

2023 -- S 1008

LC002792

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - MODERNIZATION OF LEGAL
NOTICES AND ADVERTISEMENTS

Introduced By: Senators Lombardo, Burke, DiPalma, Ciccone, and F. Lombardi

Date Introduced: May 15, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings.

2 It is hereby found and declared as follows:

3 (1) Throughout the Rhode Island general laws, there are over two hundred fifty (250)
4 discrete requirements for legal notices or advertisements to be published in newspapers. While the
5 responsible parties, geographies (e.g., statewide or local), and frequencies of notice vary widely
6 among these hundreds of different requirements, their common goal is to notify the public about
7 informational requirements under law and to give the public a meaningful opportunity to participate
8 in its government. However, modes of communication change over time, and along with these
9 changes there is an obligation to openness for technological innovation.

10 (2) The United States Census Bureau reports that computer possession and household
11 Internet usage have consistently risen over time. These increases are inclusive, cutting across age,
12 education attainment, income, and racial and ethnic boundaries.

13 (3) Using the Internet to conduct civic transactions is a common practice. This use is
14 consistent with the experience in Rhode Island, where executive agencies have rolled out several
15 new initiatives over the past few years that illustrate this trend: the expansion of online services at
16 the division of motor vehicles; the introduction of a transparency portal (one of the first in the
17 country) to provide more information regarding the operation and management of government; the
18 creation of a new division of veterans' affairs website; and the launch of an e-Licensing initiative

1 by the department of business regulation, working with the office of digital excellence and the
2 division of information technology.

3 (4) Further, Rhode Island is particularly well poised to harness the power of
4 communicating digitally because of its depth of digital infrastructure.

5 (5) While the use of the Internet has grown nationally and in Rhode Island over time, with
6 investments in expansion of online services and digital infrastructure, readership of daily
7 newspapers has shown a steady slide in paid circulation.

8 (6) Moreover, several national surveys have found that "more people continue to cite the
9 Internet than newspapers as their main source of news, reflecting both the growth of the Internet,
10 and the gradual decline in newspaper readership.

11 (7) Given historical and current trends, offering an electronic means of publishing notices
12 and advertisements is a common-sense, efficient way to disseminate vital information to the public
13 for several reasons:

14 (i) Publication of legal notices and advertisements by electronic means is more likely to
15 reach citizens, providing them with crucial information about information required to be disclosed
16 under law and a better opportunity to participate in government;

17 (ii) Expanding the amount of information available electronically will allow for new forms
18 of connection between citizens and government, through e-mail alerts and enhanced search
19 opportunities; and

20 (iii) Posting legal notices and advertisements electronically may ease the regulatory burden
21 of compliance for businesses, especially small businesses, and governmental agencies by offering
22 a cost-effective alternative to newspaper publication that capitalizes on the state's existing
23 technological assets and investments.

24 SECTION 2. Title 42 of the General Laws entitled "STATE AFFAIRS AND
25 GOVERNMENT" is hereby amended by adding thereto the following chapter:

26 CHAPTER 165

27 MODERNIZATION OF LEGAL NOTICES AND ADVERTISEMENTS

28 **42-165-1. Definitions.**

29 As used within this chapter:

30 (1) "Authorized website" means any website approved by the department for posting a
31 required public notice by an authorized person or entity. Authorized websites shall include
32 municipal websites for posting of municipal and municipal agency or department notices or
33 advertisements;

34 (2) "Department" means the department of administration; and

1 (3) "Person" means any individual, corporation, partnership, association, municipality,
2 other public body, legal entity, employee or agent of the person.

3 **42-165-2. Authorized website legal and advertisement notice.**

4 (a) Notwithstanding any provision of the general or public laws to the contrary, any notice
5 or other written matter required to be published by any law of this state in a newspaper shall be
6 deemed to satisfy such requirement if posted on an authorized website, approved by the department
7 as defined in the rules and regulations promulgated in accordance with §42-165-6.

8 (b) The provisions of this chapter shall apply to natural persons, cities and towns, and all
9 agencies and departments connected thereto whether public or quasi-public.

10 **42-165-3. Required posting.**

11 (a) Notwithstanding any general or special law to the contrary, posting a notice or
12 advertisement on an authorized website and on the secretary of state's website pursuant to § 42-46-
13 6 shall be sufficient to meet all requirements for posting a legal notice or advertisement pursuant
14 to the notice requirements of the general and special laws provided the provisions of § 42-165-6
15 are satisfied.

16 (b) The department may specify by rule and regulation that specified notices may be posted
17 only on the secretary of state's website for satisfactory compliance with the provisions of this
18 chapter.

19 **42-165-4. Costs.**

20 Any costs associated with posting the notice or advertisement on the authorized website
21 shall be borne by the party required to post the notice or advertisement as set forth in the rules and
22 regulations promulgated in accordance with § 42-165-6.

23 **42-165-5. Burden of proof.**

24 In all actions brought pursuant to § 42-165-7, the burden shall be on the party required to
25 provide notice or advertisement to demonstrate notice or advertisement was sufficient pursuant to
26 the rules and regulations set forth in accordance with § 42-165-6.

27 **42-165-6. Rules and regulations.**

28 (a) No later than one hundred twenty (120) days after the effective date of this chapter, the
29 department shall promulgate rules and regulations, after review and recommendation by the office
30 of digital excellence, to implement the provisions of this chapter.

31 (b) Rules and regulations shall include:

32 (1) A mechanism by which the authorized website can send a subscribing person e-mail
33 alerts (as specified by such subscribing person), including a choice of how often to receive such
34 alerts and the option to terminate alerts;

1 (2) The ability to search the authorized website by statutory cite, keyword, or date of
2 posting; and

3 (3) The particular specifications, if any, required for mobile electronic devices to access
4 the authorized website and utilize its functionalities.

5 **42-165-7. Equitable relief.**

6 Any person aggrieved as a result of violations of the provisions of this chapter may file a
7 complaint with the department of attorney general. The attorney general shall investigate the
8 complaint and, if the department of attorney general determines that the allegations of the complaint
9 are meritorious, the attorney general or aggrieved person may file a complaint in the superior court
10 against the entities alleged to have violated the requirements of this chapter seeking equitable relief.

11 **42-165-8. Severability.**

12 If any provision of this chapter or the application thereof to any person or circumstances is
13 held invalid, such invalidity shall not affect other provisions or applications of the chapter, which
14 can be given effect without the invalid provision or application, and to this end the provisions of
15 this chapter are declared to be severable.

16 SECTION 3. This act shall take on January 1, 2024.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT - MODERNIZATION OF LEGAL
NOTICES AND ADVERTISEMENTS

1 This act would authorize the department of administration to approve websites for the
2 posting of legal notices and advertisements. Notices and advertisements would also be required to
3 be posted on the secretary of state's website. The department of administration, no later than January
4 1, 2024, would promulgate rules and regulations to implement the provisions of this chapter.

5 This act would take effect on January 1, 2024.

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