

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2166

By: Pfeiffer

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
based on geographical location; modifying certain
publication provisions; modifying provisions related
to excusable failure with respect to continuity of
publication; and providing an effective date.

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

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

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

18 A. PERIODICAL PERMIT NEWSPAPER: A legal newspaper of the county
19 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;

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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