

2012 -- S 2494

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LC01442
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY

Introduced By: Senators Gallo, Miller, DiPalma, and Goodwin

Date Introduced: February 16, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 9 of the General Laws entitled "COURTS AND CIVIL
2 PROCEDURE-PROCEDURE GENERALLY" is hereby amended by adding thereto the
3 following chapter:

4 CHAPTER 34

5 ALTERNATIVE PUBLICATION OF LEGAL NOTICES ACT

6 **9-34-1. Definitions.** – As used or within the intent of this chapter;

7 (1) "Department" shall mean the department of administration;

8 **9-34-2. Alternative means of notice or advertisement.** – Notwithstanding any provision
9 of the general or public laws to the contrary, any notice or other written matter required to be
10 published in a newspaper of general circulation by any law of this state or by the order of any
11 court of record of this state shall be deemed a legal notice or advertisement and provided that the
12 requirement may be satisfied by posting of said notice or advertisement on an authorized website,
13 as defined in the rules and regulations promulgated in accordance with section 9-34-7 of this
14 chapter.

15 **9-34-3. Required electronic posting.** – Posting of said notice or advertisement on the
16 secretary of state's website pursuant to section 42-46-6 is not sufficient to meet the requirement
17 for the alternative means of notice or advertisement.

18 **9-34-4. Disclosure.** – Whenever a notice or requirement is posted using alternative means
19 of notice or advertisement, the party required to post the notice or advertisement will include in

1 the original hard copy of the notice or advertisement a statement of disclosure, clearly identified
2 in print, of the authorized website utilized for the notice or advertisement.

3 **9-34-5. Costs.** – Any costs associated with posting the notice or advertisement on the
4 authorized website shall be borne by the party required to post the notice or advertisement.

5 **9-34-6. Burden of proof.** – In all actions brought under this chapter, the burden shall be
6 on the party required to provide notice or advertisement to demonstrate notice or advertisement
7 was sufficient pursuant to the rules and regulations set forth by the department.

8 **9-34-7. Implementation.** – No later than January 1, 2013, the department shall
9 promulgate rules and regulations to implement the provisions of this chapter.

10 **9-34-8. Penalty.** – Any citizen or entity of the state who is aggrieved as a result of
11 violations of the provisions of this chapter may file a complaint with the attorney general. The
12 attorney general shall investigate the complaint and if the attorney general determines that the
13 allegations of the complaint are meritorious he or she may file a complaint on behalf of the
14 complainant in the superior court against the entities subjected to the requirements of this chapter.

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURE GENERALLY

1 This act would create a new chapter entitled Alternative Publication of Legal Notices Act
2 which would allow any notice or other written matter required to be published in a newspaper of
3 general circulation by any law of this state or by order of any court of record to be deemed a legal
4 notice or advertisement and provided further that the requirement may be satisfied by posting of
5 said notice or advertisement on an authorized website.

6 This act would take effect upon passage.

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