

1 ENGROSSED HOUSE  
2 BILL NO. 2166

3 By: Pfeiffer of the House

4 and

5 Coleman of the Senate

6 An Act relating to definitions and general  
7 provisions; amending 25 O.S. 2021, Section 106, which  
8 relates to newspapers; defining term; prescribing  
9 requirements; imposing duties upon periodical and  
10 nonperiodical newspapers; imposing restrictions based  
11 on geographical location; providing publication  
12 provisions; relating to the continuity of publication  
13 and the failure to maintain continuous and  
14 consecutive publication; and providing an effective  
date.

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

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

18 Section 106. No legal notice, advertisement, or publication of  
19 any kind required or provided for by the laws of this state to be  
20 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:

21 A. PERIODICAL PERMIT NEWSPAPER: A legal newspaper of the  
22 county is any newspaper of general circulation which, during a  
23 period of one hundred four (104) consecutive weeks immediately prior

1 to the first publication of such notice, advertisement, or  
2 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 general periodical~~ mail matter; and
- 7       3. has been continuously and uninterruptedly published in the  
8 county.

9       B. NONPERIODICAL 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 twelve-month period, and news content  
24 shall 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 nonperiodical 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 (5) business  
22      days 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 nonperiodical 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 nonperiodical 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      nonperiodical 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 nonperiodical permit newspapers as  
15      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       or 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 of this subsection;

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 nonperiodical permit newspaper  
22      declared when beginning as a nonperiodical 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 nonperiodical permit newspaper for the succeeding year, as  
3   defined in this section, and shall continue to be authorized under  
4   that declaration for a period of one (1) 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-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   month period, and failure to issue or publish a newspaper under this  
19   publication schedule shall not be deemed a failure to maintain  
20   continuous and consecutive publication as required by the provisions  
21   of this section, nor shall said failure invalidate the publication  
22   of a notice otherwise valid.

23    SECTION 2. This act shall become effective November 1, 2025.  
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Passed the House of Representatives the 25th day of March, 2025.

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Presiding Officer of the House  
of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2025.

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Presiding Officer of the Senate