

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1022

Short Title: Electronic Publication of Public Notice. (Public)

Sponsors: Senator Hartsell.

Referred to: Judiciary II (Criminal).

March 21, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR ELECTRONIC PUBLICATION OF LEGAL NOTICES
3 ON A STATE-SANCTIONED PUBLIC NOTICE WEB SITE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 50 of Chapter 1 of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 1-602. Electronic publication of legal notices.**

8 (a) The General Assembly finds that:

9 (1) Public notice Web sites serve the public interest consistent with the
10 goals of providing greater public access to public information and to
11 public or legal notice items in particular.

12 (2) Public notice Web sites allow ready access from all counties to an
13 Internet-based forum and eliminate the need for those members of the
14 public who are unable to physically access the courthouses of the State
15 to ascertain publicly posted notices.

16 (3) Public notice Web sites operate consistent with furthering the ease
17 with which public or legal notices may be posted and read by an
18 interested party as well as the public, and provide an archive to store
19 all posted public and legal notices.

20 (4) Public notice Web sites make public and legal notices accessible
21 indefinitely during all hours of the day and every day of the week.

22 (b) As used in this section:

23 (1) "Legal notice" means any matter that, pursuant to law or rule, is
24 required to be officially advertised.

25 (2) "Public notice Web site" means an Internet Web site that is maintained
26 by a third party under contract with the State and that electronically
27 publishes legal notices.

1 (c) The Administrative Office of the Courts shall enter into an agreement with a
2 Web site service provider to maintain a public notice Web site. Any legal notice that is
3 required to be published may be published on the public notice Web site.

4 (d) Notwithstanding any other provision of law and in addition to other public or
5 legal notice requirements, when public or legal notice is required by law to be posted in
6 a newspaper publication or at a courthouse, notice also may be made in the same form
7 on the Internet through a public notice Web site meeting the requirements of this act.

8 (e) The submission of the public or legal notice may be made at the courthouse,
9 if possible, or may be made from a private or public access computer terminal. A
10 reasonable fee, not to exceed ten dollars (\$10.00), may be charged for the provision of
11 this service and the maintenance of the public notice Web site to compensate the
12 provider of the Web site. Two dollars (\$2.00) of each fee collected shall be paid into the
13 Court Information Technology Fund established under G.S. 7A-343.2. The State is not
14 responsible for funding the operation or maintenance of the public notice Web site.

15 (f) A public notice Web site provider shall submit a status report twice yearly to
16 the Director of the Administrative Office of the Courts, indicating its compliance with
17 statutory requirements governing the posting of public or legal notices as applicable to
18 an Internet-based Web site. In addition, a public notice Web site shall submit to a
19 quality review by the Director of the Administrative Office of the Courts if the Director
20 finds that such a review is necessary. If a quality review is requested, full access to the
21 technical and informational operations of the public notice Web site provider shall be
22 provided.

23 (g) In addition to other requirements contained in this act, a public notice Web
24 site provider also shall:

- 25 (1) Establish and operate the public notice Web site at no cost to the State
26 or other governmental entity.
- 27 (2) Maintain the public notice Web site without interruption 24 hours per
28 day, seven days a week, each day of the year; the public notice Web
29 site, including all its features, must be fully publicly accessible at all
30 times.
- 31 (3) Maintain adequate systematic protection, backup, and contingency
32 planning in the event of power outages, systemic failures, or other
33 unforeseen difficulties.
- 34 (4) Have the right to hold and use a domain name that is easily
35 recognizable and understandable by the citizens of the State. The
36 domain name should indicate both functionality and geography. The
37 right to use the domain name and Internet location shall be maintained
38 at the expense of the public notice Web site provider.
- 39 (5) Not infringe on a legally protected right such as a federal provisional
40 patent application, registered patent, or prior invention to operate a
41 Web site of this nature, and the Web site provider's responsibility to
42 operate without infringement shall be clear and without the possibility
43 of causing subsequent interruption to the site by virtue of legal
44 process.

- 1 (6) Possess appropriate hardware infrastructure and intellectual property
2 for feasible processes to deploy a state and national Web site with
3 proper methodology for communication with the State court system.
- 4 (7) Have sufficient minimal capital requirements to ensure its smooth and
5 uninterrupted ongoing operation, and shall certify this to the Director
6 of the Administrative Office of the Courts upon request.
- 7 (8) Provide a reasonable plan for the implementation of the public notice
8 Web site where public or legal notices may be posted with reasonable
9 ease onto the public notice Web site directly from the courts of this
10 State and shall be ready to reasonably demonstrate and implement the
11 technology necessary at no cost to the State. The public notice Web
12 site provider shall provide the necessary personnel to ensure ongoing
13 communication with the various courts of the State concerning the
14 smooth flow of data transmission and posting at no cost to the State.
- 15 (9) Not raise the cost for providing the Web site without prior consultation
16 with, and approval from, the Director of the Administrative Office of
17 the Courts.
- 18 (10) Ensure that individual notices shall include at least the same
19 information and are displayed on the public notice Web site using
20 similar display and print standards as are established for newspaper
21 postings made pursuant to other applicable public notice statutory
22 requirements.
- 23 (11) Ensure that individual notices are displayed for not less than the length
24 of time requested by the posting entity. At the end of the posting time,
25 the public notice Web site provider, with prior approval of the person
26 or entity that arranged for the posting and for a reasonable fee, may
27 send a reminder to the entity that the notice is due to expire.
- 28 (12) Include an archives feature, accessible, free of charge, as a public
29 service at all times and also shall include a function that allows the
30 public to determine which notices have been posted in a given county.
- 31 (13) Provide that legal notices, both current and archived, are publicly
32 searchable by keyword, by either party to an action, by courthouse file
33 number, and by publication area.
- 34 (14) Not charge a fee to a person accessing, searching, or using a public
35 notice Web site function, except for the posting of a notice as allowed
36 by this section.
- 37 (15) Post a bond of reasonable amount sufficient to ensure the public
38 interest as may be required by the Director of the Administrative
39 Office of the Courts."

40 **SECTION 2.** This act becomes effective July 1, 2007.