PUBLICATION OF NOTICES IN NEWSPAPERS

Act 247 of 1963

AN ACT to define the term “newspaper” as used in the statutes of this state regarding publication of notices.

History: 1963, Act 247, Eff. Sept. 6, 1963

The People of the State of Michigan enact:

691.1051 Newspaper; definition; publication of notices; duties of newspaper operator.

Sec. 1.

(1) As used in any statute of this state in relation to the publication of a notice of any kind, unless the statute expressly provides otherwise, "newspaper" means a print publication published in the English language for the dissemination of local news of a general character or for the dissemination of legal news to which all of the following apply:

(a) There is a bona fide list of paying subscribers to the publication or the publication has been published at not less than weekly intervals in the same community without interruption for at least 2 years.

(b) The publication has been published and of general circulation at not less than weekly intervals without interruption for at least 1 year in the required area. A newspaper shall not lose eligibility for interruption of continuous publication due to any of the following:

(i) An act of God.

(ii) Labor disputes.

(iii) The COVID-19 pandemic, for the period beginning March 10, 2020 through the end of the COVID-19 pandemic.

(iv) Military service of the publisher for a period not to exceed 2 years and provided publication is resumed within 6 months following the termination of such military service.

(c) The publication annually averages at least 25% news and editorial content per issue.

(2) A person that operates a newspaper in which a notice is published under this section shall do both of the following, at no additional cost beyond what the person charges for the print publication:

(a) Within 72 hours of receipt of a request to publish a notice, provide access to the notice on the website of the newspaper. The website must satisfy all of the following requirements:

(i) The website homepage must have a link that takes a viewer to an area of the website where notices published under this section are available for viewing. This area of the website cannot be placed behind any sort of pay wall and the public must be able to read the notices at no charge.

(ii) Notices published under this section must remain on the website during the full required publication period.

(iii) Notices published under this section must remain searchable on the website as a permanent record of the publication.

(b) Place the notice on a website that is established and maintained by a state association of newspapers that represents a majority of newspapers in this state as a comprehensive central repository for notices published under this section throughout this state. The website must do all of the following:

CAUTION! This document is from an archive and may contain outdated information.

(i) Provide for searching for a notice published under this section by criteria contained in the notice.

(ii) Maintain all notices published under this section on a permanent basis.

(iii) Provide access through standard computer browsers and mobile platforms, such as smartphones and tablets.

(iv) Provide a method to alert the public of notices published under this section by text message or email notification, or both.

(3) An error or omission in the posting of a notice on the internet under subsection (2) does not invalidate the notice published in the print version of the newspaper.

(4) If there is no publication that meets the definition in subsection (1) in the required area, "newspaper" means a publication in an adjoining county, township, city, village, district, or other geographic territory, as applicable, that meets the definition in subsection (1).

(5) A person that operates a newspaper that publishes a notice shall maintain a permanent and complete printed copy of each published edition that contains the notice for archival and verification purposes in the required area.

(6) A publication that meets the definition under subsection (1) but that is controlled by the person on whose behalf the notice is published or by an officer, employee, agent, or affiliate of the person is not qualified to serve as a newspaper for publication of the notice.

(7) As used in this section:

(a) "Controlled" means that the person has 1 or more of the following:

(i) Ownership of or the power to vote, directly or indirectly, more than 50% of a class of voting securities or voting interests of the person that operates the publication.

(ii) Power by the person's own action to elect or appoint a majority of executive officers, managers, directors, trustees, or other persons exercising managerial authority of the person that operates the publication.

(iii) The legal right by the person's own action to direct, restrict, regulate, govern, or administer the management or policies of the person that operates the publication.

(b) "End of the COVID-19 pandemic" means the earliest date after March 10, 2020 on which none of the following are in effect:

(i) A presidential declaration of national emergency under the national emergencies act, 50 USC 1601 to 1651, relating to COVID-19.

(ii) An executive order issued by the governor during a state of disaster or emergency declared under the emergency management act, 1976 PA 390, MCL 30.401 to 30.421, or 1945 PA 302, MCL 10.31 to 10.33, relating to COVID-19.

(iii) An emergency order issued under section 2253 of the public health code, 1978 PA 368, MCL 333.2253, relating to COVID-19.

(c) "Internet" means that term as defined in 47 USC 230.

(d) "News and editorial content" means any content other than paid advertising.

(e) "Notice" includes an order, ordinance, advertisement, report, and any other statement or information required by statute to be published.

(f) "Required area" means the county, township, city, village, district, or other geographic territory where the statute requires the notice to be published or the newspaper to be published, circulated, or printed.

(g) "Website" means a collection of pages of the internet, usually in html format, with clickable or hypertext links to enable navigation from 1 page or section to another, that often uses associated graphics files to provide illustration and may contain other clickable or hypertext links.

CAUTION! This document is from an archive and may contain outdated information.

History: 1963, Act 247, Eff. Sept. 6, 1963 ;-- Am. 2022, Act 76, Imd. Eff. May 12, 2022
Compiler's Notes: Enacting section 2 of Act 76 of 2022 provides:"Enacting section 2. Section 1(1)(b)(iii) of 1963 PA 247, MCL 691.1051, as amended by this amendatory act, is intended to be retroactive and applies retroactively beginning March 10, 2020."

CAUTION!
This document is from an archive and may contain outdated information.