~~(c)~~ which annually averages at least 25% news
14 content per issue; or which annually averages at least
15 1,000 column inches of news content per issue, the term
16 "news content" meaning for the purposes of this Act any
17 printed matter other than advertising; and

18 (4) ~~(d)~~ which publishes miscellaneous reading matter,
19 legal or other announcements and notices, and news and
20 information concerning current happenings and passing
21 events of a political, social, religious, commercial,
22 financial or legal nature, and advertisements or
23 bulletins; and

24 (5) ~~(e)~~ which has been continuously published at
25 regular intervals of at least once each week with a

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

25 (6) ~~(f)~~ which has the capability of placing, at no
26 additional cost to government, notices required pursuant

1 to this Act on a daily or weekly basis on the statewide
2 website established and maintained as a joint venture by
3 the majority of Illinois newspapers as a repository for
4 such notices.

5 "Newspaper" also includes any digital publication that:

6 (1) is posted on a public-facing website, web
7 application, or digital application, including, but not
8 limited to, a social network, ad network, or search
9 engine, that has 3,000 or more unique monthly United
10 States visitors or users with at least 50% of those
11 visitors from the geographic area for which the notice is
12 required to be published during the immediately preceding
13 12 months;

14 (2) regularly gathers, prepares, collects,
15 photographs, records, writes, edits, reports,
16 investigates, or publishes news or information that
17 concerns local, national, or international events or other
18 matter of public interest for dissemination to the public;
19 and

20 (3) is paid for by subscribers to the digital
21 publication.

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

23 (715 ILCS 10/2) (from Ch. 100, par. 10.1)

24 Sec. 2. When any legal notice is required by law to be
25 published in any newspaper, such notice shall, except in the

1 case of a digital publication, include the printing of such
2 notice in the total circulation of each edition on the date of
3 publication of the newspaper in which the notice is published;
4 and the newspaper publishing the notice shall, at no
5 additional cost to government, cause the notice to be placed
6 on the statewide website established and maintained as a joint
7 venture of the majority of Illinois newspapers as a repository
8 for such notices. All notices required for publication by this
9 Act shall remain legal and valid for all purposes when any
10 error that occurs pursuant to the requirements of this Section
11 in the requirement for placement of the notice on the
12 statewide website is the fault of the printer.

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