

2012 -- H 7748

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LC01513  
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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: Representatives Slater, DeSimone, Bennett, and Hull

Date Introduced: February 16, 2012

Referred To: House 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 ALTERNATE PUBLICATION OF LEGAL NOTICES

6 **9-34-1. Definitions.** – As used in this chapter “department” means the department of  
7 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 shall be deemed a legal  
11 notice or advertisement and provided that the requirement may be satisfied by posting of said  
12 notice or advertisement on an authorized website, as defined in the rules and regulations  
13 promulgated by the department in accordance with the provisions of section 9-34-7.

14 (b) Posting of said notice or advertisement on the secretary of state’s website pursuant to  
15 Section 42-46-6 is not sufficient to meet the requirement for the alternative means of notice or  
16 advertisement.

17 **9-34-3. Disclosure.** – Whenever a notice or advertisement is posted using alternative  
18 means of notice or advertisement, the party required to post the notice or advertisement must  
19 include in the original hard copy of the notice or advertisement a statement of disclosure, clearly

1 identified in print, of the authorized website utilized for the notice or advertisement.

2 **9-34-4. Costs.** – Any costs associated with posting the notice or advertisement on the  
3 authorized website shall be borne by the party required to post the notice or advertisement.

4 **9-34-5. Burden of proof.** – In any actions brought under this chapter, the burden shall be  
5 on the party required to provide notice or advertisement to demonstrate that the notice or  
6 advertisement was sufficient pursuant to the rules and regulations set forth by the department.

7 **9-34-6. Implementation.** – No later than January 1, 2013 the department shall  
8 promulgate rules and regulations to implement the provisions of this chapter.

9 **9-34-7. Penalty.** – Any citizen or entity of the state who is aggrieved as a result of  
10 violations of the provisions of this chapter may file a complaint with the attorney general. The  
11 attorney general shall investigate the complaint and if the attorney general determines that the  
12 allegations of the complaint are meritorious he or she may file a complaint on behalf of the  
13 complainant in the superior court against the entities subject to the requirements of this chapter.

14 SECTION 2. This act shall take effect on April 1, 2013.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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- 1 This act would provide alternate means of notice or advertisement by electronic posting.
- 2 This act would take effect on April 1, 2013.

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